



**CITY OF COTTONWOOD  
PLANNING & ZONING COMMISSION  
COUNCIL CHAMBERS**

826 N. Main St.  
Cottonwood, AZ 86326

**REGULAR MEETING**

Monday, June 18, 2018  
6:00 pm.

**I. CALL TO ORDER**

**A. Roll Call**

**B. Approval of Minutes:** May 21, 2018 Regular Meeting

**II. CALL TO THE PUBLIC**

*This is the time for the public to comment on any matter that does not appear on the agenda. Commission members may not discuss items not identified on the agenda. Pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for consideration at a later date. Comments are limited to five minutes for each person.*

**III. OLD BUSINESS:**

**None.**

**IV. NEW BUSINESS:**

- 1. PCU 16-004-MOD TERRA BENI-** A request to extend the approval date for the project until the irrigation lines are installed and seeding can begin. The project is located on S. Willard Street north of E. Terra Verde Drive. APN: 406-08-009D, 406-08-009C, 406-08-010A. Owner: Beaver Creek Development Company Inc. Applicant: Bernadette Selna.
- 2. PCU 17-003-MOD and DR 17-003-MOD Circle K –** A request to extend the approval date for the project. There have been significant design issues and delays in compiling all parcels as needed for the project. The project is located at the northwest corner of N. Main St. and E. Mingus Ave. APN: 406-37-001, 406-37-002A, 406-37-004, 406-37-005, 406-37-001F, C & H. Owner: Circle K Stores, Inc. Applicant: Land Development Consultants, LLC.

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*A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.*

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*Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.*

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*The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.*

3. **ZO 18-004 – AMENDMENT TO SECTION 405 SIGNS – REAL ESTATE SIGNS & TEMPORARY SIGNS** – Consideration of a Zoning Ordinance text amendment to Section 405.E.6. adding Section 405.E.6.a. and 405.E.6.b. allowing larger Real Estate signs on larger acreage residential and commercial parcels; and adding Section 405.E.5.a. PROHIBITED SIGNS to clarify the type of permitted and unpermitted temporary signage. (WITHDRAWN)
  
4. **ZO 18-005 – AMENDMENT TO SECTION 404 GENERAL PROVISIONS – DETACHED ACCESSORY BUILDINGS & ARTICLE II – DEFINITIONS – CORNER LOTS** – Consideration of a Zoning Ordinance text amendment to Section 404.G.6.c.(1); *Detached Accessory Buildings in Residential Zones* by deleting side yard setback requirements for corner lots, prohibiting accessory structures to be placed in side or rear yards abutting streets, and adding a definition of “Corner Lot” to Article II – Definitions.
  
5. **ZO 18-006 – AMENDMENT TO SECTION 417 – “MH” ZONE, MANUFACTURED HOME** – Consideration of a Zoning Ordinance text amendment modifying Section 417 regarding setbacks for carports and/or garages.
  
6. **ZO 18-008 – AMENDMENT TO SECTIONS 410 GA (GENERAL AGRICULTURE), 411 AR-43 (AGRICULTURAL RESIDENTIAL), 423, CF (COMMUNITY FACILITY), AND 425 AR-70 (AGRICULTURAL RESIDENTIAL) – RV PARKS** – Consideration of a Zoning Ordinance text amendment to Sections 410 GA, 411 AR-43, 423 CF, and 425 AR-70 adding RV Parks as a Conditional Use within these zoning districts.
  
7. **ZO 18-009 – AMENDMENT TO SECTION 404 GENERAL PROVISIONS – HEIGHT REGULATIONS** – Consideration of a Zoning Ordinance text amendment to Section 404.H.3. to restrict overall building height of structures within the city, with or without a Conditional Use Permit, and re-number sections 404.H.3 through 404.H.10.

**V. DISCUSSION ITEMS:**

None.

**VI. INFORMATIONAL REPORTS AND UPDATES:**

*A brief summary of current events by Chairperson, Commission members, and/or Community Development Director. (The public body does not propose, discuss, deliberate, or take legal action on any matter brought up during this summary unless the matter is properly noticed for legal action).*

**VII. ADJOURNMENT**

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## STAFF REPORT

**TO:** Planning and Zoning Commission

**FROM:** Scott Ellis, Community Development Planner

**MEETING:** June 18, 2018

**SUBJECT:** **ZO-18-005 AMENDMENTS TO SECTION 404 GENERAL PROVISIONS – DETACHED ACCESSORY BUILDINGS & ARTICLE II – DEFINITIONS – CORNER LOTS** – Consideration of a Zoning Ordinance text amendment to Section 404.G.6.c.(1); Detached Accessory Buildings in Residential Zones by deleting side yard setback requirements for corner lots, prohibiting accessory structures to be placed in side or rear yards abutting streets, and adding a definition of “Corner Lot” to Article II – Definitions.

### **BACKGROUND**

The existing Zoning Ordinance allows detached accessory buildings to be located within required side and rear yards in residential zoning districts. On properties that have more than one street frontage (i.e. corner lots), detached accessory structures must maintain side yard setbacks the same as the main structure in that zone.

Any lot with interior side and rear yards are already restricted from placing an accessory structure within the front yard. Due to the nature of these lots being blocked on three sides, and not viewable from the street, the placement of accessory structures can remain mostly unseen from the public streets. Corner lots do not have these same restrictions, resulting in accessory structures being located and seen from public streets.

The proposed change includes the following:

SECTION 404. GENERAL PROVISIONS.

G. YARD, LOT, AND AREA REQUIREMENTS.

6. Swimming Pools and Detached Accessory Buildings

*c. Detached Accessory Buildings in Residential Zones:*

*(1) Accessory buildings eight (8) feet in height or less shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines ~~and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.~~ On corner lots, no accessory structure shall be placed in a side or rear yard abutting a street frontage.*

## ARTICLE II – DEFINITIONS

### SECTION 201. GENERAL.

*LOT, CORNER – A lot abutting upon two or more streets at their point of intersection.*

### **STAFF ANALYSIS**

Corner lots are highly visible in the community and should be maintained in an aesthetically pleasing manner, without unsightly accessory structures in view of the public. By limiting the placement of detached accessory structures within side and rear yards, we can ensure that corner lot properties do not become overrun by accessory structures that are viewable from the street.

### **RECOMMENDATION**

Consider the proposed amendments to the Zoning Ordinance to provide a recommendation to the City Council to:

1. Prohibit placement of an accessory structure in any side or rear yard on a corner lot abutting a street frontage.
2. Add a definition of “Corner Lot” to Article II – Definitions.

## SECTION 404. GENERAL PROVISIONS.

### A. APPLICATION.

Except as hereinafter provided, no building, structure or premise shall be used and no building, or structure, or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished or materially altered except in conformity with these provisions and the provisions of the zone in which it is located. Any use that is not specifically allowed is hereby declared to be prohibited.

### B. USE RESTRICTIONS.

1. Permitted Uses: Those uses listed as "Permitted Uses" shall be allowed to establish within any zone district in which they are listed, subject to the specific requirements of this Ordinance. All other uses shall be prohibited except as otherwise provided in this Ordinance.
2. Conditional Uses: Those uses listed as "Conditional Uses" shall require a "Conditional Use Permit" in order to establish within the zone district in which they are listed and shall be subject to all conditions and requirements imposed by the Planning and Zoning Commission in connection with the "Conditional Use Permit".
3. Accessory Uses: A use which is incidental, related, appropriate, and clearly subordinate to the main use of the lot or building and which does not alter the principal use of the lot or building, shall be allowed to establish within any given zone district, but may not be constructed more than six (6) months prior to the erection of the main building.
4. Unspecified Uses: Whenever a use is proposed which is not listed as permitted or conditional use in any zone district, the Planning and Zoning Commission shall determine, through minute action, the appropriate zoning classification of such use. In making their determination the Planning and Zoning Commission shall consider similar uses which are listed in the Code.

### C. NONCONFORMING LOTS OF RECORD.

Notwithstanding any other provisions of this Ordinance, a building may be constructed on any lot of record before the adoption of this Ordinance in any zone in which such buildings are permitted even though such lot fails to meet the area or width requirements within the zone, except that such construction shall conform to any lot coverage and yard requirements of the zone. However, where two (2) or more contiguous lots of record are owned by the same person the land included in the lots shall be considered an undivided parcel once a structure is located so as to cross the lot lines separating said lots and no portion of said parcel shall be used as a building site or sold which does not meet the area and width requirements of the zone in which the lot is located.

D. REDIVIDING OF RECORDED LOTS.

No lot may be divided to create a lot not in conformance with these regulations. No lot shall be divided or combined in any manner other than through subdivision procedures as specified by the Subdivision Regulations.

E. STREET DEDICATION REQUIREMENTS.

1. All lots shall abut a public street connecting with the public street system, except that lots or parcels within shopping centers and group commercial centers shall be allowed where the use of private streets or shared access easements provides access to such lots or parcels within the shopping center, provided that such access is constructed to approved City standards, is contained in a recorded permanent nonexclusive access easement, and responsibility for continued maintenance of the access way is vested in the property owners.
2. A building permit shall not be issued for a lot which does not abut a dedicated public street or which abuts an undedicated portion of a partly-dedicated public street, except as permitted by this ordinance for lots within a shopping center. All public or private easements which are filed in the public records of Yavapai County as of August 14, 1979, are exempt from this requirement.
3. The City Council may require the dedication of streets and utility easements as a condition of rezoning.

F. SITE UNSUITABILITY.

Where land is held by the Zoning Administrator, Planning and Zoning Commission or Development Review Board to be unsuitable for development by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate, low bearing strength, erosion susceptibility or any other features likely to be harmful to the health, safety or general welfare of the community, such land shall not be used or built upon until the developer has proposed methods for overcoming these problems and has received approval from the Zoning Administrator or Development Review Board. The development of said land shall be conditioned upon the successful implementation of the proposed corrective measures.

G. YARD, LOT, AND AREA REQUIREMENTS.

1. Application: No building shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such building or open space is located, except as otherwise specifically provided.
2. Yards: Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc. and accessory structures as allowed in this Ordinance shall not be considered obstructions. No yard or other open space provided about any building for the purpose of complying with the provisions of these

Restrictions shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.

3. Projections Over Required Yards:
  - a. Awnings, open fire balconies, fire escape stairs, window type refrigeration units, suspended or roof evaporative coolers, and similar features may project not more than five (5) feet over any required side or rear yard, provided that they shall be no closer than three (3) feet to any lot line and shall not project into any required front yard.
  - b. Architectural details such as canopies, cornices and eaves may project not more than three (3) feet over any required yard, provided that they shall be no closer than three (3) feet from any lot line.
  - c. Sills, leaders, belt courses and similar ornamental features may project not more than six (6) inches over or into any required yard.
4. Porches, Patios and Steps: Architectural features providing a transition from the outside to the inside of buildings are permitted, subject to the following conditions:
  - a. Unroofed porches, terraces, patios, steps or similar features not over three (3) feet in height above grade, may project into any required yard, provided that projections into required front yards shall not exceed ten (10) feet from the main wall of the building, provided that they shall be no closer than three (3) feet from any lot line.
  - b. In commercial and industrial zones, unless restricted by this ordinance, covered porches, terraces, patios, steps or similar covered features may project up to six (6) feet into a required front yard, provided said projections shall not exceed fifty percent (50%) of the lineal frontage of subject building face, and provided the front and sides of the structure shall remain open and are not enclosed with windows, walls, screens or similar materials.
  - c. In residential zones, unless restricted by this ordinance, covered porches, terraces, patios, steps or similar covered features may project up to six (6) feet into a required front yard, provided the front and sides of the structure shall remain open and are not enclosed with windows, walls, screens or similar materials.
5. Accessory Structures (Attached): A private automobile garage, carport or accessory structure having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot and area requirements. The determination of yard requirements shall not include covered front porches, patios and decks permitted to project into a front yard setback area, where allowed by this ordinance.

## 6. Swimming Pools and Detached Accessory Buildings

- a. **Swimming Pools:** A swimming pool, in any zone shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.
- b. **Detached Accessory Buildings in Commercial and Industrial Zones:** Any detached accessory building in a commercial or industrial zone shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone. All accessory buildings including galvanized and zinc-coated structures must be painted.
- c. **Detached Accessory Buildings in Residential Zones:**
  - (1) Accessory buildings eight (8) feet in height or less shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines. On corner lots, no accessory structure shall be placed in a side or rear yard abutting a street frontage.
  - (2) Accessory buildings over eight (8) feet in height must meet all the setback requirements for the principal building in that zone.
  - (3) In the AR-20, R-1, R-2, R-3, and R-4, no single accessory building or aggregate of accessory buildings shall exceed 2,000 square feet except by approval of a conditional use permit.
  - (4) In the GA, AR-70 and AR-43 zones, no accessory building or aggregate of accessory buildings shall exceed 3,000 square feet except by approval of a conditional use permit.
  - (5) In the MH zone, no single accessory building or aggregate of accessory buildings shall exceed 750 square feet except by approval of a conditional use permit.
  - (6) All accessory buildings, including galvanized and zinc-coated structures must be painted.
  - (7) **Residential Accessory Buildings:** No building which is accessory to any residential building shall be erected to a height greater than one (1) story or sixteen (16) feet to the peak or highest point of the roof, except as otherwise may be permitted by a conditional use permit.



d. Detached Accessory Guest House in Residential Zones:

- (1) Where listed as a Permitted or Conditional Use, one (1) detached guest house may be considered for parcels or lots with no more than one single-family dwelling.
  - (2) The parcel or lot must meet the minimum size required for the zoning district where the use is proposed and any other area requirements specified through the zoning.
  - (3) The guest house shall not exceed 750 square feet of livable building area.
  - (4) The guest house shall meet all setbacks and building separation requirements as the primary residence and it shall be located to the rear of the primary residence.
  - (5) The guest house shall not have a separate primary property address.
  - (6) The guest house shall not have a separate set of utility meters for water, electricity or natural gas; or separate sewer connections.
  - (7) One (1) additional off-street parking space shall be required for the Guest House, in addition to the off-street parking required for the primary residence. The guest house shall share a common driveway with the primary residence with no additional driveway access allowed from the street to accommodate the guest house.
  - (8) Manufactured homes, mobile homes, travel trailers, recreational vehicles and similar structures shall be prohibited for use as guest homes in all districts.
  - (9) Guest homes may include a full kitchen; however, such units shall not be used as separate rental units. The guest house is intended for sole use by the occupants of the primary residence and their non-paying guests.
7. Solar Units: Solar heating and solar cooling units, solar greenhouses and associated apparatus may, notwithstanding any other provision of this Ordinance, be located in a required rear or side yard provided that such apparatus does not cover more than thirty (30) percent of that side or rear yard and shall be no closer than two (2) feet to any lot line.
8. Service Station Pumps: No automobile service station pump shall be located closer than twenty four (24) feet from a street property line nor closer than fifty (50) feet from a residential, agricultural or mobile home zone.

## H. HEIGHT REGULATIONS.

1. Purpose: Height regulations for buildings and structures are established for the City of Cottonwood to protect scenic view resources, promote compatible development and ensure development occurs in a manner that protects the health, safety and general welfare of the citizens of Cottonwood.
2. Applicability: No building or structure shall be erected, reconstructed or structurally altered to exceed the height limit designated for the Zoning District in which such building or structure is located, except as otherwise specifically provided in this Section, and provided such exceptions are in conformance with all other applicable city codes, ordinances, and regulations.
3. Architectural Embellishments: Except as described for Industrial Zoning Districts, the height limitations for each Zoning District may be exceeded by no more than ten (10) feet for spires, cupolas, domes, pediments or similar architectural or ornamental structures integrated directly into the design of the building, provided such elements occupy no more than ten percent (10%) of such roof area in total measured in plan view and provided the design is subject to review and approval through the Design Review process.
4. Non-Habitable Rooftop Structures: Except as described for Industrial Zoning Districts, the height limitations for each Zoning District may be exceeded by no more than ten (10) feet for flues, vents, poles, beacons, enclosed mechanical towers, or other similar non-habitable structures extending above the roof of a building provided such structures occupy no more than ten percent (10%) of such roof area in total measured in plan view and provided the design is subject to review and approval through the Design Review process.
5. Industrial Structures: In Industrial Zoning Districts, chimneys, derricks, conveyors, cooling towers, elevator bulkheads, fire towers, storage tanks, water towers, or similar accessory structures necessary and integral to the industrial process may extend to a height of sixty (60) feet above grade, provided that such structures shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed. The Planning and Zoning Commission may approve additional height for accessory industrial structures where it is determined that the location does not adversely impact scenic views from other properties and provided it meets safety standards and is not in conflict with any other codes, ordinances and regulations of the City of Cottonwood.
6. Monuments, Memorials, and Statues: Height limits for freestanding or attached monuments, memorials, symbolic representations, statues, art installations or similar structures shall be subject to the following:
  - a. Review and approval through the Design Review process which shall consider the height and size of a proposed structure in terms of scale, proportion and relationship to the surrounding context, including buildings, site plan layout, landscape features, streets and pedestrian areas, and which may limit such height to

- lower than the maximum allowed by this Section based on the specific considerations of the site so as to achieve an integrated design for the development;
- b. Shall not exceed 25 feet in height above the prevailing finished grade; and
  - c. All such structures or installations must meet the setback standards for the underlying zoning district.
7. Flagpoles: A flagpole shall be located so that if it should collapse, its reclining length would be contained on the property on which it was installed.
8. Wireless Communication Facilities: So as to ensure the protection of scenic view resources in and around Cottonwood, which otherwise define a significant and valued aspect of the character of the city, the following regulations shall apply to new and expanded wireless communication facilities:
- a. The regulations contained in this Ordinance are intended to be in compliance with the Federal Telecommunications Act of 1996, which shall supersede any regulations contained herein;
  - b. The overall height of any wireless communications structure, antenna and/or antenna array shall not be greater than a maximum of sixty (60) feet from the ground to the highest physical point on the structure, provided, however, that a wireless communications structure, antenna and/or antenna array up to ninety (90) feet from the ground to the highest physical point on the structure may be permitted in any zoning district other than the R-1 District and the Old Town Historic District with the approval of the City Council, upon a showing by the applicant that the additional height is the least intrusive means of filling a significant gap in a wireless communications provider's coverage within the City. In making this determination and allowing a wireless communications structure, antenna and/or antenna array to exceed the sixty (60) foot height limitation by up to thirty (30) additional feet, the City Council shall consider the findings and recommendations of the Planning and Zoning Commission, which shall hold a public hearing on any proposal to exceed the sixty (60) foot height limitation. The Council may or may not hold a separate hearing on the proposal following its receipt of the Commission's findings and recommendations, and may impose reasonable conditions on its approval of any proposal to exceed the sixty (60) foot height limitation, either based on the recommendations of the Commission or on its own motion;
  - c. Encourage the location and colocation of wireless communications equipment on existing structures thereby minimizing adverse visual, aesthetic and public safety impacts, and effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
  - d. Wireless communication facilities shall be discouraged within any Historic District or in proximity to any historic properties in the City of Cottonwood unless designed in a manner that avoids adversely impacting such historic

resources through the use of design techniques that minimize or hide the facility; and

- e. Such structure shall be located and constructed so that if it should collapse, its reclining length would be contained on the property on which it was installed.

9. Solar and Wind Energy Devices:

- a. Solar Devices: Solar energy equipment mounted on rooftops may exceed the maximum allowable height for the zoning district by up to five (5) feet.
- b. Wind Energy Devices: In Industrial, Agricultural Residential or Community Facility zoning districts with a minimum five (5) acre site no more than one accessory wind energy device per parcel or development site may be installed on a freestanding pole or support structure, not to exceed 60' in height at its highest point above grade and subject to obtaining a building permit. Such structure shall be located and constructed so that if it should collapse, its reclining length would be contained on the property on which it was installed.

10. Airport Height Restrictions: No building or structure shall be erected, altered, or maintained within any existing or proposed portions of Cottonwood Airport property, Cottonwood Industrial Airpark or any related airspace that has a height in excess of the height limitations established by that zoning district or as per any special restrictions for such established by the FAA, the Cottonwood Airport Master Plan or any other related regulations, including Building Restriction Lines or Runway Protection Zones, so as to protect the safety and integrity of the airport functions.

I. HEIGHT LIMITATIONS ON CORNER LOTS.

Within a triangle formed by the street front and side lot lines and a line connecting these lot lines at points measured along these lot lines a distance of twenty five (25) feet from their intersection, all fixtures, construction, hedges, shrubbery and other plantings shall be limited to a height not over two (2) feet above the elevation of the street line level at the same intersecting streets. Within the same triangle and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at the said intersecting streets.

J. WALLS AND FENCES.

1. PERMITS:

- a. A fence permit shall be required before a perimeter fence or wall may be constructed, reconstructed or altered within the City of Cottonwood.
- b. A legible drawing shall be submitted showing all fence dimensions, gates, lot lines, setbacks and buildings on the property and all adjacent streets and alleys. On the drawing also indicate the height of the fence and type of materials from which it is to be constructed. If the fence\wall is to be constructed of block or concrete indicate the type of reinforcing and type and size of footings.

2. EXCEPTION:

Fences within the GA, General Agricultural Zone, intended for the keeping of livestock, however said fences shall conform to requirements of this Section.

3. ALL FENCE PERMITS:

Shall be reviewed by the Code Review Board prior to being issued so as to be in compliance with all Codes.

4. HEIGHT:
  - a. No solid, view obscuring wall, fence or hedge over three (3) feet high and no chain link or wire fence or similar open, non-view obscuring fence over four (4) feet high shall be constructed or maintained nearer to the street line than the required front or street-side building setback line, nor be more than six (6) feet in height in any rear or side yards, provided that fences exceeding the above heights may be built around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof, or within Industrial areas when approved by the Development Review Board or in Agricultural or Agricultural-Residential Zoning Districts when a Conditional Use Permit has been secured for such purposes. The height regulations shall not apply when fences of greater height are required by the Planning and Zoning Commission or Development Review Board in order to provide adequate screening as required by this Ordinance.
  - b. Refer to Article V. for specific screening requirements.
5. No person shall place a fence or wall near any fire hydrant, fire department connection or fire protection system valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum of three (3) feet clear space shall be maintained around the circumference of the fire hydrant except as otherwise required or approved by the Code Review Board.
6. Hazardous Materials: No wall or fence shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices, provided that fences enclosing storage areas in Industrial Zoning Districts may contain barbed wire so long as such wire is located not less than six (6) feet above grade. Fences containing electrical current or barbed wire shall be allowed within Agricultural or Agricultural- Residential Zoning Districts provided a Conditional Use Permit has been secured for such purpose.
7. Materials and Design: Fences and walls in all Zoning districts shall be constructed of material in new condition only. Material must be wood, woven wire or masonry, of conventional design. Fences or walls of other than specified material or of other than conventional design, shall be allowed only by Conditional Use Permit, except that fence constructed of pipe shall be allowed in any Agricultural or Agricultural-Residential Zoning Districts.
8. Swimming Pools: All swimming pools shall be enclosed by a solid wall, wood or chain link fence not less than five (5) feet nor more than six (6) feet in height so as to prevent uninvited access.
9. Storage Facilities: Where "storage facilities" are to be enclosed by a masonry wall or solid fence as required elsewhere in this Ordinance, such enclosure shall be considered adequate only when constructed of: masonry without aperture, chain link with slats or wood fence with no aperture exceeding one quarter (1/4) inch.

10. Refer to Article V, Section 501, for specific screening requirements.

11. Fees: No fee shall be charged for Conditional Use Permits concerning fences.

K. DUMPING, DISPOSAL, AND EXCAVATION.

1. Prohibited Dumping: The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, refuse, ashes, slag or industrial wastes or by-products, shall be prohibited in every district except as otherwise provided in this Ordinance.

2. Dumping of Dirt or Material: In any district, the dumping or stockpiling of dirt, sand, rock, other material excavated from the earth or other organic or inorganic landscape material in quantities which exceed 50 cubic yards total for the overall development site or project site shall be subject to the requirements of the Building Code regarding review and approval of a Grading Permit and shall be subject to Section 304 of the Zoning Ordinance requiring review and approval by the Design Review Board, except as otherwise provided herein.

3. Excavation: A Conditional Use Permit shall be required for any person, firm or corporation to strip, excavate or otherwise remove soil, earth, gravel, etc., for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

L. OUTDOOR STORAGE AND JUNK AUTOMOBILES.

1. Definitions:

a. Outdoor Storage: The location of any goods, services, wares, merchandise, commodities, junk, debris, vehicles or any other item outside of a completely enclosed building for a continuous period longer than twenty four (24) hours.

b. Junk Automobile: A vehicle or any other major portion thereof which is incapable of movement on its own power and will remain so without major repair, or does not have a valid and current State of Arizona registration certificate and/or which does not conform to the State of Arizona Motor Vehicle Division standards for operation of a motor vehicle on public streets or highways.

2. Outdoor Storage: With the exception of automobiles, trailers, motorcycles, mobile homes, boats, motor homes, growing plants, nursery stock, Christmas trees, service stations displaying new automotive and related merchandise and landscaping items, outdoor storage shall not be allowed in the required front yard of a lot, and shall be screened by a six (6) foot high solid masonry fence or a fence or screening of a height and material as allowed or required by the Planning and Zoning Commission.

Refer to Article V, Section 501, for specific screening requirements.

3. Junk Automobiles: Junk automobiles shall be stored between the rear of the main structure and the rear lot line and shall not be visible from any public street. In no case shall junk automobiles be stored on a lot, tract or parcel unless screened from view from any public street by a screened fence in accordance with the screened fencing provisions of the Zoning Code pertaining to height and materials. No more than two (2) junk automobiles shall be stored on any lot, tract or parcel unless authorized by Conditional Use Permit granted by the Planning and Zoning Commission.
4. Existing Outdoor Storage and Junk Automobiles: All outdoor storage and junk automobiles existing at the time of the passage of this Ordinance shall, within twelve (12) months of its passage, be made to comply fully with these requirements or be removed.
5. Vending Machines: Exempt from the requirements of this Section are vending machines, not to exceed three (3) in number or on any one property. Permission to maintain in excess of three (3) vending machines shall be by Conditional Use Permit.

#### M. STORAGE AND PARKING OF MOBILE HOMES AND TRAILERS.

1. Storage: Mobile homes, house trailers, commercial trailers, boat trailers, campers or travel trailers shall not be stored, parked, or located in any zone other than as listed in the zone regulations or as otherwise provided herein, except that the storage of one (1) boat trailer and not more than one (1) uninhabited camper or uninhabited travel trailer shall be allowed for each residence. Such vehicles may not be located in the front yard of a residence.
2. Construction Office or Security Personnel Housing: A mobile home or trailer may be allowed in any zone to conduct business or provide housing for security personnel, during the construction of permanent building when a valid building permit is in effect. Such mobile home or trailer shall be removed immediately after completion of the building.

#### N. HOME OCCUPATIONS.

1. Home occupations shall be "permitted" or "conditional" as indicated within each zone district regulations, subject to the following requirements:
  - a. Home Occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes, shall be conducted entirely within the dwelling and shall not change the character thereof.



- b. Area: No more than 25 percent (25%) of the gross floor area of the dwelling shall be devoted to the home occupation.
- c. Employees: There shall be no employees other than members of the immediate family residing on the premises.
- d. Delivery Vehicles: No business shall be conducted which requires delivery vehicles or other services not customary to a residence.
- e. Nuisances: There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration or other nuisances discernible beyond the property lines.
- f. Signs shall be subject to applicable provisions of Section 405.

O. ANIMALS AND PETS.

- 1. Household Pets: Except as otherwise permitted in this Ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three (3) pets, such as dogs, cats and similar household pets, exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building and which do not create odor or sound which is detectable on an adjoining lot.
  - a. Exception for Chickens: The regular (non-commercial) keeping and raising of chickens is permitted in the R-1, R-2, R-4 and MH zones, subject to the following performance standards:
    - 1) Conformance to all applicable Yavapai County Health standards;
    - 2) Keeping shall also be subject to the same standards as for Show Animals (below) pertaining to caging, cleaning, and for storage of feed and equipment;
    - 3) Number of chickens is limited to twelve (12) per household;
    - 4) Roosters are prohibited;
    - 5) Containment areas shall be located a minimum of 15 feet from property boundaries; and
    - 6) Issuance of an annual permit by the Community Development Department.
- 2. Show Animals: The keeping of animals as show projects, not to exceed one lamb, or three adult rabbits or other small animals per project or premises, shall be an allowable use only by family members residing on the premises. Annually a completed form, prescribed by the Planning and Zoning Department, with name and physical address of each applicant and type, duration and number of animals of each project shall be submitted to the Planning and Zoning Department by said resident. Goat, swine, beef, adult sheep and horse projects shall be limited to Agricultural zones. Lamb, rabbits and other small animal projects shall be allowed in residential zones by permit only.

The projects in zones other than Agricultural shall be of a limited duration not exceeding six (6) months in one (1) calendar year, allowing for the care, feeding and grooming of such animals to be shown and/or sold annually at events such as the Verde Valley, Yavapai County and/or Arizona State Fair. In the instance that a prize winning animal is to be entered into competition more than one time, an extension of the permit may be applied for and after evaluation by the Planning and Zoning Department conditionally extended. Pens, stables, cages and other shelters for such animal projects shall not be located closer than twenty five (25) feet to any property line. All structures shall be kept in a neat and sightly manner and shall be controlled daily from refuse, manure, flies and other nuisances at all times. Storage of feed equipment and other material related to such animals shall be entirely within an enclosed building. Carports or garages attached to a residence shall not be used to contain such animal projects.

3. Nuisance: Where the keeping of such animals becomes a nuisance, the Planning and Zoning Inspector shall have the authority to require a reduction in the number of and/or removal of the animals. Normally the Inspector will allow a ten (10) day grace period for compliance to the Ordinance. In exceptional cases the Inspector shall require immediate removal of the animals in question.
4. The provisions of the Ordinance are not intended to authorize the keeping of animals, regardless of number, size or type, in a manner which constitutes a nuisance and which impairs the enjoyment or use of nearby properties or violates other legal restrictions the properties are subject to.

P. CARNIVALS, CIRCUSES, REVIVALS, RODEOS, SWAP MEETS, OUTDOOR RETAIL SALES, AND SIMILAR ACTIVITIES.

Deleted by Ordinance 531, adopted November 4, 2008. Please refer to Section 307. "Temporary Use Permits.

Q. EXTERIOR LIGHTING.

Deleted by Ordinance 384, adopted December 21, 1999. Please refer to Section 408, "Outdoor Lighting Code."

R. PUBLIC SERVICE FACILITIES.

A Conditional Use Permit shall be required by all Public Service Companies in order to establish or substantially expand utility buildings, structures or appurtenances thereto in any zoning district. Extension of public service lines in public or private right of way is exempt from these requirements.

S. TRASH ENCLOSURES.

1. A Permanent Enclosure for temporary storage of garbage, refuse, and other waste materials shall be provided for every use, other than single-family dwelling, multiple-family dwellings of less than four (4) units and mobile homes in every zoning district except where an approved mechanically loaded steel bin is used for the purpose or where a property is entirely surrounded by screen, walls or buildings. Trash enclosures shall comply with the following regulations:
  - a. Construction: Construction of trash enclosures shall be so constructed that the contents are not visible from a height of five (5) feet above grade from any abutting street or property and shall be constructed of solid fencing such as new weather resistant wood or chain link fencing with screening slats and of sufficient height to conceal contents, including containers, but in no case shall be less than five (5) feet in height above grade. Gates shall be solid or baffled, equal to the height to the enclosure and equipped with latches to ensure closure when not in use.
  - b. Location: Trash enclosures shall not be located in any required front or side yard.

T. STRUCTURES NEAR AIRPLANE RUNWAY OR LANDING STRIP.

Current Federal Aviation Agency regulations and guidelines shall govern the location, placement, height, size and design of all buildings and structures within the vicinity of airplane runways and landing strips within the City of Cottonwood.

U. MOVING OF BUILDINGS.

No building or structure, which has been wholly or partially erected on any premises located either within or outside the City of Cottonwood shall be moved to or placed upon any premises within the City until a permit for such removal and for such relocation shall have been issued by the Zoning Administrator. Any such building or structure shall conform to all provisions of this Ordinance in the same manner as any new building or structure. No such building or structure shall be used or occupied until a final inspection and notice of approval by the Building Inspector.

V. PERFORMANCE STANDARDS.

Any permitted or conditional use must conform to the following performance standards. In conjunction with the Plan Review and Development Review, the developer-applicant shall provide to both the Zoning Administrator and the Development Review Board data which are sufficient to show that the proposed use and the manner of its conduct will meet these performance standards.

1. **NOISE:** At no point on the property line shall the sound pressure level of any individual operation exceed the decibel levels in the designated octave bands shown below. (Excluding operation of motor vehicles or other transportation facilities.)

OCTAVE BAND CYCLES PER SECOND	MAXIMUM SOUND PRESSURE LEVEL IN DECIBELS .0002 DYNES PER CM <sup>2</sup>
0 TO 75	72
75 TO 150	67
150 TO 300	59
300 TO 600	52
600 TO 1200	46
1200 TO 2400	40
2400 TO 4800	34
ABOVE 4800	32

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards provided that such noises shall be capable of being so measured, for the purpose of this Section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

2. **SMOKE:** No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U. S. Bureau of Mines shall be the standard.
3. **GLARE OR HEAT:** Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.
4. **VIBRATION:** No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour of the day between the hours of 7:00 AM to 7:00 PM or of thirty (30) seconds or more duration in any one (1) hour during the hours of 7:00 PM and 7:00 AM.

5. FLY ASH, DUST, FUMES, VAPORS, GASES, AND OTHER FORMS OF AIR POLLUTION: No emission shall be permitted which becomes a nuisance, which can cause damage to health, to animals or vegetation, or other forms of property, which can cause any excessive soiling, or which results in the settling of dust on adjacent properties.
6. LIQUIDS AND SOLID WASTE: No wastes shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.
7. ODORS: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or create a nuisance or hazard beyond the property lines.

W. OUTSIDE DISPLAY.

1. Any outside display must be approved by the Development Review Board. The applicant shall provide a sketch showing the area to be used for display.

X. CAMPING WITHIN THE CITY LIMITS

1. It shall be unlawful for any person to camp on public property within the city limits, including public streets, public parks and facilities, except as permitted by the applicable City codes and ordinances for certain temporary uses as described therein.
2. It shall be unlawful for any person to camp on any private property within the city limits, except as allowed for properties designated and approved for such uses, such as for a legally established and permitted campground, RV park or mobile home park maintained and operated in accordance with all city codes and ordinances.
3. An exception shall be granted to allow temporary guests of a detached single-family residential property to stay in an RV or travel trailer parked in a driveway or carport according to the following regulations:
  - a. Temporary camping shall be allowed by guests on private property developed with a single-family residential use and not on vacant private property or on abutting public right-of-way, as per the standards set forth in this ordinance.
  - b. No person(s) shall so camp for more than two weeks per visit.
  - c. Property owners shall be limited to no more than three (3) such camping visits in total per calendar year.
  - d. Camping shall be in a recreational vehicle (RV) or travel trailer only, with a self-contained sewage collection system.

4. This section shall not apply to the recreational use of temporary structures, such as play structures, canopies and tents, for activities which are commonly referred to as “backyard camping” for children, where such structures are located in the backyard of a single-family residence, for use by and for the residents of the home, no more than 120 square feet in size, and provided such use in no way constitutes living accommodations for any person or persons at any time.
5. This section shall not apply to the parking of any vehicle or recreational vehicle in a commercial parking lot for a period of less than 23 hours with the consent, express or implied, of the respective property owner, authorized representative, legal tenant, or agent thereof, unless the property upon which any such vehicle or recreational vehicle is parked is conspicuously posted as prohibiting overnight camping or parking, or unless a property owner, authorized representative, legal tenant or agent thereof specifically requests that such vehicle or recreational vehicle be removed within the 23 hour period.
6. Overnight parking in a commercial parking lot for temporary sleeping purposes where permitted shall not include any use or display of outdoor seating and furniture, use or display of outdoor cooking equipment, generator use, detached outdoor lighting sources, unhooking and temporary storage of trailers from tow vehicles, or the extension or use of stabilizer legs, supports, leveling blocks or jacks with vehicles, recreational vehicles or trailers.
7. This section shall not apply to the temporary use of a recreational vehicle or trailer that may be permitted as a temporary residence or watchperson’s trailer during construction so long as a valid building permit remains in force, or until such time that construction is completed or a Certificate of Occupancy is issued.
8. Self-powered vehicles, recreational vehicles or travel trailers not designed for attachment to a lot shall not by any definition be deemed a residence or be used as such in any zoning district except as allowed by this ordinance.
9. Unless otherwise specifically permitted by this section, the parking of any vehicle, camper, recreational vehicle or other similar device in any location for more than 23 hours when not upon one’s own real property shall be prima facie evidence of intent to violate this article.

Y. GROUP HOME FOR THE HANDICAPPED.

A Group Home for the Handicapped is permitted in zoning districts that permit single-family dwellings, subject to the following standards:

1. Registration is required with the Planning Department prior to occupancy of the building by the group home use. Registration shall become effective upon issuance of the Group Home Registration by the City and shall terminate when the group home use ceases or the registration is revoked by the City.
2. Revocation. A group home use which exhibits ongoing or periodic activities out of character with the residential nature of the neighborhood or exhibits disruptive activities to the extent that such use becomes a nuisance or threat to the health, safety and well-being of the neighborhood shall be subject to review by the Zoning Administrator to determine if the group home use is in conformance with the standards set forth in this section. If it is determined that the group home use is not in conformance with the standards for such use, the Zoning Administrator shall provide the operator of the group home with a written notice describing the alleged violations and shall allow the operator at least thirty (30) calendar days to correct the violations. Upon completion of the notification period, if the Zoning Administrator determines that the violations are not corrected and such conditions or activities are continuing in association with the group home use, the Zoning Administrator shall issue a revocation of the group home registration by written order, which shall become effective thirty (30) calendar days from the date of mailing to the group home operator and property owner. The group home operator may request cancellation of the revocation order within the thirty (30) day notice period by submitting a written operation plan describing measures to be enacted to correct conditions contributing to the violation of the group home status. The Zoning Administrator shall review the proposed operations plan and either approve or deny the plan based on the standards for group home uses. If denied, the group home use shall be terminated upon the effective date of the revocation order. The operator shall have the right to appeal any such decision of the Zoning Administrator subject to the procedures specified in this Ordinance.
3. A Group Home for the Handicapped shall not include persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not apply to or protect persons who currently use illegal drugs or controlled substances, persons who have been convicted of the manufacture, sale or distribution of a controlled substance, or persons with or without disabilities who present a direct threat to the persons or property of others. In addition, a Group Home for the Handicapped shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or a direct threat of physical damage to the property of others.

4. Administrative review. The Zoning Administrator or designee shall review all such proposals for group homes as described herein and shall then issue a written determination approving or denying the registration based on the following:
  - a. A complete registration form with the required processing fee shall be submitted describing the proposed group home use in detail.
  - b. The Zoning Administrator shall review the registration form for the proposed group home use to determine that all conditions are met. If additional information is required to make a determination, the Zoning Administrator will contact the applicant.
  - c. The Zoning Administrator shall issue a written determination within ten (10) working days of submission of a completed registration form that the use does or does not comply with the requirements of this ordinance.
5. Appeal. Appeal of any decision of the Zoning Administrator shall be subject to Section 306 of this Ordinance.
6. State license. If the proposed use is required to be licensed by the State of Arizona, provide copies of license documents prior to issuance of the Group Home Registration for the use. Submit any required State of Arizona Zoning Clearance forms with the registration application.
7. Inspection. For uses that require zoning clearance by the State of Arizona, any required inspections must be completed by the applicable City departments prior to approval of the Group Home Registration.
8. Spacing. The minimum spacing between group homes shall be five-hundred (500) feet feet, as measured from the closest property lines. Spacing requirement shall not apply to residential Health Care Institutions, Foster Care Homes, Child Welfare facilities or similar facilities licensed by the State of Arizona. The Planning Department will keep records of all such uses in Cottonwood for determination of minimum separation requirements.
9. Request for reasonable accommodation. If the owner or operator of a proposed group home believes any requirement of this ordinance has prevented the establishment of the group home, the owner or operator shall submit a written request for accommodation to the Zoning Administrator. The written request shall contain sufficient facts to allow the Zoning Administrator to make a determination of the specific needs and such determination shall be based on the following procedures:
  - a. All related correspondence shall be forwarded by the City to the City Attorney for review and recommendation.
  - b. The review shall consider the request subject to the provisions of the Fair Housing Act and related amendments.



- c. The accommodation shall take into consideration public safety and welfare concerns, the residential character of the neighborhood and any such accommodation shall fully comply with the intent of the Fair Housing Act.

Z. BOARDING HOUSE REGULATIONS.

A boarding house shall be considered as a conditional use in the R-2, R-3 and R-4 zoning districts, subject to the following requirements:

1. The location of the use shall not have a detrimental effect on nearby properties or be contrary to the public safety, health or general welfare.
2. The building and site is in compliance with all applicable Zoning Ordinance, Building Code and Fire Code regulations.
3. The site is or will be brought into conformance with current City development standards, including but not limited to design review, parking, signage, landscaping and screen walls. Additional setbacks, parking, landscaping or screen walls may be required as a condition of approval so as to mitigate any potential impact by the proposed development on surrounding properties or the city in general.
4. Parking. As per Section 406 Parking Requirements, minimum on-site parking shall include at least one (1) parking space per sleeping room or one (1) per bed, whichever number is greater, and one (1) space for the manager.
5. Three (3), four (4) or five (5) bedrooms may be provided as lodging for compensation for a definite period of time provided no more than two persons occupy any one bedroom.
6. The occupancy of no more than one (1) or two (2) bedrooms for compensation shall not be considered a boarding house provided not more than two guests shall occupy a bedroom.
7. The operators of the facility may serve food and meals to the residents in a group dining room or a common kitchen facility may be provided for use by residents but the use shall not include separate kitchen, cooking or food preparation facilities with individual bedrooms or suites.
8. The maximum number of residents not including staff shall be ten (10).
9. The term "boarding house" shall not include group homes for the handicapped, nursing homes, assisted care facilities, hotels, motels, bed and breakfast establishments, correctional transitional facility, or a dwelling occupied by one or more individuals living together without supervision or management as a single housekeeping unit.

AA. CORRECTIONAL TRANSITIONAL FACILITY

1. Correctional Transitional Facilities shall be considered as a conditional use in the C-2, I-1 and I-2 zoning districts, subject to the following requirements:
  - a. The location of the proposed facility will not have a detrimental effect on nearby properties or be contrary to the public safety, health or general welfare.
  - b. The building and site is in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.
  - c. The site is or will be brought into conformance with current City development standards, including but not limited to, design review, parking, signage, landscaping and screen walls. Additional setbacks, parking, landscaping or screen walls may be required as a condition of approval so as to mitigate any potential impact by the proposed development on surrounding properties or the city in general.
  - d. Management Plan. The applicant must submit a management plan to the Zoning Administrator and the Police Chief describing the management and operation of the facility including, names and addresses of the owner and operator of the facility, local contact information, names and phone numbers of all governmental licensing and contract agencies and related contact persons, types of offenders housed, number and general professional qualifications of staff of the facility, and details for emergency management, including plans to contact local public safety officials.
  - e. Parking. Ten (10) spaces for staff and visitors for facilities with up to ten resident beds; and one (1) space for each additional resident bed for staff and visitors.
  - f. Maximum Capacity Calculation. The maximum number of resident beds not including staff is thirty (30). The allowable number of resident beds shall be determined by dividing the area of the site by twenty-two hundred (2,200).
  - g. Separation of at least five-hundred (500) feet from the property boundary of the proposed use to the any residential zoning district, or to the property boundary of any public or private school that provides programs for any grades from kindergarten through grade twelve, or any public park or recreational facility, or a public library.
  - h. Separation of at least two thousand, six hundred and forty (2,640) feet (one-half mile) from any other Correctional Transitional Facility as measured in a straight line between property boundaries.
  - i. At the applicant's expense, all property owners within 500 feet of the property boundaries of the site of the proposed use shall be notified by first class mail of the proposed use and of the time and place of the public hearing to consider the conditional use. In addition to any other public notification, the property shall be posted with a notice of the public hearing in at least two places conspicuously visible from the adjacent public streets and properties.

- j. The Correctional Transitional Facility shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or a direct threat of physical damage to the property of others.

**BB. BED & BREAKFAST ESTABLISHMENTS**

1. Bed & Breakfast Residence: A bed & breakfast residence shall be considered as a “conditional” use in the R-1, R-2, R-3, R-4, AR-20, AR-43, AR-70 and CR zoning districts, subject to the following requirements:
  - a. Facility shall be owner-occupied with no more than 60% of the gross floor area of the primary structure used for guest units, guest dining or Bed and Breakfast purposes.
  - b. The building and site shall be in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.
  - c. No more than three (3) guest units shall be available at any time for overnight or otherwise temporary lodging. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.
  - d. At least one (1) parking space per guest unit and one (1) parking space for the owner shall be provided on-site in accordance with the parking standards of this ordinance.
  - e. One (1) wall sign for identification purposes up to six (6) square feet in area may be attached to the primary structure or placed as a freestanding sign located in the front yard with a maximum height of three (3) feet above grade.
  - f. A current business registration is required.
2. Bed & Breakfast Inn: A bed & breakfast residence shall be considered as a “conditional” use in the R-2, R-3, R-4, AR-20, AR-43, AR-70 and CR zoning districts,, subject to the following requirements:
  - a. Facility shall be owner-occupied with no more than seventy five percent (75%) of the floor area or structural coverage to be used for guest units, guest dining or Bed and Breakfast purposes.
  - b. The building and site shall be in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.
  - c. No more than five (5) guest units shall be available for overnight or otherwise temporary lodging. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.

- d. At least one (1) parking space per guest unit, one (1) parking space for the owner, and one (1) space per two employees shall be provided on-site in accordance with the parking standards of this ordinance.
  - e. One (1) wall sign for identification purposes up to six (6) square feet in area may be attached to the primary structure or placed as a freestanding sign located in the front yard with a maximum height of three (3) feet above grade.
  - f. A current business registration is required.
3. Country Inn: A country inn shall be considered as a “conditional” use in the C-1, C-2, AR-43, AR-70 and CR zoning districts, subject to the following requirements:
- a. The building and site shall be in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.
  - b. Between six (6) and eleven (11) guest rooms are offered.
  - c. Signage shall meet applicable sign code standards.
  - d. At least one (1) parking space per guest unit, one (1) parking space for the owner, and one (1) space per two employees shall be provided on-site in accordance with the parking standards of this ordinance.
  - e. Additional parking shall be provided as per this ordinance for any restaurant use or other accessory use offered as part of the country inn.
  - f. A current business registration is required.

## ARTICLE II – DEFINITIONS

### SECTION 201.GENERAL.

For the purpose of this Ordinance, certain words and terms used herein are defined as follows: All words used in the present tense include the future tense, all words in the plural number include the singular number, all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not discretionary. Other words and phrases used in this Ordinance shall have the following meaning:

**ABUTTING** - The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only a corner or corners.

**ACCESS OR ACCESS WAY** - The place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.

**ACCESSORY BUILDING** - A building or structure which is subordinate to and the use of which is customarily incidental to that of the main building, structure or use on the same lot or parcel.

**ACCESSORY USE** - (See Use, Accessory).

**ACRE** - An area of land containing 43,560 square feet.

**ADJACENT, ADJOINING** - Adjoining or separated by a dedicated public right-of-way or dedicated public access easement which abuts both properties.

**ADULT ARCADE** - A commercial establishment wherein coin-operated or slug-operated or electrically, electronically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per device at anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

**ADULT BOOKSTORE, ADULT RETAIL STORE OR ADULT VIDEO STORE** - A commercial establishment which meets the provisions below:

1. A commercial establishment having more than 10% of its stock in trade offering for sale or rental, for any form of consideration, any one or more of the following:
  - a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, video disks, computer animation or computer generated imaging which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or
  - b. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities", excluding condoms, diaphragms, contraceptive

inserts, contraceptive medications and other birth control or disease prevention devices prescribed by a licensed medical doctor or osteopathic doctor.

A commercial establishment may have other business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or specified anatomical areas” and still be categorized as an adult bookstore, adult retail store or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore, adult retail store or adult video store.

2. Regularly excludes all minors from the premises or a separate defined section thereof because of the sexually explicit nature of the items sold, rented or displayed therein.

**ADULT CABARET** - A nightclub, bar, restaurant, or similar commercial establishment which during any part of any two or more days within a continuous thirty (30) day period features live performances or activities which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities”. Nothing in the definition of “adult cabaret” shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution or higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion of exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.

**ADULT CARE HOME** - A residential care institution licensed by Arizona Department of Economic Security with no more than ten (10) adults who are unrelated to the manager, operator, facility owner or resident staff of the home.

**ADULT DEVELOPMENTAL HOME** - A residential setting in a family home in which the care, physical custody and supervision of the adult client are the responsibility, under a twenty-four hour care model, of the licensee, and which provides room and board, habilitation, appropriate personal care and appropriate supervision services for a group of siblings or up to three (3) adults with developmental disabilities.

**ADULT MOTEL** - A motel, hotel or other similar commercial establishment that:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic representations which are characterized by the depiction or description of “specified sexual activities” or specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

**ADULT MOTION PICTURE THEATER** - A commercial establishment having as a substantial or significant portion of its stock, where for any form of consideration, films, motion pictures, video cassettes, slides, video disks, or similar photographic or video graphic reproductions are regularly shown as one of its business purposes and that are characterized by the depiction or description of “specific sexual activities” or “specified anatomical areas”. Nothing in the definition of “adult motion picture theater” shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.

**ADULT THEATER** - a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of “specified sexual activities” or “specific anatomical areas”. Nothing in the definition of “adult theater” shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.

**ADULT USE** - a commercial establishment whose business is distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specific anatomical areas”. The following uses are defined by the Cottonwood Zoning Ordinance and shall be designated as Adult Uses:

1. Adult Arcade
2. Adult Bookstore, Adult Retail Store or Adult Video Store
3. Adult Cabaret
4. Adult Motel
5. Adult Motion Picture Theater
6. Adult Theater
7. Escort Agency
8. Nude Model Studio
9. Sexual Encounter Center
10. Any combination of classifications set forth in subsection 1 through 9 above.

**AGRICULTURE** - The tilling of the soil, raising of crops, horticulture, viticulture, silviculture, small livestock farming, dairying and/or pasture and range livestock production, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, to plants for the reduction of animal matter, or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

**AIRPORT** - Any area which is used or is intended to be used primarily for the taking off and landing of aircraft and any appurtenant areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas, hangars, transition and clear zones and other accessory buildings.

**ALLEY** - A right-of-way, dedicated to public use, affording a secondary means of access to abutting property and is not intended for general traffic circulation.

**AMENDMENT** - A change in the wording, context or substance of this Ordinance or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map.

**ANIMAL HOSPITAL** - Facilities for the care, treatment and boarding of animals including the term "veterinary clinic."

**ANTIQUUE** - A product that is sold or exchanged because of value derived, because of oldness as respects the present age and not simply because same is not a new product.

**APARTMENT** - A building containing four (4) or more dwelling units which are rented or leased to the occupants for a definite period of time.

**APPEAL** - An action which permits anyone to arrange for a hearing from other than the individual or group from whose decision the appellant seeks redress.

**ASSISTED LIVING CENTER** - An assisted living facility serving eleven (11) or more residents. Residents may have more privacy with smaller studio-type apartments while still having access to on-site caregivers who assist with meals, care, security, and transportation services, if needed.

**ASSISTED LIVING FACILITY** - A residential care institution that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis. Assisted Living Facilities are licensed by the State Department of Health Services and include Assisted Living Home, Assisted Living Center and Adult Foster Care Home.

**ASSISTED LIVING HOME** - An assisted living facility serving ten (10) or fewer residents. Residents may need 24-hour care from resident caregivers. This setting provides a more integrated family atmosphere.

**AUTOMOBILE REPAIR** - All aspects of the repair of motor vehicles including, but not limited to, lubrication, tune-up, tire repair and preventative maintenance.

**AUTOMOBILE SALES, NEW** - A franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles.

**AUTOMOBILE SALES, USED** - An agency selling used motor vehicles not in conjunction with and on the same site as a new motor vehicle franchise and providing services commonly associated with motor vehicle sales.

**BAR OR COCKTAIL LOUNGE** - An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.



**BED & BREAKFAST COUNTRY INN** – The uses of a residence or other type of building for commercial lodging purpose, and which has at least six (6) and no more than eleven (11) guest units, and which exhibits a character of use consistent with a motel or hotel, and which may have a restaurant open to guests, as well as the general public, and which may have other related activities open to the public.

**BED & BREAKFAST INN** - An owner-occupied single-family residence offering rooms for commercial lodging purposes, and which has a maximum of five (5) guest units, and which serves breakfast to guests.

**BED & BREAKFAST RESIDENCE** - An owner-occupied single-family residence offering rooms for commercial lodging purposes, and which has a maximum of three (3) guest units, and which serves breakfast to guests.

**BOARD OF ADJUSTMENTS** - (See Section 105)

**BOARDING HOUSE** - A house where one can rent sleeping accommodations and receive board (meals), the cost of which is included in the rent. The term shall not include other lodging facilities as defined by this ordinance, including group homes for the handicapped, nursing homes, assisted care facilities, hotels, motels, bed and breakfast establishments or a dwelling occupied by one or more individuals living together without supervision as a single housekeeping unit.

**BUILDING** - A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals, or property of any kind. This shall not include dog houses, play houses or similar structures.

**BUILDING AREA** - The total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

**BUILDING, ATTACHED** - A building which has at least part of a wall in common with another building or which is connected to another building by a roof.

**BUILDING, DETACHED** - A building which is separated from another building or buildings on the same lot.

**BUILDING, FACTORY BUILT** - A residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined herein. A factory-built building used for residential purposes shall be considered a single-household dwelling unit.

**BUILDING, HEIGHT OF** - The vertical distance measured from the average grade level to the highest level of the roof surface of flat roofs, to the deck line of mansard roofs or to the mean height between eaves and ridges for gable, gambrel, shed or hip roofs. In the event that terrain problems prevent an accurate determination of height, the Zoning Administrator shall rule as to height and appeal from that decision shall be to the Board of Adjustments.

**BUILDING, MAIN** - A building or buildings, in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

**BUILDING PERMIT** - A permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the City of Cottonwood.

**BUILDING SETBACK** - The minimum distance as prescribed by this Ordinance between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto. (See Yard, Front, Side and Rear).

**CAMP** - To engage in activities defined as camping.

**CAMPING** - To use real property for temporary recreational activity or living accommodation purposes, such as sleeping activities, or making preparations to sleep, including the laying down of bedding for the purpose of sleeping, or storing personal belongings, or making any fire, or engaging in cooking activities, or using any tent, shelter, structure or vehicle, including trailers, motor homes or recreational vehicles, for sleeping, including as a temporary place of rest.

**CAMPGROUND** - Any lot, parcel or tract of land used, designed, maintained, and intended for rent of plots or sites to accommodate temporary camping by the traveling public with or without sanitary facilities and water, whether or not a charge is made for the use of the park and its facilities.

**CEMETERY** - Land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

**CHURCH** - A permanently located building commonly used for religious worship fully enclosed with walls, but including windows and doors and having a structurally solid and sound roof.

**CITY** - The City of Cottonwood, Yavapai County, Arizona.

**CLINIC** - A place for the provision of group medical services, not involving overnight housing of patients.

**COMMISSION** - City of Cottonwood Planning and Zoning Commission (See Section 104).

**CONTIGUOUS** - In actual contact.

**CONVALESCENT HOME** - (Same as nursing home).

**CORRECTIONAL TRANSITIONAL FACILITY** - A supervised residential facility which offers temporary housing for individuals who are completing a sentence or have left an institutional setting, such as a hospital, medical facility, drug or alcohol treatment facility, prison or other form of incarceration, subject to placement from an official agency, so as to allow transitioning from institutional to community living, or who are required by a court system or otherwise legally obligated to participate in a rehabilitation or recovery program for alcohol, drug/substance abuse or other behaviors, and which typically includes structured supervision, such as professional counseling, job training, job placement assistance and other social service assistance. The term shall not include group homes for the handicapped or facilities primarily providing counseling or other services to individuals that do not reside on the premises.

**COUNCIL** - Cottonwood City Council.

**COUNTY** - Yavapai County, State of Arizona.

**DAY CARE** - (See School, Nursery).

**DEVELOPMENT REVIEW BOARD** - Same as Design Review Board. (See Section 106).

**DISPLAY, OUTSIDE** - The unenclosed display of retail products during normal business hours.

**DORMITORY** - Any structure with 6 or more rooms specifically designed for the exclusive purpose of housing students and associated resident staff of a university, college, school or similar training facility on property owned or maintained by the educational facility.

**DRIVE-IN RESTAURANT** - Any establishment where food or beverages are dispensed and may be consumed on the premises, but outside a closed building.

**DRIVE-IN THEATER** - An open air theater where the performance is viewed by all or part of the audience from motor vehicles.

**DWELLING** - A building or portion thereof designed exclusively for residential purposes, including single family and multiple dwellings; but not including hotels, apartment hotels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

**DWELLING, MULTIPLE-FAMILY** - A building designed exclusively for occupancy by or occupied by two (2) or more families living independently of each other.

**DWELLING, SINGLE-FAMILY** - A detached building designed exclusively for occupancy by or occupied by one family for residential purposes.

**DWELLING UNIT** - A room or group of rooms within a dwelling containing one (1) cooking accommodation, occupied exclusively by one or more persons living as a single nonprofit family housekeeping unit.

**EASEMENT** - A space on a lot or parcel of land reserved or used for location and/or access to utilities, drainage or other physical access purposes.

**EFFICIENCY OR STUDIO APARTMENT** - A dwelling unit containing only one (1) habitable room, not including bathrooms.

**ERECT** - The word "erect" includes built, built upon, added to, altered, constructed, reconstructed, moved upon or any physical operations on the land required for a building.

**ESCORT** - A person who, for monetary tips or any other form of consideration, agrees or offers to act as a companion or date for another person, and who agrees or offers to privately model lingerie, perform a striptease, to appear in a state of nudity or semi nudity, to display any "specified anatomical areas" or "specific sexual activities".

**ESCORT AGENCY** - A person or business association who furnishes, offers to furnish, or advertises to furnish an escort for a fee, tip or other consideration.

**FAIR HOUSING ACT** – Refers to Federal law enacted in 1968 to protect people from discrimination in housing based on race, color, religion, sex, familial status, national origin, pregnant women, and handicap (disability). Also includes various amendments, rules and orders approved since then, including the Fair Housing Amendments Act of 1988.

**FAMILY** – A family is:

- 1.) An individual, or two (2) or more persons related by blood, marriage, or adoption, including any live-in domestic help, living together as a single housekeeping unit in a dwelling unit; or
- 2.) A group of not more than ten (10) persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

**FARMING** - (Same as Agriculture).

**FENCE** - A structure built to separate two parcels of land or separate a parcel of land into different use areas.

**FOSTER CARE HOME, ADULT** - A residential setting intended for older and/or disabled adults that provides room and board and adult foster care services for at least one (1) and not more than four (4) residents who participate in the Arizona Long Term Care System. Residents receiving care and assistance are integrated with the sponsor or manager's family as a single household.

**FOSTER HOME** - A home licensed by the Arizona Department of Economic Security maintained by persons having care or control of one to 5 minor children, other than those related by blood, marriage, or adoption or related to such individuals, or who are legal wards of such individuals.

**FOSTER HOME, GROUP** - A regular or special foster home licensed by the Arizona Department of Economic Security suitable for the placement of six (6) but not more than ten (10) minor children.

**GARAGE, PRIVATE** - An accessory building or a main building or portion thereof, used for the shelter or storage of self-propelled vehicles, owned or operated by the occupants of a main building wherein there is no service or storage for compensation.

**GARAGE, PUBLIC** - Any building, except one herein defined as a private garage used for the storage, care or repair of self-propelled vehicles or where any such vehicles are equipped for operation or kept for hire.

**GROUP HOME FOR DEVELOPMENTALLY DISABLED** - Supervised residential home for six (6) or fewer persons with developmental disabilities that is operated under contract with Arizona Department of Economic Security (ADES) Division of Developmental Disabilities and that provides a shared living environment, room and board, and daily care needs for resident clients. Group Home for Developmentally Disabled does not include an adult developmental home, a child developmental foster home, a secure facility setting or an intermediate care facility for the mentally retarded as defined by ADES.

**GROUP HOME FOR THE HANDICAPPED** – A dwelling shared as a primary residence by people with handicaps or disabilities living together as a single housekeeping unit in which staff persons may or may not provide on-site care, training or support for the residents. Group homes for the handicapped shall not include boarding houses, rooming houses, nursing homes, group homes for the developmentally disabled, foster homes or correctional transitional facilities.

**GUEST HOUSE** - A detached accessory building containing a separate living area to be used by the occupants of the premise, family members and their guests, and which has a sleeping area, sanitary facilities, and with or without separate cooking facilities. Said use shall be clearly secondary and subordinate in size and location to the primary residence, meet all other applicable standards and not be offered as a separate rental unit.

**HALFWAY HOUSE** - Same as Correctional Transitional Facility.

**HANDICAP** - Means the same as “disability” with respect to a person with a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, or has a record of such a disability or is regarded as having such a disability, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

**HEALTH CARE INSTITUTION** – Facilities licensed by the Arizona Department of Health Services, including medical facilities, clinics, Assisted Living Facilities, and Group Homes for the Developmentally Disabled.

**HOME OCCUPATION** - Any occupation or profession which is incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof and in connection with which there are no employees other than a member of the immediate family residing in the dwelling unit.

**HOSPITAL** - A place for the treatment or care of human ailments, where overnight lodging for patients is provided.

**HOTEL** - A building in which lodging is provided and offered to the public for compensation and which is open to transient guests. Does not include Boarding House as herein defined.

JUNK YARD - Any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof.

KENNEL - Any premises where six (6) or more dogs or cats are bred, boarded, and/or trained.

KITCHEN - Any room in a building or dwelling unit which is used or intended to be used for cooking or the preparation of food.

LANDSCAPING - An area which has been improved through the harmonious combination and introduction of trees, shrubs and ground cover, and which may contain natural topping material such as boulders, rock, stone, granite or other approved material. The area shall be void of any asphaltic or concrete pavement except for pedestrian walkways.

LOT - A legally created parcel of land.

LOT AREA - The total horizontal area within the lot lines of a lot.

LOT COVERAGE - That portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools.

LOT DEPTH - The horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

LOT FRONTAGE - The horizontal length of the front lot line.

LOT LINE - The line bounding a lot.

LOT LINE, FRONT - In the case of an interior lot, a line separating the lot from the street and in the case of corner lot, the front line is the street frontage line which has the least dimension.

LOT, CORNER – A lot abutting upon two or more streets at their point of intersection.

LOT LINE, REAR - A lot line which is opposite and most distant from the front.

LOT LINE, SIDE - Those property lines connecting the front and rear lot lines.

LOT WIDTH, AVERAGE - The distance between side lot lines measured from thirty (30) feet behind the required minimum front yard line parallel to the street or street chord and the rear lot line.

MANUFACTURED HOME - A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 and as amended, manufactured after June 15, 1976, and placed within applicable zoning districts, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, and when erected onsite, is three hundred twenty (320) square feet

or more in size, and which is built on permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the typical plumbing, heating, air conditioning electrical systems and adequate sanitary sewage disposal system approved, installed and operational. A manufactured housing unit shall have a decal certifying that the dwelling unit has been inspected and constructed in accordance with the requirements of the U.S. Department of Housing and Urban Development (HUD) in effect at the date of manufacture wherein such date shall not be prior to June 15, 1976. The term "Manufactured Home" does not include recreational vehicles, travel trailers, factory built buildings, or mobile homes, as defined herein.

**MANUFACTURED HOME PARK** - Any parcel or tract of land, under single or unified ownership designed, maintained, used and intended for rent or lease of individual lots, spaces or sites in whole or part to accommodate manufactured homes for dwelling or sleeping purposes, including any accessory buildings, structures or appurtenances. A manufactured home park does not include lots or spaces upon which unoccupied manufactured homes, mobile homes or unoccupied house, travel or commercial trailers are parked for display, inspection, lease or sale.

**MANUFACTURED HOME SUBDIVISION** - A subdivision intended and designed for residential use with individual parcels or lots for sale where the residence is to be a manufactured home exclusively.

**MANUFACTURING** - The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.

**MOBILE HOME** – A structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one (1) or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities including an adequate sanitary sewage disposal system approved, installed and operational. The term "Mobile Home" does not include recreational vehicles, travel trailers, manufactured homes, or factory built buildings.

**MOBILE HOME PARK** - Any lot, parcel or tract of land, designed, maintained, used and intended for rent or lease of individual lots or sites to accommodate one or more travel trailers, house trailers or mobile homes, including all buildings, structures, vehicles, accessory buildings and appurtenances to be used or intended as equipment as a trailer-court park, whether or not a charge is made for the use of the site or the use of its facilities. A trailer-court park does not include lots upon which unoccupied mobile homes or unoccupied house, travel or commercial trailers are parked for yard display, inspection, and sale.

**MOBILE HOME SUBDIVISION** - A subdivision designed for residential use with lots for sale where the residence is to be mobile homes or trailer-house exclusively.

**MOTEL** - A building or group of buildings containing guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of motorists and providing automobile parking space on the premises.

NATURAL - The condition of the land, vegetation, rocks and other surface features which have not been physically disturbed, changed, or added to by any action of man or machine.

NONCONFORMING BUILDING - (See Section 403).

NONCONFORMING USE - (See Section 403).

NUDE MODELING STUDIO - Any place where a person appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched or drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude modeling studio shall not include a public or private educational institution consisting of community colleges; colleges; universities or private institution that is licensed by the State of Arizona or supported entirely or in part by public taxation and which maintains and operates a recognized educational program in which educational credits are issued to its students and are transferable to another public or private educational institution and complies with the following:

1. That has no signage visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person available for viewing; and
2. When, in order to participate in a program, a student must enroll at least three days in advance of the class.

NUDITY OR THE STATE OF NUDITY - Defined as:

1. The appearance of the cleft of the buttocks, anus, male genitals, female genitals, or areola of the female breast; or
2. A state of dress which fails to opaquely cover the cleft of the buttocks, anus, mail genitals, female genitals, or areola of the female breast.

NUISANCE - Anything, condition or use of property which endangers life or health, gives offense to the senses and/or obstructs the reasonable and comfortable use of other property.

NURSING HOME - A health care institution providing inpatient beds or residential beds and nursing services for curative, restorative and preventative nursing care offering continuing care to person(s) who need nursing services on a continuing basis but who do not require hospital care or direct daily care from a physician.

NURSERY - A commercial operation for the growth and sale of plants, storage of equipment for landscaping and the wholesale-retail sale of commercial gardening supplies.

OFFICE - A room or rooms and accessory facilities for the managing or conducting of a business.

OFF-STREET PARKING AND LOADING FACILITIES - A site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles and access drives (See Section 406).

OPEN SPACE - (See Usable Open Space).



PARK - A public or private parcel of land developed and used for passive or active recreation.

PARKING AREA - An area designed and constructed and used exclusively for the parking, storage and maneuvering of vehicles (See Section 406).

PROFESSIONAL OFFICE - Any building, structure or portion thereof used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist or other similar professions.

PUBLIC BUILDING - Facilities for conducting public business constructed for various public agencies. Includes all federal, state, county, and city offices and buildings.

PUBLIC HEARING - Hearings held as required by law.

PUBLIC UTILITY - Private or public facilities for distribution of various services, such as water, power, gas, communication, etc., to the public.

RECOVERY HOME – Private residence offering a structured management program to support the recovery of adults with a background of drug and/or alcohol abuse. Usually includes on-site professional staff and group support services.

RECREATION FACILITIES - Includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized group.

RECREATIONAL VEHICLE - A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use; which either has its own motive power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE PARK - Facilities for the temporary storage, parking, and maneuvering of recreational vehicles (motor homes, travel trailers, campers, etc.) with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day-to-day basis. Does not constitute a mobile home or trailer park.

RESTAURANT - An establishment which serves food or beverages only to persons seated within the building. This includes cafes and tea rooms.

RETAIL STORE - A commercial business for selling goods, services, ware or merchandise directly to the customer.

RIGHT-OF-WAY - Includes any public or private right-of-way and includes any area required for public use pursuant to any general official plan.

ROOMING HOUSE - Same as Boarding House.

SCHOOL, ELEMENTARY, JUNIOR HIGH, HIGH SCHOOL - Public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education.

SCHOOL, NURSERY - A school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five (5) or more children of elementary school age or younger, other than those residents on the site. Includes Day Care Centers.

SCHOOL, PRIVATE OR PAROCHIAL - An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.

SCHOOL, TRADE - Schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians schools and similar commercial establishments operated by a non-governmental organization.

SERVICE STATION - An occupancy engaged in the retail sales of gasoline, oil, tires, batteries and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including: automobile washing, waxing and polishing, tire changing and repairing but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication motor vehicles, rental of utility trailers, testing, adjustment and replacement of motor parts and accessories.

SEXUAL ENCOUNTER CENTER - A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact between persons of the opposite sex, when one or more of the persons is in a state of nudity in the forms of tumbling, wrestling or other similar activities for the purpose of engaging or attempting to engage in specified sexual activities or oral sex conduct; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity for the purpose if engaging or attempting to engage in specified sexual activities or oral sexual conduct.

SHOPPING CENTER - A group of 3 or more stores planned and designed for the site on which it or plazas provided on the property as an integral part of the unit.

SPECIAL EVENT - The temporary use of private property or any public street, park or other public facilities, for events that extend beyond the standard uses allowed by the Zoning Ordinance for that location, including, but not limited to, carnivals, circuses, revivals, rodeos, swap meets, sporting events, music festivals, pageants, parades, art and cultural events, entertainment events, public assemblies, and similar activities.

SPECIFIED ANATOMICAL AREAS - Defined as:

1. Human genitals in a state of sexual arousal:
2. The appearance of the cleft of the buttocks, anus, male or female genitals, or areola of the female breast; or

3. A state of dress that fails to opaquely cover the cleft of the buttocks, anus, male or female genitals or areola of the female breast.

**SPECIFIED SEXUAL ACTIVITIES** - Includes any one of the following:

1. The fondling or other erotic touch of the human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Urinary or excretory functions as part of or in connection with any activities as set forth in 1 through 3 above.

**STABLE** - A detached accessory structure including, but not limited to, a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire, or sale.

**STABLE, COMMERCIAL** - A structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

**STORY** - That portion of a building included between the surface of any floor and the finished ceiling next above it or the finished under surface of the roof directly over that particular floor.

**STREET** - Any existing or proposed street, avenue, boulevard, road, lane parkway, place, bridge, viaduct or easement for public vehicular access or a street shown in a plat heretofore approved pursuant to law or a street in a plat duly filed and recorded in the county recorder's office. A street includes all land within the street right of way whether improved or unimproved and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking spaces, bridges, and viaducts.

**STREET LINE** - The boundary line between street right of way and abutting property.

**STRUCTURE** - Anything constructed or erected which requires a fixed location on the ground, including a building but not including a fence or wall used as a fence.

**SUBDIVISION OF LAND** - (See Arizona Revised Statutes, Section 9-463).

**SWIMMING POOL** - Any permanent structure containing or intended to contain water for recreational uses, including wading pools.

**TEMPORARY USE** - A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time period. Such uses do not involve the construction or alteration of any permanent structure or site features.

**TRAVEL TRAILER** - A vehicle without motive power, portable structure with wheels built on a chassis, designed as a temporary dwelling for travel, recreation and vacation purposes, having a body width not exceeding eight (8) feet and its body length does not exceed thirty two (32) feet.

**USE** - The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.

**USE, ACCESSORY** - A use which is incidental, related, appropriate and clearly subordinate to the main use of the lot or building and which does not alter the principal use of the lot or building.

**USE, CONDITIONAL** - A use which is listed as a "Conditional Use" in any given zone district. Such use shall require a "Conditional Use Permit" in order to establish within that zone district and shall be subject to all conditions and requirements imposed by the Planning and Zoning Commission in connection with the "Conditional Use Permit".

**USE, PERMITTED** - A use which is listed as a "Permitted Use" in any given zone district. Such use shall be allowed to establish within that zone district, subject to the specific requirements of this Ordinance.

**USABLE OPEN SPACE** - Space which can be enjoyed by people. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Meaningful open space does not include parking areas. Vacant or undeveloped lots, or any other space which does not contribute to the quality of the environment.

**VARIANCE** - (See Arizona Revised Statutes, Section 9-462 and Section 306 of this Ordinance).

**WALL** - Any structure or device forming a physical barrier which is so constructed that fifty (50) percent or more of the vertical surface is closed preventing the passage of light air and vision through said surface.

**WAREHOUSE** - A building or buildings used for the commercial storage of goods, where no retail or wholesale operations are conducted at the site.

**WHOLESALE** - The sale of goods or materials for the purposes of resale.

**YARD** - Open and unoccupied space on a lot or parcel.

**YARD, FRONT** - A yard, the depth of which is the minimum required horizontal distance between the front line and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking spaces, bridges and viaducts.

**YARD, REAR** - A yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

**YARD, SIDE** - A yard, the width of which is the minimum required horizontal distance between the side lot line and a line parallel thereto on the lot, not including any portion of required front yard or required rear yard.

**ZONE** - A district classification established by this Ordinance which limits or permits various and specific uses.

**ZONE DISTRICT** - A zone area in which the same zoning regulations apply throughout the district.

**ZONING ADMINISTRATOR** - (See Section 108 of this Ordinance). Same as "Planning and Zoning Administrator".



## STAFF REPORT

**TO:** Planning and Zoning Commission  
**FROM:** Scott Ellis, Community Development Planner  
**MEETING:** June 18, 2018  
**SUBJECT:** **ZO-18-006 AMENDMENTS TO SECTION 417 “MH ZONE, MANUFACTURED HOME** – Consideration of a Zoning Ordinance text amendment to Section 417.D.6.a., 417.E.6.a &b., and 417.E.8.

### **BACKGROUND**

In 2006 the City adopted amendments to Section 417 of the Zoning Ordinance regarding “MH”, Manufactured Home zones. This was due to the need to create development standards for Manufactured Home Parks and Subdivisions. The ordinance was adopted after the approval of several Manufactured Home Parks within the city, resulting in nonconforming uses related to setback requirements.

The following changes are proposed:

Section 417.

#### **D. PROPERTY DEVELOPMENT STANDARDS FOR MANUFACTURED HOME SUBDIVISIONS.**

6. Minimum Front Yard: a. 20 Ft. from garage/carport. The driveway shall measure at least 20 Ft. from the back of sidewalk, **to the main structure of the garage.**

#### **E. PROPERTY DEVELOPMENT STANDARDS FOR MANUFACTURED HOME PARKS.**

6. Minimum Front Yard: a. 20 Ft. from garage ~~or carport.~~  
b. 10 Ft. from home, including **a carport**, covered porch or deck.

8. Attached canopies, awnings, covered porches, covered patios, ~~carport roofs~~ and similar attached building projections shall be measured the same as the main structure for setbacks.

## **STAFF ANALYSIS**

Since the MH Zone ordinance was adopted after approval and development of Manufactured Home Parks and Subdivisions, residents have had a difficult time adding garages or carports to their homes and meeting setback requirements. These changes will allow homeowners the ability to make these additions to their homes and meet ordinance requirements.

## **RECOMMENDATION**

Consider the proposed amendments to the Zoning Ordinance to provide a recommendation to the City Council to:

1. Change the text of the required setbacks related to garages and carports to ensure homeowners have the opportunity to add these structures to their property.

## SECTION 417. "MH" ZONE, MANUFACTURED HOME.

### A. PURPOSE.

This district is intended to promote orderly planned development of manufactured home parks and subdivisions to accommodate manufactured homes and related accessory uses. Regulations are designed to preserve and protect the residential character of the district and to ensure compatibility with adjacent districts.

### B. PERMITTED USES.

1. Manufactured Home Subdivisions.
2. One (1) manufactured home per lot in a manufactured home subdivision.
3. Manufactured Home Parks.
4. One (1) manufactured home per space in a manufactured home park.
5. Single-family residence for owner or manager of manufactured home park.
6. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
8. Publicly owned and operated parks and recreation areas and centers.
9. Home occupations.
10. Churches or similar places of worship.
11. Schools: Public and private elementary and high.
12. The keeping of fowl, subject to the standards set out under Section 404. O.

### C. CONDITIONAL USES.

1. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.
2. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
3. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.



D. PROPERTY DEVELOPMENT STANDARDS FOR MANUFACTURED HOME SUBDIVISIONS.

1. Minimum Subdivision Size: 3 acres
2. Minimum Lot Area: 5,000 Sq. Ft.
3. Minimum Average Lot Width: 50 Ft.
4. Minimum Lot Frontage: 30 Ft.
5. Maximum Lot Coverage: 40%
6. Minimum Front Yard:
  - a. 20 Ft. from garage/carport. The driveway shall measure at least 20 Ft. from the back of sidewalk, to the main structure of the garage.
  - b. 15 Ft. from main wall of home.
  - c. A covered front porch or deck may project up to 6 Ft. into the front yard setback area, as per the General Provisions section of this ordinance.
7. Minimum Side Yard:
  - a. 7 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 15 Ft.
8. Minimum Rear Yard:
  - a. 15Ft.
  - b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center of the alley.
9. Minimum Manufactured Home Size: 320 Sq. Ft.
10. Maximum Building Height: 2 stories, but not to exceed 25 Ft.
11. Usable Open Space: 800 Sq. Ft. of "Usable Open Space" as defined in this Ordinance shall be provided for each manufactured home.

E. PROPERTY DEVELOPMENT STANDARDS FOR MANUFACTURED HOME PARKS.

1. Minimum Manufactured Home Park Size: 5 acres.
2. Minimum Area per Manufactured Home Park Space: 3,000 Sq. Ft
3. Minimum Average Width of Space: 40 Ft.
4. Minimum Depth of Space: 60 Ft.

5. Minimum Rear Yard: 10 Ft.
6. Minimum Front Yard:
  - a. 20 Ft. from garage ~~or carport~~.
  - b. 10 Ft. from home, including a carport, covered porch or deck.
7. Minimum Side Yard:
  - a. 7 Ft.
  - b. Where a side lot line abuts a street or access-way, there shall be a side yard of not less than 15 Ft.
8. Attached canopies, awnings, covered porches, covered patios, ~~carport roofs~~ and similar attached building projections shall be measured the same as the main structure for setbacks.
9. Minimum Manufactured Home Size: 320 Sq. Ft.
10. Maximum Building Height: 2 stories, but not to exceed 25 Ft.
11. Recreation Area:
  - a. 800 Sq. Ft. of "Usable Open Space" as defined in this Ordinance shall be provided for each manufactured home space.
  - b. Where a centralized recreation area as approved by the Development Review Board is provided, the "Usable Open Space" may be reduced up to 400 Sq. Ft. per manufactured home at the following ratio: For each square foot of recreational area, open space requirements may be reduced by three (3) Sq. Ft. Recreational areas may include community use facilities, indoor recreational areas, swimming pools, hobby shops, etc.
12. Screening: All manufactured home parks shall be screened from any adjacent non-manufactured home development by a solid masonry screen wall six (6) Ft. in height, subject also to the fence height regulations established in Section 404 of this Ordinance.

Refer to Article V, Section 501, for specific screening requirements.

13. Driveways, Interior Streets and Access-Ways:
  - a. Manufactured home parks shall be located on or have direct access to a public street, except that no individual manufactured home space within the manufactured home park may have direct access to a public street.
  - b. A two-way interior street or access-way shall have a minimum width of twenty four (24) feet, except when an interior street or access-way is located between manufactured home parking spaces, it shall have a minimum width of thirty (30) feet.

- c. All driveways and interior streets shall be paved with asphalt, concrete, paving stone, masonry or similar permanent, hard surface material.
  - d. All plans and traffic engineering shall be subject to approval of the City Engineer and shall be based upon the spacing and maneuverability requirements for sixty (60) foot long manufactured homes.
  - e. Tandem parking is allowed for required parking located within individual spaces.
14. Certificate of Occupancy and Business License: No certificate of occupancy or business license shall be issued until thirty percent (30%) of the manufactured home spaces planned in any park, or ten (10) such spaces, whichever is greater, shall have been completely prepared, constructed and equipped for use in all respects.

F. LOCATIONS OUTSIDE OF PARKS AND SUBDIVISIONS:

1. Manufactured homes that are not located in an MH (Manufactured Home) Zone shall be subject to the development standards of the zoning district in which they are located.
2. Manufactured homes that are located in the MH (Manufactured Home) Zone but are not in a Manufactured Home Park or Subdivision shall be subject to the development standards of the R-1 (Single Family Residential) Zone.
3. A manufactured home may be allowed as a construction field office or temporary quarters for security personnel during construction, as per Section 404. M .2., provided no person other than the caretaker or night watchman occupies the unit.

G. GENERAL REGULATIONS.

1. Skirting: All manufactured homes not otherwise located on a permanent foundation shall be skirted with material similar in appearance to the material used for the siding on the Manufactured Home or provide a compatible base material of similar quality, shall completely enclose the space under the Manufactured Home, and shall be comprised of durable, low-maintenance, fire resistant material which is not susceptible to rapid weathering. The skirting shall be permanently maintained in good repair, be structurally sound, and not appear dilapidated, decayed or in disrepair.
2. Public Utilities: Every manufactured home shall be permanently connected to electric power, water supply, sewage disposal, gas and telephone service lines in compliance with applicable City Codes and all utility distribution and service lines shall be installed underground.
3. Accessory Buildings and Storage Structures: Accessory Buildings and Storage Structures in Manufactured Home Subdivisions or Parks are subject the requirements of Section 404 General Provisions, including the following:
  - a. Attached Accessory Buildings: Attached garages, carports, covered porches and patios, and storage structures shall be considered an integral part of the main structure in determining yard, lot and area requirements.

- b. Detached Accessory Buildings: No single detached accessory building or aggregate of accessory buildings shall exceed 750 square feet in area except by approval of a Conditional Use Permit.

H. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

I. SIGNS.

The provisions of Section 405 shall apply.

J. PARKING AND LOADING.

The provisions of Section 406 shall apply.

K. ZONING CLEARANCE.

The provisions of Section 303 shall apply.

L. DESIGN REVIEW.

The provisions of Section 304 shall apply to all uses other than single-family residences and individual manufactured homes.

M. CODE REVIEW.

The provisions of Section 305 shall apply to all uses other than single family residences.

N. LANDSCAPING REQUIREMENTS.

The provisions of Section 407 shall apply to all uses other than single family residences.



## STAFF MEMO

**TO:** Planning and Zoning Commission  
**FROM:** Scott Ellis, Planner  
**THROUGH:** Berrin Nejad, Community Development Manager  
**MEETING:** June 18, 2018  
**SUBJECT:** **ZO 18-008 AMENDMENTS TO SECTIONS 410 GA (General Agriculture), 411 AR-43 (Agricultural Residential), 423 CF (Community Facility), and 425 AR-70 (Agricultural Residential) - Consideration of a Zoning Ordinance text amendment to Sections 410, 411, 423, and 425 adding RV Parks as potential Conditional Uses in these zones.**

### **BACKGROUND**

The above listed zones currently allow campgrounds as Conditional Uses. Recent inquiries about where RV Parks may be allowed has determined that the current Zoning Ordinance does not specify their use within any zoning district. Staff has determined the RV Park use would fit best within the zones currently allowing campgrounds as they are similar in nature, with the addition of allowing them within the CF (Community Facility) zone as well. All requests for this use will be required to obtain a Conditional Use Permit, approved by the Planning & Zoning Commission.

Existing Zoning: GA Zone, Section 410. C. Conditional Uses, *with proposed amendment:*

1. Golf, rod and gun, tennis and country clubs.
2. Campgrounds.
3. RV Parks.
4. Commercial Stables.
5. Temporary stands for the sale of farm produce.
6. Cemeteries.
7. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
8. Any other such uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

Existing Zoning: AR-43 Zone, Section 411. C. Conditional Uses, *with proposed amendment:*

1. Golf, rod and gun, tennis and country clubs.
2. Cemeteries.
3. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
4. Campgrounds.
5. RV Parks.
6. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.
7. Any other such uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

Existing Zoning: CF Zone, Section 411. C. Conditional Uses, *with proposed amendment:*

RV Parks.

Any use determined by the Zoning Administrator to be similar to those listed above and not detrimental to the public health, safety and general welfare.

Any existing use in a Community Facility Zoning District shall not be converted to another permitted use, except by Conditional Use Permit.

Existing Zoning: AR-70 Zone, Section 425. C. Conditional Uses, *with proposed amendment:*

1. Golf, rod and gun, tennis and country clubs.
2. Cemeteries.
3. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
4. Campgrounds.
5. RV Parks.
6. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.
7. Any other such uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
8. One manufactured home installed at grade when used as the principal use of the property.

## **STAFF ANALYSIS**

The current City of Cottonwood Zoning Ordinance, Article II – Definitions lists a definition of an RV Park as:

*Recreational Vehicle Park – Facilities for the temporary storage, parking, and maneuvering of recreational vehicles (motor homes, travel trailers, campers, etc.) with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day-to-day basis. Does not constitute a mobile home or trailer park.*

There is not currently any zoning district within the city that allows RV Parks as a permitted or conditional use. However, the above referenced sections of the ordinance allow campgrounds, which are similar in nature to RV Parks. Currently, only the CF (Community Facility) zone does not list campgrounds as a conditional use, however, staff has determined that RV Parks would fit within the intent of this district as a benefit to the community.

Care has been taken to limit the amount of residential or residential type uses within the Industrial zones throughout the city. Cottonwood does not have large amounts of industrial zoning to recommend allowing permanent or temporary residential uses (except under certain circumstances as listed in the Zoning Ordinance). The I-1 (Light Industrial) zone expressly prohibits RV Parks as well as other residential uses to promote and encourage modern industrial and research development facilities. In 2015 a text amendment was approved removing residential uses in the I-2 (Heavy Industrial) zone except for accessory residential uses located in association with a permitted use, and only secondary to the permitted principal use.

## **RECOMMENDATION**

Consider the proposed amendment to the Zoning Ordinance to add RV Parks as Conditional Uses in the GA, AR-43, CF, and AR-70 zones and provide a recommendation for the City Council.

SECTION 410. "GA" ZONE, GENERAL AGRICULTURAL.

A. PURPOSE.

This district is intended to preserve agricultural areas with large lots (5 acres Minimum) and very low density residential development. Land use is composed of farming, agriculture and livestock raising together with residences and customary accessory uses and buildings.

B. PERMITTED USES.

1. One (1) single-family dwelling. Mobile home(s) and manufactured home(s) are prohibited.
2. One (1) guest house.
3. Keeping of large animals such as cattle and horses, but not to exceed one head per 20,000 Sq. Ft. of lot area. Swine and goats are prohibited except as allowed by Section 404. 0. 2. All such animals shall be owned by members of the family occupying the premises.
4. The keeping of fowl.
5. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
6. Publicly owned and operated parks and recreation areas.
7. Home occupations.
8. Churches or similar places of worship.
9. Schools: Public and private elementary and high.
10. Colleges, universities and professional schools.

C. CONDITIONAL USES.

1. Golf, rod and gun, tennis and country clubs.
2. Campgrounds.
3. RV Parks.
4. Commercial stables.
5. Temporary stands for the sale of farm produce.
6. Cemeteries.



7. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
8. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area: 5 acres
2. Maximum Lot Coverage: 20%
3. Minimum Front Yard: 50 Ft.
4. Minimum Side Yard: 25 Ft.
5. Minimum Rear Yard: 50 Ft.
6. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. ZONING CLEARANCE.

The provisions of Section 303 shall apply.

I. DESIGN REVIEW.

The provisions of Section 304 shall apply to all uses other than single-family residences.

## SECTION 411. "AR-43" ZONE, AGRICULTURAL RESIDENTIAL.

### A. PURPOSE.

This district is intended to promote and preserve agricultural areas, open spaces and very low density residential development. Regulations and property development standards are designed to protect the open space character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes on large lots (43,000 Sq. Ft. minimum) and low intensity agriculture.

### B. PERMITTED USES.

1. One (1) single-family dwelling. Mobile home(s) and manufactured home(s) are prohibited.
2. One (1) guest house.
3. Noncommercial farming and agriculture, not including the keeping of livestock.
4. Keeping of large animals such as cattle and horses, but not to exceed one head per 20,000 Sq. Ft. of lot area. Swine and goats are prohibited except as allowed by Section 404. 0. 2. All such animals shall be owned by members of the family occupying the premises.
5. The keeping of fowl.
6. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
8. Publicly owned and operated parks and recreation areas.
9. Home occupations.
10. Churches or similar places of worship.
11. Schools: Public and private elementary and high.
12. Colleges, universities and professional schools.

### C. CONDITIONAL USES.

1. Golf, rod and gun, tennis and country clubs.
2. Cemeteries.

3. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
4. Campgrounds.
5. RV Parks.
6. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.
7. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 43,000 Sq. Ft.
2. Minimum Average Lot Width: 100 Ft.
3. Minimum Lot Frontage: 100 Ft.
4. Maximum Lot Coverage: 40%
5. Minimum Front Yard:
  - a. 40 Ft.
  - b. Where lots have a double frontage on two streets, the required front yard shall be provided on both streets.
6. Minimum Side Yard:
  - a. 20 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 40 Ft.
7. Minimum Rear Yard:
  - a. 40 Ft.
  - b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of alley.
8. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. ZONING CLEARANCE.

The provisions of Section 303 shall apply.

I. DEVELOPMENT REVIEW.

The provisions of Section 304 shall apply to all uses other than single-family residences.

SECTION 423. "CF" ZONE, COMMUNITY FACILITY.

A. PURPOSE.

CF Districts are intended for schools and a variety of other public and private institutions and facilities which generally benefit a Community.

B. PERMITTED USES.

1. Parks.
2. Cemeteries.
3. Public Schools.
4. Public Hospitals and Clinics.
5. Fair Grounds and Clinics.
6. Airports.
7. Government Administration, Services and Maintenance Facilities

C. CONDITIONAL USES.

1. RV Parks.

Any use determined by the Zoning Administrator to be similar to those listed above and not detrimental to the public health, safety and general welfare.

Any existing use in a Community Facility Zoning District shall not be converted to another permitted use, except by Conditional Use Permit.

D. PROPERTY DEVELOPMENT STANDARDS.

Due to the uniqueness of this zoning district rigid property development standards are not applicable. This zoning district will be applied to the appropriate existing land uses and any new development in areas which are zoned CF will be subject to review and specific development standards will be applied by the Development Review Board on an individual basis.

E. GENERAL PROVISIONS.

The general provisions of Section 404 shall apply to all uses with the following conditions:

1. Section 404. M. 1. (Storage and parking of Manufactured Homes, House Trailers), shall not apply in reference to activities related to the Verde Valley Fair Grounds.

2. Section 404. V. 1. (Noise), due to the type of uses which are conducted at Community Facilities a Temporary Use Permit will be obtained from the Zoning Administrator to exceed the allowable noise levels in Section 404.V.1. in accordance with the following:

The Zoning Administrator shall obtain approval from the City Police Department, Fire Department, and County Health Department. A time limit shall be established for each use conducted under the Temporary Use Permit and Public Announcements shall be made to inform the General Public.

F. SIGNS.

Signs for development in the Community Facility Zoning Districts shall be subject to approval by the City Design Review Board. The provisions of the sign ordinance shall be used as a guideline when considering signs in areas zoned CF.

G. PARKING AND LOADING.

Plans for Parking and Loading areas for uses in CF Zoning Districts shall be subject to review and approval by the City Development Review Board. The provisions of Section 406 shall be utilized as guidelines when approving such plans.

H. ZONING CLEARANCE

The provisions of Section 303 shall apply.

I. DESIGN REVIEW.

The provisions of Section 304 shall apply to all uses other than single-family residences and individual manufactured homes.

J. CODE REVIEW.

The provisions of Section 305 shall apply to all uses other than single family residences.

K. LANDSCAPING REQUIREMENTS.

The provisions of Section 407 shall apply to all uses other than single family residences.

SECTION 425. "AR-70" ZONE, AGRICULTURAL RESIDENTIAL.

A. PURPOSE.

This district is intended to promote and preserve agricultural areas, open spaces and very low density residential development. Regulations and property development standards are designed to protect the open space character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes on large lots (70,000 Sq. Ft. minimum) and low intensity agriculture.

B. PERMITTED USES.

1. One (1) single-family dwelling. Manufactured homes are prohibited.
2. One (1) guest house.
3. Noncommercial farming and agriculture, not including the keeping of livestock.
4. Keeping of large animals such as cattle and horses, but not to exceed one head per 20,000 Sq. Ft. of lot area. Swine and goats are prohibited except as allowed by Section 404. 0. 2. All such animals shall be owned by members of the family occupying the premises.
5. The keeping of fowl.
6. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
7. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
8. Publicly owned and operated parks and recreation areas.
9. Home occupations.
10. Churches or similar places of worship.
11. Schools: Public and private elementary and high.
12. Colleges, universities and professional schools.

C. CONDITIONAL USES.

1. Golf, rod and gun, tennis and country clubs.
2. Cemeteries.
3. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.

4. Campgrounds.

5. RV Parks.

6. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.
7. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
8. One manufactured home installed at grade when used as the principle use of the property.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 70,000 Sq. Ft.
2. Minimum Average Lot Width: 100 Ft.
3. Minimum Lot Frontage: 100 Ft.
4. Maximum Lot Coverage: 40%
5. Minimum Front Yard:
  - a. 50 Ft.
  - b. Where lots have a double frontage on two streets, the required front yard shall be provided on both streets.
6. Minimum Side Yard:
  - a. 25 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 40 Ft.
7. Minimum Rear Yard:
  - a. 50 Ft.
  - b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of alley.
8. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.



G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. ZONING CLEARANCE.

The provisions of Section 303 shall apply.

I. DESIGN REVIEW.

The provisions of Section 304 shall apply to all uses other than single-family residences.



## STAFF MEMO

**TO:** Planning and Zoning Commission  
**FROM:** Scott Ellis, Planner  
**THROUGH:** Berrin Nejad, Community Development Manager  
**MEETING:** June 18, 2018  
**SUBJECT:** **ZO 18-009 AMENDMENT TO SECTION 404.H. GENERAL PROVISIONS** - Consideration of a Zoning Ordinance text amendment to Section 404.H. changing Section 404.H.3. to restrict overall building height of structures within the city, with or without a Conditional Use Permit, and renumbering sections 404.H.3 through 404.H.10.

### **BACKGROUND**

Due to several projects throughout the city in which building heights have exceeded the standard 35 feet, the Fire and Building Departments have concerns with life-safety issues when building exceed 35 feet or 3 stories. All zoning districts within the city allow buildings to be 2 ½ stories, not to exceed 35 feet, except under a Conditional Use Permit. Rezoning to PAD (Planned Area Development) also allows an applicant to propose building heights exceeding 35 feet. The CF (Community Facility) zone also does not have rigid development standards identifying a building height limit. Within the CF zone, an applicant can propose any building height as long as it meets building and fire code standards.

The “MH” Manufactured Home zoning district restricts building height to two (2) stories or twenty-five (25) feet. This will not change, and does not have the option to increase the height with a Conditional Use Permit.

Within all zoning districts in the city, except PAD and CF mentioned above, the following is in regards to building heights:

*Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.*

The following addition to Section 404.H. is proposed:

#### H. HEIGHT REGULATIONS.

##### 3. Maximum Building Height:

- a. Except within an approved Planned Area Development or by Conditional Use Permit, no building in any zoning district shall exceed 2 ½ stories or thirty-five (35) feet in height.
- b. No building in the MH Zone shall exceed two (2) stories or twenty-five (25) feet in height.
- c. Notwithstanding any other provision of this subsection, or any uniform code adopted by the City, any building permitted to exceed three (3) stories or forty (40) feet in height, whether by Conditional Use Permit or as part of an approved Planned Area Development, shall be built entirely with noncombustible materials as approved by the City's Fire Chief and/or Fire Marshal.

#### **STAFF ANALYSIS**

The current City of Cottonwood Zoning Ordinance, has maximum building heights listed to not exceed 2 ½ stories or 35 feet, except by Conditional Use Permit. The MH (Manufactured Home) zone restricts properties to two (2) stories, not to exceed 25 feet, and does not allow for a Conditional Use Permit to exceed these requirements. The MH zone will remain as is.

Several recent projects have buildings that exceed the 2 ½ story or 35 foot requirement, and concerns have been raised by staff that future projects could request to exceed the existing requirements. The city has a fire sprinkler ordinance in place that requires most buildings to install fire sprinklers, however, the Fire Department has concerns with the type of materials that could be used for construction of these taller buildings. The city does not have the ability to put out fires that exceed three (3) stories when constructed of combustible (wood frame) materials.

After discussion, staff has determined the best way to proceed is to continue allowing buildings to exceed the 2 ½ story and 35 foot requirement through a Conditional Use Permit, and put restrictions on the type of construction materials that can be used when exceeding these height requirements.

#### **RECOMMENDATION**

Consider the proposed amendment to the Zoning Ordinance to change Section 404.H.3. by adding maximum building height, renumbering the remaining provisions within that section, and provide a recommendation for the City Council.

## SECTION 404. GENERAL PROVISIONS.

### A. APPLICATION.

Except as hereinafter provided, no building, structure or premise shall be used and no building, or structure, or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished or materially altered except in conformity with these provisions and the provisions of the zone in which it is located. Any use that is not specifically allowed is hereby declared to be prohibited.

### B. USE RESTRICTIONS.

1. Permitted Uses: Those uses listed as "Permitted Uses" shall be allowed to establish within any zone district in which they are listed, subject to the specific requirements of this Ordinance. All other uses shall be prohibited except as otherwise provided in this Ordinance.
2. Conditional Uses: Those uses listed as "Conditional Uses" shall require a "Conditional Use Permit" in order to establish within the zone district in which they are listed and shall be subject to all conditions and requirements imposed by the Planning and Zoning Commission in connection with the "Conditional Use Permit".
3. Accessory Uses: A use which is incidental, related, appropriate, and clearly subordinate to the main use of the lot or building and which does not alter the principal use of the lot or building, shall be allowed to establish within any given zone district, but may not be constructed more than six (6) months prior to the erection of the main building.
4. Unspecified Uses: Whenever a use is proposed which is not listed as permitted or conditional use in any zone district, the Planning and Zoning Commission shall determine, through minute action, the appropriate zoning classification of such use. In making their determination the Planning and Zoning Commission shall consider similar uses which are listed in the Code.

### C. NONCONFORMING LOTS OF RECORD.

Notwithstanding any other provisions of this Ordinance, a building may be constructed on any lot of record before the adoption of this Ordinance in any zone in which such buildings are permitted even though such lot fails to meet the area or width requirements within the zone, except that such construction shall conform to any lot coverage and yard requirements of the zone. However, where two (2) or more contiguous lots of record are owned by the same person the land included in the lots shall be considered an undivided parcel once a structure is located so as to cross the lot lines separating said lots and no portion of said parcel shall be used as a building site or sold which does not meet the area and width requirements of the zone in which the lot is located.

D. REDIVIDING OF RECORDED LOTS.

No lot may be divided to create a lot not in conformance with these regulations. No lot shall be divided or combined in any manner other than through subdivision procedures as specified by the Subdivision Regulations.

E. STREET DEDICATION REQUIREMENTS.

1. All lots shall abut a public street connecting with the public street system, except that lots or parcels within shopping centers and group commercial centers shall be allowed where the use of private streets or shared access easements provides access to such lots or parcels within the shopping center, provided that such access is constructed to approved City standards, is contained in a recorded permanent nonexclusive access easement, and responsibility for continued maintenance of the access way is vested in the property owners.
2. A building permit shall not be issued for a lot which does not abut a dedicated public street or which abuts an undedicated portion of a partly-dedicated public street, except as permitted by this ordinance for lots within a shopping center. All public or private easements which are filed in the public records of Yavapai County as of August 14, 1979, are exempt from this requirement.
3. The City Council may require the dedication of streets and utility easements as a condition of rezoning.

F. SITE UNSUITABILITY.

Where land is held by the Zoning Administrator, Planning and Zoning Commission or Development Review Board to be unsuitable for development by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate, low bearing strength, erosion susceptibility or any other features likely to be harmful to the health, safety or general welfare of the community, such land shall not be used or built upon until the developer has proposed methods for overcoming these problems and has received approval from the Zoning Administrator or Development Review Board. The development of said land shall be conditioned upon the successful implementation of the proposed corrective measures.

G. YARD, LOT, AND AREA REQUIREMENTS.

1. Application: No building shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such building or open space is located, except as otherwise specifically provided.
2. Yards: Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc. and accessory structures as allowed in this Ordinance shall not be considered obstructions. No yard or other open space provided about any building for the purpose of complying with the provisions of these

Restrictions shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.

3. Projections Over Required Yards:
  - a. Awnings, open fire balconies, fire escape stairs, window type refrigeration units, suspended or roof evaporative coolers, and similar features may project not more than five (5) feet over any required side or rear yard, provided that they shall be no closer than three (3) feet to any lot line and shall not project into any required front yard.
  - b. Architectural details such as canopies, cornices and eaves may project not more than three (3) feet over any required yard, provided that they shall be no closer than three (3) feet from any lot line.
  - c. Sills, leaders, belt courses and similar ornamental features may project not more than six (6) inches over or into any required yard.
4. Porches, Patios and Steps: Architectural features providing a transition from the outside to the inside of buildings are permitted, subject to the following conditions:
  - a. Unroofed porches, terraces, patios, steps or similar features not over three (3) feet in height above grade, may project into any required yard, provided that projections into required front yards shall not exceed ten (10) feet from the main wall of the building, provided that they shall be no closer than three (3) feet from any lot line.
  - b. In commercial and industrial zones, unless restricted by this ordinance, covered porches, terraces, patios, steps or similar covered features may project up to six (6) feet into a required front yard, provided said projections shall not exceed fifty percent (50%) of the lineal frontage of subject building face, and provided the front and sides of the structure shall remain open and are not enclosed with windows, walls, screens or similar materials.
  - c. In residential zones, unless restricted by this ordinance, covered porches, terraces, patios, steps or similar covered features may project up to six (6) feet into a required front yard, provided the front and sides of the structure shall remain open and are not enclosed with windows, walls, screens or similar materials.
5. Accessory Structures (Attached): A private automobile garage, carport or accessory structure having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot and area requirements. The determination of yard requirements shall not include covered front porches, patios and decks permitted to project into a front yard setback area, where allowed by this ordinance.

## 6. Swimming Pools and Detached Accessory Buildings

- a. **Swimming Pools:** A swimming pool, in any zone shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.
- b. **Detached Accessory Buildings in Commercial and Industrial Zones:** Any detached accessory building in a commercial or industrial zone shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone. All accessory buildings including galvanized and zinc-coated structures must be painted.
- c. **Detached Accessory Buildings in Residential Zones:**
  - (1) Accessory buildings eight (8) feet in height or less shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.
  - (2) Accessory buildings over eight (8) feet in height must meet all the setback requirements for the principal building in that zone.
  - (3) In the AR-20, R-1, R-2, R-3, and R-4, no single accessory building or aggregate of accessory buildings shall exceed 2,000 square feet except by approval of a conditional use permit.
  - (4) In the GA, AR-70 and AR-43 zones, no accessory building or aggregate of accessory buildings shall exceed 3,000 square feet except by approval of a conditional use permit.
  - (5) In the MH zone, no single accessory building or aggregate of accessory buildings shall exceed 750 square feet except by approval of a conditional use permit.
  - (6) All accessory buildings, including galvanized and zinc-coated structures must be painted.
  - (7) **Residential Accessory Buildings:** No building which is accessory to any residential building shall be erected to a height greater than one (1) story or sixteen (16) feet to the peak or highest point of the roof, except as otherwise may be permitted by a conditional use permit.

d. Detached Accessory Guest House in Residential Zones:

- (1) Where listed as a Permitted or Conditional Use, one (1) detached guest house may be considered for parcels or lots with no more than one single-family dwelling.
  - (2) The parcel or lot must meet the minimum size required for the zoning district where the use is proposed and any other area requirements specified through the zoning.
  - (3) The guest house shall not exceed 750 square feet of livable building area.
  - (4) The guest house shall meet all setbacks and building separation requirements as the primary residence and it shall be located to the rear of the primary residence.
  - (5) The guest house shall not have a separate primary property address.
  - (6) The guest house shall not have a separate set of utility meters for water, electricity or natural gas; or separate sewer connections.
  - (7) One (1) additional off-street parking space shall be required for the Guest House, in addition to the off-street parking required for the primary residence. The guest house shall share a common driveway with the primary residence with no additional driveway access allowed from the street to accommodate the guest house.
  - (8) Manufactured homes, mobile homes, travel trailers, recreational vehicles and similar structures shall be prohibited for use as guest homes in all districts.
  - (9) Guest homes may include a full kitchen; however, such units shall not be used as separate rental units. The guest house is intended for sole use by the occupants of the primary residence and their non-paying guests.
7. Solar Units: Solar heating and solar cooling units, solar greenhouses and associated apparatus may, notwithstanding any other provision of this Ordinance, be located in a required rear or side yard provided that such apparatus does not cover more than thirty (30) percent of that side or rear yard and shall be no closer than two (2) feet to any lot line.
8. Service Station Pumps: No automobile service station pump shall be located closer than twenty four (24) feet from a street property line nor closer than fifty (50) feet from a residential, agricultural or mobile home zone.



## H. HEIGHT REGULATIONS.

1. Purpose: Height regulations for buildings and structures are established for the City of Cottonwood to protect scenic view resources, promote compatible development and ensure development occurs in a manner that protects the health, safety and general welfare of the citizens of Cottonwood.
2. Applicability: No building or structure shall be erected, reconstructed or structurally altered to exceed the height limit designated for the Zoning District in which such building or structure is located, except as otherwise specifically provided in this Section, and provided such exceptions are in conformance with all other applicable city codes, ordinances, and regulations.
3. Maximum Building Height:
  - a. Except within an approved Planned Area Development or by Conditional Use Permit, no building in any zoning district shall exceed 2 ½ stories or thirty-five (35) feet in height.
  - b. No building in the MH Zone shall exceed two (2) stories or twenty-five (25) feet in height.
  - c. Notwithstanding any other provision of this subsection, or any uniform code adopted by the City, any building permitted to exceed three (3) stories or forty (40) feet in height, whether by Conditional Use Permit or as part of an approved Planned Area Development, shall be built entirely with noncombustible materials as approved by the City's Fire Chief and/or Fire Marshal.
4. Architectural Embellishments: Except as described for Industrial Zoning Districts, the height limitations for each Zoning District may be exceeded by no more than ten (10) feet for spires, cupolas, domes, pediments or similar architectural or ornamental structures integrated directly into the design of the building, provided such elements occupy no more than ten percent (10%) of such roof area in total measured in plan view and provided the design is subject to review and approval through the Design Review process.
5. Non-Habitable Rooftop Structures: Except as described for Industrial Zoning Districts, the height limitations for each Zoning District may be exceeded by no more than ten (10) feet for flues, vents, poles, beacons, enclosed mechanical towers, or other similar non-habitable structures extending above the roof of a building provided such structures occupy no more than ten percent (10%) of such roof area in total measured in plan view and provided the design is subject to review and approval through the Design Review process.
6. Industrial Structures: In Industrial Zoning Districts, chimneys, derricks, conveyors, cooling towers, elevator bulkheads, fire towers, storage tanks, water towers, or similar accessory structures necessary and integral to the industrial process may extend to a height of sixty (60) feet above grade, provided that such structures shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed. The Planning and Zoning Commission may approve additional height for accessory industrial structures where it is determined

that the location does not adversely impact scenic views from other properties and provided it meets safety standards and is not in conflict with any other codes, ordinances and regulations of the City of Cottonwood.

7. Monuments, Memorials, and Statues: Height limits for freestanding or attached monuments, memorials, symbolic representations, statues, art installations or similar structures shall be subject to the following:
  - a. Review and approval through the Design Review process which shall consider the height and size of a proposed structure in terms of scale, proportion and relationship to the surrounding context, including buildings, site plan layout, landscape features, streets and pedestrian areas, and which may limit such height to lower than the maximum allowed by this Section based on the specific considerations of the site so as to achieve an integrated design for the development;
  - b. Shall not exceed 25 feet in height above the prevailing finished grade; and
  - c. All such structures or installations must meet the setback standards for the underlying zoning district.
7. Flagpoles: A flagpole shall be located so that if it should collapse, its reclining length would be contained on the property on which it was installed.
8. Wireless Communication Facilities: So as to ensure the protection of scenic view resources in and around Cottonwood, which otherwise define a significant and valued aspect of the character of the city, the following regulations shall apply to new and expanded wireless communication facilities:
  - a. The regulations contained in this Ordinance are intended to be in compliance with the Federal Telecommunications Act of 1996, which shall supersede any regulations contained herein;
  - b. The overall height of any wireless communications structure, antenna and/or antenna array shall not be greater than a maximum of sixty (60) feet from the ground to the highest physical point on the structure, provided, however, that a wireless communications structure, antenna and/or antenna array up to ninety (90) feet from the ground to the highest physical point on the structure may be permitted in any zoning district other than the R-1 District and the Old Town Historic District with the approval of the City Council, upon a showing by the applicant that the additional height is the least intrusive means of filling a significant gap in a wireless communications provider's coverage within the City. In making this determination and allowing a wireless communications structure, antenna and/or antenna array to exceed the sixty (60) foot height limitation by up to thirty (30) additional feet, the City Council shall consider the findings and recommendations of the Planning and Zoning Commission, which shall hold a public hearing on any proposal to exceed the sixty (60) foot height limitation. The Council may or may not hold a separate hearing on the proposal following its receipt of the Commission's findings and recommendations, and may impose reasonable conditions on its approval of any

proposal to exceed the sixty (60) foot height limitation, either based on the recommendations of the Commission or on its own motion;

- c. Encourage the location and colocation of wireless communications equipment on existing structures thereby minimizing adverse visual, aesthetic and public safety impacts, and effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
- d. Wireless communication facilities shall be discouraged within any Historic District or in proximity to any historic properties in the City of Cottonwood unless designed in a manner that avoids adversely impacting such historic resources through the use of design techniques that minimize or hide the facility; and
- e. Such structure shall be located and constructed so that if it should collapse, its reclining length would be contained on the property on which it was installed.

9. Solar and Wind Energy Devices:

- a. Solar Devices: Solar energy equipment mounted on rooftops may exceed the maximum allowable height for the zoning district by up to five (5) feet.
  - b. Wind Energy Devices: In Industrial, Agricultural Residential or Community Facility zoning districts with a minimum five (5) acre site no more than one accessory wind energy device per parcel or development site may be installed on a freestanding pole or support structure, not to exceed 60' in height at its highest point above grade and subject to obtaining a building permit. Such structure shall be located and constructed so that if it should collapse, its reclining length would be contained on the property on which it was installed.
10. Airport Height Restrictions: No building or structure shall be erected, altered, or maintained within any existing or proposed portions of Cottonwood Airport property, Cottonwood Industrial Airpark or any related airspace that has a height in excess of the height limitations established by that zoning district or as per any special restrictions for such established by the FAA, the Cottonwood Airport Master Plan or any other related regulations, including Building Restriction Lines or Runway Protection Zones, so as to protect the safety and integrity of the airport functions.

I. HEIGHT LIMITATIONS ON CORNER LOTS.

Within a triangle formed by the street front and side lot lines and a line connecting these lot lines at points measured along these lot lines a distance of twenty five (25) feet from their intersection, all fixtures, construction, hedges, shrubbery and other plantings shall be limited to a height not over two (2) feet above the elevation of the street line level at the same intersecting streets. Within the same triangle and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at the said intersecting streets.

J. WALLS AND FENCES.

1. PERMITS:

- a. A fence permit shall be required before a perimeter fence or wall may be constructed, reconstructed or altered within the City of Cottonwood.
- b. A legible drawing shall be submitted showing all fence dimensions, gates, lot lines, setbacks and buildings on the property and all adjacent streets and alleys. On the drawing also indicate the height of the fence and type of materials from which it is to be constructed. If the fence\wall is to be constructed of block or concrete indicate the type of reinforcing and type and size of footings.

2. EXCEPTION:

Fences within the GA, General Agricultural Zone, intended for the keeping of livestock, however said fences shall conform to requirements of this Section.

3. ALL FENCE PERMITS:

Shall be reviewed by the Code Review Board prior to being issued so as to be in compliance with all Codes.

4. HEIGHT:
  - a. No solid, view obscuring wall, fence or hedge over three (3) feet high and no chain link or wire fence or similar open, non-view obscuring fence over four (4) feet high shall be constructed or maintained nearer to the street line than the required front or street-side building setback line, nor be more than six (6) feet in height in any rear or side yards, provided that fences exceeding the above heights may be built around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof, or within Industrial areas when approved by the Development Review Board or in Agricultural or Agricultural-Residential Zoning Districts when a Conditional Use Permit has been secured for such purposes. The height regulations shall not apply when fences of greater height are required by the Planning and Zoning Commission or Development Review Board in order to provide adequate screening as required by this Ordinance.
  - b. Refer to Article V. for specific screening requirements.
5. No person shall place a fence or wall near any fire hydrant, fire department connection or fire protection system valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum of three (3) feet clear space shall be maintained around the circumference of the fire hydrant except as otherwise required or approved by the Code Review Board.
6. Hazardous Materials: No wall or fence shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices, provided that fences enclosing storage areas in Industrial Zoning Districts may contain barbed wire so long as such wire is located not less than six (6) feet above grade. Fences containing electrical current or barbed wire shall be allowed within Agricultural or Agricultural- Residential Zoning Districts provided a Conditional Use Permit has been secured for such purpose.
7. Materials and Design: Fences and walls in all Zoning districts shall be constructed of material in new condition only. Material must be wood, woven wire or masonry, of conventional design. Fences or walls of other than specified material or of other than conventional design, shall be allowed only by Conditional Use Permit, except that fence constructed of pipe shall be allowed in any Agricultural or Agricultural-Residential Zoning Districts.
8. Swimming Pools: All swimming pools shall be enclosed by a solid wall, wood or chain link fence not less than five (5) feet nor more than six (6) feet in height so as to prevent uninvited access.
9. Storage Facilities: Where "storage facilities" are to be enclosed by a masonry wall or solid fence as required elsewhere in this Ordinance, such enclosure shall be considered adequate only when constructed of: masonry without aperture, chain link with slats or wood fence with no aperture exceeding one quarter (1/4) inch.

10. Refer to Article V, Section 501, for specific screening requirements.

11. Fees: No fee shall be charged for Conditional Use Permits concerning fences.

K. DUMPING, DISPOSAL, AND EXCAVATION.

1. Prohibited Dumping: The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, refuse, ashes, slag or industrial wastes or by-products, shall be prohibited in every district except as otherwise provided in this Ordinance.

2. Dumping of Dirt or Material: In any district, the dumping or stockpiling of dirt, sand, rock, other material excavated from the earth or other organic or inorganic landscape material in quantities which exceed 50 cubic yards total for the overall development site or project site shall be subject to the requirements of the Building Code regarding review and approval of a Grading Permit and shall be subject to Section 304 of the Zoning Ordinance requiring review and approval by the Design Review Board, except as otherwise provided herein.

3. Excavation: A Conditional Use Permit shall be required for any person, firm or corporation to strip, excavate or otherwise remove soil, earth, gravel, etc., for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

L. OUTDOOR STORAGE AND JUNK AUTOMOBILES.

1. Definitions:

a. Outdoor Storage: The location of any goods, services, wares, merchandise, commodities, junk, debris, vehicles or any other item outside of a completely enclosed building for a continuous period longer than twenty four (24) hours.

b. Junk Automobile: A vehicle or any other major portion thereof which is incapable of movement on its own power and will remain so without major repair, or does not have a valid and current State of Arizona registration certificate and/or which does not conform to the State of Arizona Motor Vehicle Division standards for operation of a motor vehicle on public streets or highways.

2. **Outdoor Storage:** With the exception of automobiles, trailers, motorcycles, mobile homes, boats, motor homes, growing plants, nursery stock, Christmas trees, service stations displaying new automotive and related merchandise and landscaping items, outdoor storage shall not be allowed in the required front yard of a lot, and shall be screened by a six (6) foot high solid masonry fence or a fence or screening of a height and material as allowed or required by the Planning and Zoning Commission.

Refer to Article V, Section 501, for specific screening requirements.

3. **Junk Automobiles:** Junk automobiles shall be stored between the rear of the main structure and the rear lot line and shall not be visible from any public street. In no case shall junk automobiles be stored on a lot, tract or parcel unless screened from view from any public street by a screened fence in accordance with the screened fencing provisions of the Zoning Code pertaining to height and materials. No more than two (2) junk automobiles shall be stored on any lot, tract or parcel unless authorized by Conditional Use Permit granted by the Planning and Zoning Commission.
4. **Existing Outdoor Storage and Junk Automobiles:** All outdoor storage and junk automobiles existing at the time of the passage of this Ordinance shall, within twelve (12) months of its passage, be made to comply fully with these requirements or be removed.
5. **Vending Machines:** Exempt from the requirements of this Section are vending machines, not to exceed three (3) in number or on any one property. Permission to maintain in excess of three (3) vending machines shall be by Conditional Use Permit.

#### M. STORAGE AND PARKING OF MOBILE HOMES AND TRAILERS.

1. **Storage:** Mobile homes, house trailers, commercial trailers, boat trailers, campers or travel trailers shall not be stored, parked, or located in any zone other than as listed in the zone regulations or as otherwise provided herein, except that the storage of one (1) boat trailer and not more than one (1) uninhabited camper or uninhabited travel trailer shall be allowed for each residence. Such vehicles may not be located in the front yard of a residence.
2. **Construction Office or Security Personnel Housing:** A mobile home or trailer may be allowed in any zone to conduct business or provide housing for security personnel, during the construction of permanent building when a valid building permit is in effect. Such mobile home or trailer shall be removed immediately after completion of the building.

#### N. HOME OCCUPATIONS.

1. Home occupations shall be "permitted" or "conditional" as indicated within each zone district regulations, subject to the following requirements:
  - a. Home Occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes, shall be conducted entirely within the dwelling and shall not change the character thereof.

- b. Area: No more than 25 percent (25%) of the gross floor area of the dwelling shall be devoted to the home occupation.
- c. Employees: There shall be no employees other than members of the immediate family residing on the premises.
- d. Delivery Vehicles: No business shall be conducted which requires delivery vehicles or other services not customary to a residence.
- e. Nuisances: There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration or other nuisances discernible beyond the property lines.
- f. Signs shall be subject to applicable provisions of Section 405.

O. ANIMALS AND PETS.

- 1. Household Pets: Except as otherwise permitted in this Ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three (3) pets, such as dogs, cats and similar household pets, exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building and which do not create odor or sound which is detectable on an adjoining lot.
  - a. Exception for Chickens: The regular (non-commercial) keeping and raising of chickens is permitted in the R-1, R-2, R-4 and MH zones, subject to the following performance standards:
    - 1) Conformance to all applicable Yavapai County Health standards;
    - 2) Keeping shall also be subject to the same standards as for Show Animals (below) pertaining to caging, cleaning, and for storage of feed and equipment;
    - 3) Number of chickens is limited to twelve (12) per household;
    - 4) Roosters are prohibited;
    - 5) Containment areas shall be located a minimum of 15 feet from property boundaries; and
    - 6) Issuance of an annual permit by the Community Development Department.
- 2. Show Animals: The keeping of animals as show projects, not to exceed one lamb, or three adult rabbits or other small animals per project or premises, shall be an allowable use only by family members residing on the premises. Annually a completed form, prescribed by the Planning and Zoning Department, with name and physical address of each applicant and type, duration and number of animals of each project shall be submitted to the Planning and Zoning Department by said resident. Goat, swine, beef, adult sheep and horse projects shall be limited to Agricultural zones. Lamb, rabbits and other small animal projects shall be allowed in residential zones by permit only.



The projects in zones other than Agricultural shall be of a limited duration not exceeding six (6) months in one (1) calendar year, allowing for the care, feeding and grooming of such animals to be shown and/or sold annually at events such as the Verde Valley, Yavapai County and/or Arizona State Fair. In the instance that a prize winning animal is to be entered into competition more than one time, an extension of the permit may be applied for and after evaluation by the Planning and Zoning Department conditionally extended. Pens, stables, cages and other shelters for such animal projects shall not be located closer than twenty five (25) feet to any property line. All structures shall be kept in a neat and sightly manner and shall be controlled daily from refuse, manure, flies and other nuisances at all times. Storage of feed equipment and other material related to such animals shall be entirely within an enclosed building. Carports or garages attached to a residence shall not be used to contain such animal projects.

3. Nuisance: Where the keeping of such animals becomes a nuisance, the Planning and Zoning Inspector shall have the authority to require a reduction in the number of and/or removal of the animals. Normally the Inspector will allow a ten (10) day grace period for compliance to the Ordinance. In exceptional cases the Inspector shall require immediate removal of the animals in question.
4. The provisions of the Ordinance are not intended to authorize the keeping of animals, regardless of number, size or type, in a manner which constitutes a nuisance and which impairs the enjoyment or use of nearby properties or violates other legal restrictions the properties are subject to.

P. CARNIVALS, CIRCUSES, REVIVALS, RODEOS, SWAP MEETS, OUTDOOR RETAIL SALES, AND SIMILAR ACTIVITIES.

Deleted by Ordinance 531, adopted November 4, 2008. Please refer to Section 307. "Temporary Use Permits.

Q. EXTERIOR LIGHTING.

Deleted by Ordinance 384, adopted December 21, 1999. Please refer to Section 408, "Outdoor Lighting Code."

R. PUBLIC SERVICE FACILITIES.

A Conditional Use Permit shall be required by all Public Service Companies in order to establish or substantially expand utility buildings, structures or appurtenances thereto in any zoning district. Extension of public service lines in public or private right of way is exempt from these requirements.

S. TRASH ENCLOSURES.

1. A Permanent Enclosure for temporary storage of garbage, refuse, and other waste materials shall be provided for every use, other than single-family dwelling, multiple-family dwellings of less than four (4) units and mobile homes in every zoning district except where an approved mechanically loaded steel bin is used for the purpose or where a property is entirely surrounded by screen, walls or buildings. Trash enclosures shall comply with the following regulations:
  - a. Construction: Construction of trash enclosures shall be so constructed that the contents are not visible from a height of five (5) feet above grade from any abutting street or property and shall be constructed of solid fencing such as new weather resistant wood or chain link fencing with screening slats and of sufficient height to conceal contents, including containers, but in no case shall be less than five (5) feet in height above grade. Gates shall be solid or baffled, equal to the height to the enclosure and equipped with latches to ensure closure when not in use.
  - b. Location: Trash enclosures shall not be located in any required front or side yard.

T. STRUCTURES NEAR AIRPLANE RUNWAY OR LANDING STRIP.

Current Federal Aviation Agency regulations and guidelines shall govern the location, placement, height, size and design of all buildings and structures within the vicinity of airplane runways and landing strips within the City of Cottonwood.

U. MOVING OF BUILDINGS.

No building or structure, which has been wholly or partially erected on any premises located either within or outside the City of Cottonwood shall be moved to or placed upon any premises within the City until a permit for such removal and for such relocation shall have been issued by the Zoning Administrator. Any such building or structure shall conform to all provisions of this Ordinance in the same manner as any new building or structure. No such building or structure shall be used or occupied until a final inspection and notice of approval by the Building Inspector.

V. PERFORMANCE STANDARDS.

Any permitted or conditional use must conform to the following performance standards. In conjunction with the Plan Review and Development Review, the developer-applicant shall provide to both the Zoning Administrator and the Development Review Board data which are sufficient to show that the proposed use and the manner of its conduct will meet these performance standards.

1. **NOISE:** At no point on the property line shall the sound pressure level of any individual operation exceed the decibel levels in the designated octave bands shown below. (Excluding operation of motor vehicles or other transportation facilities.)

OCTAVE BAND CYCLES PER SECOND	MAXIMUM SOUND PRESSURE LEVEL IN DECIBELS .0002 DYNES PER CM <sup>2</sup>
0 TO 75	72
75 TO 150	67
150 TO 300	59
300 TO 600	52
600 TO 1200	46
1200 TO 2400	40
2400 TO 4800	34
ABOVE 4800	32

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards provided that such noises shall be capable of being so measured, for the purpose of this Section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

2. **SMOKE:** No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U. S. Bureau of Mines shall be the standard.
3. **GLARE OR HEAT:** Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.
4. **VIBRATION:** No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour of the day between the hours of 7:00 AM to 7:00 PM or of thirty (30) seconds or more duration in any one (1) hour during the hours of 7:00 PM and 7:00 AM.

5. FLY ASH, DUST, FUMES, VAPORS, GASES, AND OTHER FORMS OF AIR POLLUTION: No emission shall be permitted which becomes a nuisance, which can cause damage to health, to animals or vegetation, or other forms of property, which can cause any excessive soiling, or which results in the settling of dust on adjacent properties.
6. LIQUIDS AND SOLID WASTE: No wastes shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.
7. ODORS: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or create a nuisance or hazard beyond the property lines.

W. OUTSIDE DISPLAY.

1. Any outside display must be approved by the Development Review Board. The applicant shall provide a sketch showing the area to be used for display.

X. CAMPING WITHIN THE CITY LIMITS

1. It shall be unlawful for any person to camp on public property within the city limits, including public streets, public parks and facilities, except as permitted by the applicable City codes and ordinances for certain temporary uses as described therein.
2. It shall be unlawful for any person to camp on any private property within the city limits, except as allowed for properties designated and approved for such uses, such as for a legally established and permitted campground, RV park or mobile home park maintained and operated in accordance with all city codes and ordinances.
3. An exception shall be granted to allow temporary guests of a detached single-family residential property to stay in an RV or travel trailer parked in a driveway or carport according to the following regulations:
  - a. Temporary camping shall be allowed by guests on private property developed with a single-family residential use and not on vacant private property or on abutting public right-of-way, as per the standards set forth in this ordinance.
  - b. No person(s) shall so camp for more than two weeks per visit.
  - c. Property owners shall be limited to no more than three (3) such camping visits in total per calendar year.
  - d. Camping shall be in a recreational vehicle (RV) or travel trailer only, with a self-contained sewage collection system.

4. This section shall not apply to the recreational use of temporary structures, such as play structures, canopies and tents, for activities which are commonly referred to as “backyard camping” for children, where such structures are located in the backyard of a single-family residence, for use by and for the residents of the home, no more than 120 square feet in size, and provided such use in no way constitutes living accommodations for any person or persons at any time.
5. This section shall not apply to the parking of any vehicle or recreational vehicle in a commercial parking lot for a period of less than 23 hours with the consent, express or implied, of the respective property owner, authorized representative, legal tenant, or agent thereof, unless the property upon which any such vehicle or recreational vehicle is parked is conspicuously posted as prohibiting overnight camping or parking, or unless a property owner, authorized representative, legal tenant or agent thereof specifically requests that such vehicle or recreational vehicle be removed within the 23 hour period.
6. Overnight parking in a commercial parking lot for temporary sleeping purposes where permitted shall not include any use or display of outdoor seating and furniture, use or display of outdoor cooking equipment, generator use, detached outdoor lighting sources, unhooking and temporary storage of trailers from tow vehicles, or the extension or use of stabilizer legs, supports, leveling blocks or jacks with vehicles, recreational vehicles or trailers.
7. This section shall not apply to the temporary use of a recreational vehicle or trailer that may be permitted as a temporary residence or watchperson’s trailer during construction so long as a valid building permit remains in force, or until such time that construction is completed or a Certificate of Occupancy is issued.
8. Self-powered vehicles, recreational vehicles or travel trailers not designed for attachment to a lot shall not by any definition be deemed a residence or be used as such in any zoning district except as allowed by this ordinance.
9. Unless otherwise specifically permitted by this section, the parking of any vehicle, camper, recreational vehicle or other similar device in any location for more than 23 hours when not upon one’s own real property shall be prima facie evidence of intent to violate this article.

Y. GROUP HOME FOR THE HANDICAPPED.

A Group Home for the Handicapped is permitted in zoning districts that permit single-family dwellings, subject to the following standards:

1. Registration is required with the Planning Department prior to occupancy of the building by the group home use. Registration shall become effective upon issuance of the Group Home Registration by the City and shall terminate when the group home use ceases or the registration is revoked by the City.
2. Revocation. A group home use which exhibits ongoing or periodic activities out of character with the residential nature of the neighborhood or exhibits disruptive activities to the extent that such use becomes a nuisance or threat to the health, safety and well-being of the neighborhood shall be subject to review by the Zoning Administrator to determine if the group home use is in conformance with the standards set forth in this section. If it is determined that the group home use is not in conformance with the standards for such use, the Zoning Administrator shall provide the operator of the group home with a written notice describing the alleged violations and shall allow the operator at least thirty (30) calendar days to correct the violations. Upon completion of the notification period, if the Zoning Administrator determines that the violations are not corrected and such conditions or activities are continuing in association with the group home use, the Zoning Administrator shall issue a revocation of the group home registration by written order, which shall become effective thirty (30) calendar days from the date of mailing to the group home operator and property owner. The group home operator may request cancellation of the revocation order within the thirty (30) day notice period by submitting a written operation plan describing measures to be enacted to correct conditions contributing to the violation of the group home status. The Zoning Administrator shall review the proposed operations plan and either approve or deny the plan based on the standards for group home uses. If denied, the group home use shall be terminated upon the effective date of the revocation order. The operator shall have the right to appeal any such decision of the Zoning Administrator subject to the procedures specified in this Ordinance.
3. A Group Home for the Handicapped shall not include persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not apply to or protect persons who currently use illegal drugs or controlled substances, persons who have been convicted of the manufacture, sale or distribution of a controlled substance, or persons with or without disabilities who present a direct threat to the persons or property of others. In addition, a Group Home for the Handicapped shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or a direct threat of physical damage to the property of others.

4. Administrative review. The Zoning Administrator or designee shall review all such proposals for group homes as described herein and shall then issue a written determination approving or denying the registration based on the following:
  - a. A complete registration form with the required processing fee shall be submitted describing the proposed group home use in detail.
  - b. The Zoning Administrator shall review the registration form for the proposed group home use to determine that all conditions are met. If additional information is required to make a determination, the Zoning Administrator will contact the applicant.
  - c. The Zoning Administrator shall issue a written determination within ten (10) working days of submission of a completed registration form that the use does or does not comply with the requirements of this ordinance.
5. Appeal. Appeal of any decision of the Zoning Administrator shall be subject to Section 306 of this Ordinance.
6. State license. If the proposed use is required to be licensed by the State of Arizona, provide copies of license documents prior to issuance of the Group Home Registration for the use. Submit any required State of Arizona Zoning Clearance forms with the registration application.
7. Inspection. For uses that require zoning clearance by the State of Arizona, any required inspections must be completed by the applicable City departments prior to approval of the Group Home Registration.
8. Spacing. The minimum spacing between group homes shall be five-hundred (500) feet feet, as measured from the closest property lines. Spacing requirement shall not apply to residential Health Care Institutions, Foster Care Homes, Child Welfare facilities or similar facilities licensed by the State of Arizona. The Planning Department will keep records of all such uses in Cottonwood for determination of minimum separation requirements.
9. Request for reasonable accommodation. If the owner or operator of a proposed group home believes any requirement of this ordinance has prevented the establishment of the group home, the owner or operator shall submit a written request for accommodation to the Zoning Administrator. The written request shall contain sufficient facts to allow the Zoning Administrator to make a determination of the specific needs and such determination shall be based on the following procedures:
  - a. All related correspondence shall be forwarded by the City to the City Attorney for review and recommendation.
  - b. The review shall consider the request subject to the provisions of the Fair Housing Act and related amendments.

- c. The accommodation shall take into consideration public safety and welfare concerns, the residential character of the neighborhood and any such accommodation shall fully comply with the intent of the Fair Housing Act.

Z. BOARDING HOUSE REGULATIONS.

A boarding house shall be considered as a conditional use in the R-2, R-3 and R-4 zoning districts, subject to the following requirements:

1. The location of the use shall not have a detrimental effect on nearby properties or be contrary to the public safety, health or general welfare.
2. The building and site is in compliance with all applicable Zoning Ordinance, Building Code and Fire Code regulations.
3. The site is or will be brought into conformance with current City development standards, including but not limited to design review, parking, signage, landscaping and screen walls. Additional setbacks, parking, landscaping or screen walls may be required as a condition of approval so as to mitigate any potential impact by the proposed development on surrounding properties or the city in general.
4. Parking. As per Section 406 Parking Requirements, minimum on-site parking shall include at least one (1) parking space per sleeping room or one (1) per bed, whichever number is greater, and one (1) space for the manager.
5. Three (3), four (4) or five (5) bedrooms may be provided as lodging for compensation for a definite period of time provided no more than two persons occupy any one bedroom.
6. The occupancy of no more than one (1) or two (2) bedrooms for compensation shall not be considered a boarding house provided not more than two guests shall occupy a bedroom.
7. The operators of the facility may serve food and meals to the residents in a group dining room or a common kitchen facility may be provided for use by residents but the use shall not include separate kitchen, cooking or food preparation facilities with individual bedrooms or suites.
8. The maximum number of residents not including staff shall be ten (10).
9. The term "boarding house" shall not include group homes for the handicapped, nursing homes, assisted care facilities, hotels, motels, bed and breakfast establishments, correctional transitional facility, or a dwelling occupied by one or more individuals living together without supervision or management as a single housekeeping unit.



AA. CORRECTIONAL TRANSITIONAL FACILITY

1. Correctional Transitional Facilities shall be considered as a conditional use in the C-2, I-1 and I-2 zoning districts, subject to the following requirements:
  - a. The location of the proposed facility will not have a detrimental effect on nearby properties or be contrary to the public safety, health or general welfare.
  - b. The building and site is in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.
  - c. The site is or will be brought into conformance with current City development standards, including but not limited to, design review, parking, signage, landscaping and screen walls. Additional setbacks, parking, landscaping or screen walls may be required as a condition of approval so as to mitigate any potential impact by the proposed development on surrounding properties or the city in general.
  - d. Management Plan. The applicant must submit a management plan to the Zoning Administrator and the Police Chief describing the management and operation of the facility including, names and addresses of the owner and operator of the facility, local contact information, names and phone numbers of all governmental licensing and contract agencies and related contact persons, types of offenders housed, number and general professional qualifications of staff of the facility, and details for emergency management, including plans to contact local public safety officials.
  - e. Parking. Ten (10) spaces for staff and visitors for facilities with up to ten resident beds; and one (1) space for each additional resident bed for staff and visitors.
  - f. Maximum Capacity Calculation. The maximum number of resident beds not including staff is thirty (30). The allowable number of resident beds shall be determined by dividing the area of the site by twenty-two hundred (2,200).
  - g. Separation of at least five-hundred (500) feet from the property boundary of the proposed use to the any residential zoning district, or to the property boundary of any public or private school that provides programs for any grades from kindergarten through grade twelve, or any public park or recreational facility, or a public library.
  - h. Separation of at least two thousand, six hundred and forty (2,640) feet (one-half mile) from any other Correctional Transitional Facility as measured in a straight line between property boundaries.
  - i. At the applicant's expense, all property owners within 500 feet of the property boundaries of the site of the proposed use shall be notified by first class mail of the proposed use and of the time and place of the public hearing to consider the conditional use. In addition to any other public notification, the property shall be posted with a notice of the public hearing in at least two places conspicuously visible from the adjacent public streets and properties.

- j. The Correctional Transitional Facility shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or a direct threat of physical damage to the property of others.

**BB. BED & BREAKFAST ESTABLISHMENTS**

1. Bed & Breakfast Residence: A bed & breakfast residence shall be considered as a “conditional” use in the R-1, R-2, R-3, R-4, AR-20, AR-43, AR-70 and CR zoning districts, subject to the following requirements:
  - a. Facility shall be owner-occupied with no more than 60% of the gross floor area of the primary structure used for guest units, guest dining or Bed and Breakfast purposes.
  - b. The building and site shall be in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.
  - c. No more than three (3) guest units shall be available at any time for overnight or otherwise temporary lodging. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.
  - d. At least one (1) parking space per guest unit and one (1) parking space for the owner shall be provided on-site in accordance with the parking standards of this ordinance.
  - e. One (1) wall sign for identification purposes up to six (6) square feet in area may be attached to the primary structure or placed as a freestanding sign located in the front yard with a maximum height of three (3) feet above grade.
  - f. A current business registration is required.
2. Bed & Breakfast Inn: A bed & breakfast residence shall be considered as a “conditional” use in the R-2, R-3, R-4, AR-20, AR-43, AR-70 and CR zoning districts,, subject to the following requirements:
  - a. Facility shall be owner-occupied with no more than seventy five percent (75%) of the floor area or structural coverage to be used for guest units, guest dining or Bed and Breakfast purposes.
  - b. The building and site shall be in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.
  - c. No more than five (5) guest units shall be available for overnight or otherwise temporary lodging. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.

- d. At least one (1) parking space per guest unit, one (1) parking space for the owner, and one (1) space per two employees shall be provided on-site in accordance with the parking standards of this ordinance.
  - e. One (1) wall sign for identification purposes up to six (6) square feet in area may be attached to the primary structure or placed as a freestanding sign located in the front yard with a maximum height of three (3) feet above grade.
  - f. A current business registration is required.
3. Country Inn: A country inn shall be considered as a “conditional” use in the C-1, C-2, AR-43, AR-70 and CR zoning districts, subject to the following requirements:
- a. The building and site shall be in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.
  - b. Between six (6) and eleven (11) guest rooms are offered.
  - c. Signage shall meet applicable sign code standards.
  - d. At least one (1) parking space per guest unit, one (1) parking space for the owner, and one (1) space per two employees shall be provided on-site in accordance with the parking standards of this ordinance.
  - e. Additional parking shall be provided as per this ordinance for any restaurant use or other accessory use offered as part of the country inn.
  - f. A current business registration is required.