

## 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 phrase 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 any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

**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 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.

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 as 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, hangers, 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 Service 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 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 of 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 and is built to an International Residential Code or International Building Code standard as applicable. 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 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 purpose, 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 to 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 provisions 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 of 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 of recovery program for alcohol, drug/substance abuse or other behaviors, and which typically included 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/DRIVE-THROUGH ELEMENT – An element of an establishment which allows for providing goods or services to patrons within motor vehicles.

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

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

DWELLING, SINGLE-FAMILY- A detached site-built or factory-built 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 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 or 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 addition 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, CORNER-** A lot butting upon two or more streets at their point of intersection.

**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 case of an interior lot, a line separating the lot from the street. In the case of corner lot, the front line is the street frontage line which as the least dimension, unless the Zoning Administrator determines that another lot line is more functionally the front lot line based on driveway access or existing address.

**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 short 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 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.

**NATURAL OPEN SPACE -**A tract of land that is owned and managed by a public or nonprofit entity or a homeowner's association for the purpose of preserving natural landforms and vegetation and providing a scenic and recreational amenity accessible to the general public. A natural open space tract may include landscaped drainage facilities, underground utility lines over which natural vegetation has been restored, trails and trail facilities such as signs and benches, and public trailhead parking areas.

**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, male 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.

PARK TRAILER- (See Recreational Vehicle)

PARKING AREA- An are 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, including the following types of vehicles: (a) a portable camping trailer mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold for camping; (b) a motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle; (c) a park trailer or tiny house built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers; (d) a travel trailer or tiny house mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle, and has a trailer area of less than three hundred twenty (320) square feet. This includes fifth wheel trailers. If a unit requires a size or weight permit, it must be manufactured to the standards for park trailers in the American National Standards Institute Code; or (e) a portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck. A recreational vehicle shall not be considered a dwelling or occupied as such, and is not a manufactured home.

**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 of 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, CLUSTER-** A subdivision of land in which the number of lots would not exceed the total subdivision area divided by the minimum lot size for a conventional subdivision in the applicable zoning district, but minimum lot sizes may be reduced to a smaller size specified in the zone's development standards, if the subdivision plat permanently reserves a specified proportion of the subdivision for Natural Open Space, as described in this Ordinance.

**SUBDIVISION, CONVENTIONAL-** A subdivision of land in which each lot meets the minimum lot size required by this Ordinance's development standards or by a Master Development Plan approved in conjunction with a Planned Area Development.

**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.

**TINY HOUSE-** A building or vehicle designed for permanent or temporary residential use with a floor area no greater than 400 square feet excluding any loft area, built off-site or on-site.

**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 areas, grass and trees, fountains, sitting areas, natural areas, natural or landscaped drainage facilities, etc., and is meant to provide an open garden atmosphere. Usable open space does not include parking areas, vacant or undeveloped lots, non-landscaped drainage facilities, or agricultural land that is not open to the public.

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 purpose 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”.

Effective May 18, 2023 - Ordinance 730