

ARTICLE III - PROCEDURES

SECTION 301. AMENDMENTS OR ZONE CHANGES.

A. PURPOSE.

The Council may, from time to time as the public necessity, convenience, general welfare and good zoning practice requires, change the district boundaries or amend, change, repeal or supplement the regulations herein established. Such changes or amendments may be initiated by the Council or the Commission on its own motion or by petition of one or more owners of real property within the area proposed to be changed.

B. CITIZEN REVIEW AND PARTICIPATION.

1. For all zone change applications, the following citizen review and participation process is required:
 - a. At least 60 days prior to any public hearing, the applicant or an appointed representative shall arrange a meeting with planning staff which identifies development issues as well as arrangements and scheduling for the neighborhood meeting described in subsection b below.
 - b. At least 30 days prior to any public hearing, the applicant or an appointed representative shall conduct a neighborhood meeting designed to inform adjoining residents and property owners about the proposed zone change.
 - c. At least 15 days prior to the scheduled neighborhood meeting, the City shall notify all property owners within 300 feet of the subject site by first class mail. The notification shall include the date, time and place for the neighborhood meeting, as well as a description of the proposed land uses.
2. It is the responsibility of the applicant or their representative initiating the zone change to conduct the meeting and provide an opportunity for a question and answer period by the audience. It is also the responsibility of the same to identify a point of contact to the public for follow up questions and comments. A written summary of the meeting, including a list of attendees and the issues and concerns discussed, must be prepared by the applicant and a copy submitted to the Planning Department within 15 days after the neighborhood meeting.

C. PUBLIC HEARINGS REQUIRED.

1. The Planning and Zoning Commission shall hold a public hearing on any zoning ordinance. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and general description of the area affected, shall be given at least fifteen (15) days before the hearing in the following manner:
 - a. The notice shall be published at least once in a newspaper of general circulation.

- b. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land.
- c. In proceedings that are not initiated by the property owner, involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each property owner, as shown on the last assessment of the property, of the area to be rezoned and to all property owners, as shown on the last assessment of the property, within three hundred (300) feet of the property to be rezoned.
- d. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by subsection e.
 - (1) A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.
 - (2) A ten percent (10%) or more increase or reduction in the allowable height of buildings.
 - (3) An increase or reduction in the allowable number of stories of buildings.
 - (4) A ten percent (10%) or more increase or decrease in setback or open space requirements.
 - (5) An increase or reduction in permitted uses.
- e. In proceedings governed by subsection d of this section, the City shall provide notice to real property owners pursuant to at least one of the following notification procedures:
 - (1) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
 - (2) If the City issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the City shall include notice of such changes with such utility bills or other mailings.
 - (3) The City shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation. The changes shall be published in a "display ad" covering not less than one-eighth (1/8) of a full page.

- f. If notice is provided pursuant to subsection e (2) or (3) above, the City shall also send notice by first class mail to persons who register their names and addresses with the City as being interested in receiving such notice.
- g. In addition to the notification methods described above, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.

D. PETITIONS FOR AMENDMENTS.

- 1. Petitions for change of district boundaries or amendment of regulations shall be filed with the Zoning Administrator by an owner of real property within the area proposed to be changed. In the case of a petition requesting a zoning district change which includes other property in addition to that owned by the petitioner, the petition shall include the signatures of the real property owners representing at least seventy-five (75) percent of the land in the area proposed to be changed. Such petition shall be filed on a form provided for the purpose and shall include:
 - a. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.
 - b. A Tentative Development Plan which shall show the following:
 - (1) Topographical description showing existing and proposed grades and drainage systems and natural and man made features with indication as to which one to be retained and which one to be removed or altered.
 - (2) Proposed street system.
 - (3) Proposed block layouts.
 - (4) Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
 - (5) Off-street parking space.
 - (6) Types and uses of structures.
 - (7) Locations of structures, garages and/or parking spaces.
 - (8) A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.
 - (9) Preliminary plans and elevations of the structure types.

- c. Reasons justifying the petition.
 - d. A true statement revealing any conditions or restrictions of record (if any) which would affect the permitted “uses” of the property if rezoned as requested and the date or dates (if any) of expiration thereof and
 - e. Such photographs, drawings and other supporting documents (if any) as the applicant may desire to present.
 - f. Payment of a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the City Clerk. No part of the filing fee shall be returnable. Payment of filing fee shall be waived when the change or amendment is initiated by the Council or the Commission or when the petitioner is the City, County, State or Federal Government.
2. Upon receipt of a complete application for amendment, the Zoning Administrator shall forward the application to the Planning and Zoning Commission.
 3. Any plan approved by the Zoning Administrator under the provisions of Section 303 must substantially conform to the Tentative Development Plan submitted as part of the petition for a change of district boundaries.

E. COMMISSION ACTION.

1. Upon receipt of any complete application for amendment, the Commission shall fix a reasonable time for the hearing of the proposed zone change, amendment or addition and shall give notice thereof to interested parties and to the public in the time and manner provided for as specified in Subsection C. and by posting the area included in the proposed change, not less than fifteen (15) days prior to the hearing. It shall be the responsibility of the applicant to maintain the posting. The notice shall set forth the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected. The Commission may for any reason, when it deems such action necessary or desirable, continue such hearing to a time and place certain. Within thirty (30) days after the close of the hearing, the Commission shall render its decision in the form of a written recommendation to the Council. The recommendation shall include the reasons for the recommendation.
2. Prior to publishing a petitioned Zoning Map change, the Commission may, on its own motion, delimit or extend the boundaries of such area, so as to constitute a more reasonable zone district boundary.
3. The Commission may, on its own motion, propose any amendments to this Ordinance and map. After holding a public hearing as required by this Section, the Commission shall either:

- a. Transmit such proposal to the Council which shall thereupon proceed as set forth herein for any other amendment or;
 - b. Vote to quash the Commission initiated proposal, in which case no further action need be taken by the Commission or Council.
4. The Commission may recommend to the Council that a time limit be established for the development of the proposal for which a rezoning is conditionally approved.

F. COUNCIL ACTION.

1. Once the Commission has held a public hearing, the Council may adopt the recommendations of the Commission without holding a public hearing if there is no objection, request for public hearing or other protest. The Council shall hold a public hearing if requested by the party aggrieved or any member of the public or of the governing body. Notice of the time and place of the hearing shall be given in the time and manner provided for the Commission as specified in Subsection C. In addition, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.
2. If the owners of twenty (20) percent or more, either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred and fifty (150) feet therefrom or, of those directly opposite thereto of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three fourths (3/4) of all members of the Council. If any members of the Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three fourths (3/4) of the remaining membership of the Council, providing that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.
3. The Council shall not make any changes in any proposal recommended by the Commission until the proposed changes have been referred back to the Commission for a report. Failure of the Commission to file a report back to the Council within thirty (30) days from date of receipt of the recommended changes shall be deemed to be the approval of the proposed change(s) as recommended by the Council.
4. At the time of rezoning, the Council may establish a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, it shall revert to its former zoning classification without legislative action.
5. The Council may require the dedication of streets and utility easements as a condition of rezoning.

G. RECONSIDERATION OF DENIED AMENDMENTS.

In the event that a petition for an amendment is denied by the Council, or is withdrawn after the Commission hearing, the Commission shall not consider the petition or any other petition for the same amendment of this Ordinance as it applies to the same property described in the original petition, or any part thereof, within a period on one (1) year from the date of such denial action, unless the conditions upon which the original denial was based have changed.

H. EXCEPTIONS.

In the event that a request for amendment concerns only the amendment of general requirements of this Ordinance, no signature of affected property owners or posting of property shall be required; provided, however, that all other provisions of this Section shall be complied with.

SECTION 302. CONDITIONAL USE PERMITS.

A. PURPOSE.

Every zoning district contains certain buildings, structures and uses of land which are normal and complementary to Permitted Principal Uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets or similar conditions and often incompatible with adjacent activities and uses. It is the intent of this Ordinance to permit Conditional Use in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses. It is the purpose of this Section to establish principles and procedures essential to proper guidance and control of such uses.

B. GENERAL REGULATIONS.

1. Zoning district regulations established elsewhere in this Ordinance specify that certain buildings, structures and uses of land may be allowed by the Commission as Permitted Conditional Uses in a given district subject to the provisions of regulations. The Planning and Zoning Commission is empowered to grant and to deny applications for Use Permits and to impose reasonable conditions upon them.
2. Any building, structure or use existing on the effective date of this Ordinance which is reclassified as a Permitted Conditional Use by this Ordinance for the district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by this Ordinance and its continuance shall not be subject to issuance of a Conditional Use Permit; provided, however, to the extent that such fails to conform to the requirements of this Ordinance, it shall be considered nonconforming as described in Section 501 and its continuance shall be governed by all nonconforming use regulations applicable thereto.
3. Every Conditional Use Permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. Upon completion and final inspection by the Zoning Administrator of any authorized structures, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the Conditional Use Permit shall thereafter be transferable and shall run with the land, whereupon the maintenance of special conditions imposed by the Permit, as well as the compliance with other provisions of this Ordinance, shall be the responsibility of the property owner.

C. CONDITIONAL USE PERMIT APPLICATION.

Application for a Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Commission. The application shall be forwarded to the Planning and Zoning Commission by the Zoning Administrator and when required by the Commission, shall be accompanied by a detailed site plan prepared in accordance with Section 303

showing all information necessary to demonstrate that the proposed use will comply with all special conditions as well as other regulations and requirements of this Ordinance. The applicant shall furnish the Commission any additional information it may consider relevant to investigation of the case.

D. COMMISSION ACTION AND FINDINGS.

1. It is the express intent of this Ordinance that any use for which a Conditional Use Permit is required shall be permitted as a Principal Use in the particular zoning district, provided that all special conditions and requirements of this Ordinance are met. Therefore, the action of the Commission shall be one of approval or denial based upon its judgement as to whether the specified conditions have been or will be met. The Commission shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated and the influence that such factors are likely to exert on adjoining properties. The Commission may make such suggestions as it considers desirable and shall provide all possible guidance to the applicant in his preparation of application, plans and date in such manner as to satisfy the intent of this Section.
2. Notice of the nature of the Conditional Use Permit Application and the date of the meeting at which it will be considered shall be posted on the property.
3. The Commission shall consider the application at their next regular meeting if the application was filed at least fifteen (15) days prior to such meeting. Otherwise it shall be carried over until the next regularly scheduled meeting. The Commission may reach a decision, continue the matter to a specified date (but not later than the next regularly scheduled meeting), or may set the matter for public hearing. If the Commission does set the matter for public hearing, notice thereof shall be given to the public by official newspaper of the City and by posting the area included in the proposed change, not less than fifteen (15) days prior to the hearing. It shall be the responsibility of the applicant to maintain the posting. The notice shall set forth the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected.
4. In order to grant any Use Permit, the findings of the Commission must be that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, convenience, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
5. The Commission may designate such conditions in connection with the Use

Permit as it deems necessary to secure the intent and purposes of this Ordinance and may require such guarantees and evidence that such conditions are being or will be complied with.

6. If the Commission finds that the application and supporting data does not indicate that all applicable conditions and requirements of this Ordinance will be met, it shall deny the permit. Notice of denial, including reasons therefore, shall be mailed to the applicant at the address shown on the application and the Commission shall report its actions to the Council at the next regular meeting.
7. If the Commission approves the application, it shall direct the Zoning Administrator to issue a Conditional Use Permit setting forth all conditions and requirements governing such use, shall make the approved site plan a part of the record of the case and shall report its actions to the Council at the next regular meeting. Failure of the applicant to comply with the conditions and safeguards which are a part of the terms under which a Conditional Use Permit is granted shall cause the Conditional Use Permit to be revoked in accordance with Subsection G. of this Section.

E. APPEALS.

1. Any person may file an appeal with the Cottonwood Council over any decision of the Planning and Zoning Commission regarding the granting, or denying, of Use Permits. If no appeal is filed with the Council within fifteen (15) days after Commission action, the action of the Commission shall be considered final.
2. When written appeal is filed with the City Clerk, the Council shall evaluate the request at their regular meeting and may approve or deny it. The Council may elect to set the matter for a public hearing and if such action is taken a legal notice shall be published at least once in the official newspaper of the City and the property included in the application shall be posted at least fifteen (15) days prior to the hearing date. Notice shall be given to the Planning Commission of such appeal and the Commission shall submit a report to the Council setting forth the reasons for its action taken. The Commission shall be represented at the hearings by the Commission Chairman or his designee.
3. The Council shall within fifteen (15) days after their regular meeting or public hearing either uphold the action of the Planning and Zoning Commission, reverse that action, or make a decision of its own findings.
4. If the Council makes a decision which upholds granting of a permit the Council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this Ordinance and require such guarantees and evidences that such conditions are being, or will be complied with.

5. The Council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown on the application.

F. TIME LIMITS.

1. Use Permits become effective fifteen (15) days after approval by the Planning Commission, but in the event an appeal is filed, said permit shall not become effective until a decision is arrived at by the City Council.
2. Any Use Permit issued by the Planning and Zoning Commission shall be commenced within six (6) months from the date of approval and diligently pursued, otherwise it shall become null and void. The Commission shall establish a time limitation for all Use Permits and at the termination of this limit, the Commission shall reconsider said Use Permit to determine if the permit should be reissued for an additional time period or be terminated.
3. No person shall re-apply for the same or substantially the same Use Permit on the same or substantially the same plot, lot or parcel of land within a period of one (1) year from the date of denial or revocation of said Use Permit.

G. REVOCATION.

1. Use Permits granted in accordance with the provision of this Ordinance may be revoked if any of the conditions or terms of the permit are violated or if any law or ordinance is violated in connection therewith.
2. The Zoning Administrator shall notify the permittee of a violation or termination of a Use Permit by mail. If no attempt to change the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void and the continued violation of the terms of the Use Permit shall be deemed a violation of this Ordinance and punishable under the provisions of Section 110.
3. Any Use Permit issued by the Planning and Zoning Commission shall be considered null and void if construction does not conform to the originally approved site plan. Any deviations requested from the originally approved site plan, shall be processed as a new Use Permit.

H. FEE.

The application for a Conditional Use Permit shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the City, County, State or Federal Government.

SECTION 303. PLAN REVIEW.

A. PURPOSE.

The purpose of the plan review is to enable the Zoning Administrator to make a finding that the proposed development is in conformity with the intent and provisions of this Ordinance and all other City Ordinances. The provisions of this Section shall apply to all single-family residences and individual mobile homes.

B. APPLICATION FOR PLAN APPROVAL.

A request for plan approval shall be filed with the Zoning Administrator on a form prescribed by the Administrator. The request for approval shall be accompanied by two (2) identical copies of the plan. Each copy shall be on one or more sheets of paper measuring not more than twenty-four (24) by thirty-six (36) inches, drawn to a scale not smaller than forty (40) feet to the inch, which show the following:

1. Lot Dimensions.
2. Location, size, height, use and exterior materials of all buildings and structures.
3. Size and dimensions of yards and space between buildings.
4. Location and height of walls and fences.
5. Location, number of spaces, dimensions, circulation patterns and surface materials for all off-street parking and loading areas, driveways, access ways and pedestrian walkways.
6. The location, dimensions, area, materials and lighting of signs.
7. Location and general nature of lighting.
8. Street dedications and improvements.
9. Existing and proposed grades and drainage systems.
10. The size and location of all existing and proposed public and private utilities. All easements must be shown.
11. Natural features such as mesas, rock outcroppings or streams and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.

12. Landscaping, including all surfacing material around buildings and in all open spaces and methods for maintaining said landscaping.
13. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
14. A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer.
15. Any other information which the Zoning Administrator may find necessary to establish compliance with this and other Ordinances.

C. FEE.

The application for Plan Approval shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the City, County, State or Federal Government.

D. REVIEW PROCEDURES.

1. The Zoning Administrator shall have ten (10) working days from the date of submission of a plan application to review said plan and approve, conditionally approve or reject said plan and, based on its compliance with all provisions of the Ordinance, all other Ordinances and Master Plan of the City of Cottonwood and to notify the applicant of his decision in writing. If, however, the Zoning Administrator wishes to obtain the opinion of the Planning and Zoning Commission, he may, at his discretion, forward the plan to the Commission for action at their next regular meeting. In such case the Zoning Administrator must render his decision within five (5) days after Commission action. The decision shall set forth in detail the reasons for denial, or in the event of conditional approval, the changes or additions which are necessary to make the plan acceptable.
2. All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Zoning Administrator. One copy of said approved plan and conditions together with a notification of all design review requirements and procedures shall be mailed to the applicant and one copy shall be filed with the Building Inspector.

E. APPEALS.

Any applicant for plan approval who is dissatisfied or aggrieved by the decision of the Zoning Administrator may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Zoning Administrator's decision.

F. EXPIRATION OF PLAN APPROVAL.

1. Six (6) months from the date of approval, a plan approval becomes void if a building permit has not been issued.
2. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the approving body.
3. The Zoning Administrator shall notify the permittee by mail, of an expiration of plan approval.

G. VIOLATION AND ENFORCEMENT.

1. Prior to the issuance of a building permit the Building Inspector shall ascertain that the Zoning Administrator has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this Ordinance have not elapsed.
2. The Zoning Administrator shall ensure that all matters are undertaken according to the conditions of the approved plan. In the event of a violation, the Zoning Administrator shall notify the permittee, by mail, that he is in violation of the conditions of the approved plan. If no attempt to change the circumstances of the violation is made within ten (10) days after notification, the building permit shall be revoked and considered null and void.

H. EXCEPTION.

Under certain circumstances where the nature of the permitted or conditional use is such that it would be unnecessary or economically unfeasible for the applicant to prepare a plan in accordance with this Section, the Zoning Administrator may waive certain of the requirements of Subsection B. of this Section, but in all cases the applicant will be required to prepare and submit some type of site plan drawn to scale.

SECTION 304. DEVELOPMENT REVIEW.

A. PURPOSE.

1. The purpose of Development Review is to enable the Development Review Board to make a finding that the proposed development is in conformity with the intent and provisions of both this Ordinance, all other City Ordinances and protects and enhances the attractive appearance of development in the City of Cottonwood. The City of Cottonwood realizes the importance of a pleasing environment to protect the potential for business, industrial and residential development. The Development Review Process is intended to preserve compatible land-uses and building design; rendering safe, attractive and harmonious development within the City and is therefore considered to be a furtherance of public health, safety and general welfare.
2. The provisions of this Section shall apply to all buildings, structures and signs which are to be hereafter erected, constructed, converted, established, altered (including resurfacing and repainting), or enlarged within the City of Cottonwood.
3. EXCEPTIONS:
 - a. Single Family detached dwellings and accessory uses which are not a part of a Planned Unit Development; to include mobile homes.
 - b. Temporary sales and construction offices.
 - c. Public utility electrical transmission structures. Substations are considered to be voltage reduction facilities and are not exempt from the provisions of this Section.
4. Under the following circumstances, the Planning and Zoning Administrator may approve a building or structure without going to the Board.
 - a. Signs which have no more than one background color, one letter color and are flush mounted to the building, or free standing and are professionally rendered so as not to create a "tacked on" or "eye sore" appearance.
 - b. That the building or structure is either an addition or an accessory use to an existing building and does not exceed one thousand (1000) square feet. The addition or accessory use must be determined to be compatible with the existing building so as not to create a "tacked on" appearance.
 - c. That the addition or accessory use does not substantially alter the appearance of the site as seen from off the site.
 - d. That all proposed and existing buildings, structures, signs and landscaping on the site conform to the criteria set forth in Subsection C.

5. The Planning and Zoning Administrator shall have the same duties and powers of the Board in regard to these buildings and structures. If there are problems which cannot be resolved between the Planning Staff and the applicant, or the proposal does not clearly meet the criteria set forth in Subsection C., the matter will be referred to the Board.

B. APPLICATION FOR DEVELOPMENT REVIEW.

1. Application for Development Review shall be filed with the Planning and Zoning Administrator on a form which is available at the Planning & Zoning Department. The application form contains the required information which must be submitted with the application.
2. Prior to the preparation of final architectural or engineering drawings for any buildings or structures to which this Section is applicable, the property owner or his agent shall submit the following information for consideration by the Development Review Board, to be filed with the Zoning Administrator:
 - a. Application for Preliminary Development Review, applications available at the Planning and Zoning Department.
 - b. Complete site plans showing the areas devoted to buildings, parking layout, existing grades and drainage systems, landscaped areas, with a description of size and type of landscape materials to be used and the method for maintaining same.
 - c. Elevation drawings of all sides of the building or structure with an indication of materials and colors being used. The Board may require material and color samples as well as other supportive information to clarify the application.
 - d. Any proposed signs must be shown with a sketch showing; size, height and shape of the sign; with a description of materials and colors to be used. Free standing signs must be shown on the site plan and building mounted signs must be shown on the building elevation.
3. The Development Review Board shall have the power to approve, conditionally approve or deny all applications for Development review.
4. Upon receiving approval, or a conditional approval, from the Development Review Board, the applicant may proceed with the preparation of a complete set of plans for submittal of Code Review.

C. CRITERIA:

1. In considering an application for Development Review, the Development Review Board shall be guided by the following criteria:
 - a. The materials used in constructing the building, structure, or sign shall be of similar or superior quality, color and texture and shall be compatible with those materials used in construction of buildings, structures or signs in the general proximity to the applicant's request.
 - b. The buildings, structures or signs shall be in proper scale with the parcel upon which it is located. The scale of the proposed buildings, structures or signs shall be compatible with those in the general proximity to the applicant's request and to the community.
 - c. The overall site design and design of the building, structure or sign shall not adversely affect the existing or potential development of properties in the general proximity.
 - d. Ingress, egress and on-site traffic, parking and circulation shall be designed to promote safety and convenience and shall meet the minimum requirements outlined in Section 406 of the Zoning Code.
 - e. The proposed development shall not have any detrimental effect upon the general health, welfare, safety and convenience of persons within the community.

D. APPEAL.

Any applicant or any citizen of the City of Cottonwood who is dissatisfied or aggrieved by the decision of the Development Review Board may appeal such decision to the City Council by filing a written Notice of Appeal with the City Clerk, not later than fifteen (15) days from the date of the Board's decision.

E. VIOLATION AND ENFORCEMENT.

1. Prior to issuance of a building permit the Building Official shall determine that all requirements of the Development Review Board have been met.
2. The Planning and Zoning Administrator shall insure that all matters are undertaken according to conditions of the approved plans. Noncompliance with the approved plans shall be grounds for stopping work on the project or for denial of a Certificate of Occupancy.

SECTION 305. CODE REVIEW.

A. PURPOSE.

The purpose of Code Review is to enable the Code Review Board to make a finding that the proposed development is in conformity with the intent and provisions of both this Ordinance and all other City Ordinances. The provisions of this Section shall apply to all uses except for single-family residences and individual mobile homes.

B. APPLICATION FOR CODE REVIEW.

1. Application for Code Review can be made after the proposed development has received preliminary approval from the Development Review Board.
2. A request for plan approval shall be filed with the Building Official on a form prescribed by the Building Official. The request for approval shall be accompanied by four (4) identical copies of the plan. Each copy shall be on one or more sheets of paper measuring not more than twenty-four (24) by thirty-six (36) inches, drawn to a scale not smaller than forty (40) feet to the inch, which show the following:
3. A site plan showing the following a through o:
 - a. Lot Dimensions.
 - b. Location, size, height, use and exterior materials of all buildings and structures.
 - c. Size and dimensions of yards and space between buildings.
 - d. Location and height of walls and fences.
 - e. Location, number of spaces, dimensions, circulation patterns and surface materials for all off-street parking and loading areas, driveways, access ways and pedestrian walkways.
 - f. The location, dimensions, area, materials and lighting of signs.
 - g. Location and general nature of lighting.
 - h. Street dedications and improvements.
 - i. Existing and proposed grades and drainage systems.

- j. The size and location of all existing and proposed public and private utilities. All easements must be shown.
 - k. Natural features such as mesas, rock outcroppings or streams and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.
 - l. Landscaping, including all surfacing material around buildings and in all open spaces and methods for maintaining said landscaping.
 - m. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
 - n. A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer.
 - o. Any other information which the Zoning Administrator may find necessary to establish compliance with this and other Ordinances.
4. Drainage report and drainage plan which conform to the requirements of the City of Cottonwood Ordinance Number 172.
 5. A complete set of construction drawings which conform to the following Codes:
 - a. 2003 International Fire Code
 - b. 2003 International Residential Code
 - c. 2003 International Building Code and Appendix G
 - d. 2003 International Plumbing Code
 - e. 2003 International Fuel Gas Code
 - f. 2003 International Mechanical Code
 - g. 2003 National Electric Code

C. FEE.

The application for Code Review shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the filing fee shall be returnable.

Payment of the filing fee shall be waived when the petitioner is the City, County, State or Federal Government.

D. REVIEW PROCEDURES.

1. The Building Official shall forward the complete application together with all accompanying plans and documents of the Code Review Board for their consideration.
2. Within fifteen (15) working days of receipt of a complete application, the Code Review Board shall consider the application. The Code Review Board shall approve, conditionally approve or reject said plan based on its compliance with all provisions of this Ordinance, all other Ordinances, Master Plans of the City of Cottonwood and the Review Criteria of Subsection E. The decision shall set forth in detail the reasons for denial, or in the event of conditional approval, the changes or additions which are necessary to make the plan acceptable.
3. All copies of the approved or disapproved plan, together with any conditions, shall be dated and signed by the Code Review Board. One copy shall be to the applicant, one copy shall be filed in the project review file in the Planning & Zoning Department.

E. REVIEW CRITERIA.

1. In reviewing a proposed development, the Code Review Board shall consider the following:
 - a. They shall enforce all of the requirements as set forth previously by the Development Review Board preliminary development review.
 - b. The proposal shall adequately and safely provide for vehicular and pedestrian safety by reason of properly arranged vehicular and pedestrian ingress and egress or that excessive traffic congestion will not be created.
 - c. Proposed lighting shall be so arranged as to not shine upon or reflect onto adjoining properties and proposed signs and their lighting shall be of such size, location and color as to not interfere with traffic or limit visibility of adjoining property.
 - d. Adequate provision shall be made to protect adjoining properties and structures from excessive and unreasonable noise, vibrations, gases, odors and other factors which will interfere with the use and enjoyment of surrounding properties.

- e. The proposal shall not be detrimental to or endanger the public peace, health, safety or general welfare of the surrounding properties, or unreasonably interfere with the use or enjoyment of property in the vicinity by occupants thereof for lawful purposes.
- f. The required landscaping shall be provided and maintained in an attractive manner.
- g. The drainage report and plan must meet the minimum requirements of Ordinance Number 172 and not create an adverse effect on adjacent properties.
- h. The construction plans meet the Code requirements of the International Building Codes outlined in Subsection B.5.

F. APPEALS.

Any applicant for plan approval who is dissatisfied or aggrieved by the decision of the Code Review Board may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Code Review Board's decision.

G. VIOLATION AND ENFORCEMENT.

1. Prior to the issuance of a building permit the Building Inspector shall ascertain that the Development Review Board has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this Ordinance have not elapsed.
2. The Building Official shall ensure that all matters are undertaken according to the conditions of the approved plan. In the event of a violation, the Building Official shall notify the permittee, by mail, that he is in violation of the conditions of the approved plan. If no attempt to change the circumstances of the violation is made within ten (10) days after notification, the building permit shall be revoked and considered null and void.
3. The Code Review Board shall have the authority to withhold electrical power to insure compliance with the conditions of the Building Permit and/or authorized to be withdrawn temporary electrical power as a means of enforcing compliance with the conditions of the permit or Conditional Certificate of Occupancy.

H. EXCEPTION.

Under certain circumstances where the nature of the permitted or conditional use is such that it would be unnecessary or economically unfeasible for the applicant

to prepare a plan in accordance with this Section, the Code Review Board may waive certain of the requirements of Subsection B. of this Section, but in all cases the applicant will be required to prepare and submit some type of site plan drawn to scale.

SECTION 306. APPEALS AND VARIANCES.

A. APPEALS TO THE BOARD OF ADJUSTMENT.

1. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or department of the City affected by any decision of the Zoning Administrator.
2. Applications for any matter to be considered by the Board shall be filed with the Zoning Administrator on forms furnished for the purpose within thirty (30) days after the action appealed from and shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
3. The appeal stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Board that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril; to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board, or by a court of record on application and notice to the Zoning Administrator.
4. The Board shall hear the appeal within thirty (30) days and shall give notice of hearing by publication of a notice in the official newspaper of the City and by posting the property affected not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered.
5. The Board may reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator appealed from and make such order, requirement, decision or determination as necessary.
6. Any party may appear at the hearing in person or by agent or attorney. Parties shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts. The Board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence and in furtherance of this policy, may limit cross-examination.
7. Any aggrieved person may appeal to the Board of Adjustment for a Variance from the terms of the Zoning Ordinance only, if because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings the strict application of the Zoning Ordinance will deprive such property of privileges enjoyed by other property of same classification in the same zoning district. Any Variance granted is

subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

8. A Variance shall not be granted by the Board unless the alleged hardship caused by literal interpretation of the provisions of the Ordinance results in more than personal inconvenience and/or financial hardship and is not the result of actions by an appellant.
9. In granting a Variance, the Board may impose such conditions and safeguards as are appropriate to insure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a Variance is granted shall be deemed a violation of this Ordinance.
10. No nonconforming use or violations of this Ordinance with respect to neighboring lands, structures or buildings, in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for granting a Variance.
11. Every Variance granted shall be personal to the appellant therefor and shall be transferred and shall run with the land only after completion of any authorized structure or structures.
12. Nothing herein contained shall be construed to empower the Board to change the terms of this Ordinance, to authorize uses which violate any other City Ordinance, to affect changes in the Zoning Map, or to add to or change the uses permitted in any zoning district.

B. APPEAL FROM THE BOARD.

The decision of the Board shall be final, provided, however, that any person aggrieved by the decision of the Board, or a taxpayer, or a municipal officer may, at any time within thirty (30) days after the filing of the decision in the office of the Board, petition the court for a writ of certiorari for review of the Board's decision. Allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and for good cause shown, grant a restraining order and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.

C. FEES.

1. Upon filing an application for appeal, the appellant shall pay a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the filing fee shall be

returnable. Payment of the filing fee shall be waived when the petitioner is the City, County, State or Federal Government.

2. In the case of an appeal for a Variance to more than one provision of this Ordinance, the filing fee shall equal the total amount chargeable for all provisions as prescribed by the fee schedule.