

ORDINANCE NUMBER 569

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, AMENDING THE CITY OF COTTONWOOD ZONING ORDINANCE BY DELETING SECTION 404. H. "BUILDING HEIGHT REQUIREMENTS" AND REPLACING IT WITH A NEW SECTION 404. H. "HEIGHT REGULATIONS" PERTAINING TO HEIGHTS OF NON-HABITABLE STRUCTURES; DELETING SECTION 404. H. 3. "RESIDENTIAL ACCESSORY BUILDINGS" AND ADDING A NEW SUB SECTION (7) TO SECTION 404. G. 6. c. "DETACHED ACCESSORY BUILDINGS IN RESIDENTIAL ZONES"; AND AMENDING SECTION 304. "DESIGN REVIEW" TO ALLOW MINOR HEIGHT EXCEPTIONS FOR VARIOUS NON-HABITABLE STRUCTURES SUBJECT TO DESIGN REVIEW PROCEDURES AND CRITERIA.

WHEREAS, the City Council has determined that the following changes to the City's Zoning Ordinance are appropriate and desirable.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That Section 404. H. "BUILDING HEIGHT REQUIREMENTS", of the Cottonwood Zoning Ordinance is hereby deleted in its entirety, and a new Section 404. H. "HEIGHT REGULATIONS" is hereby added as follows:

H. HEIGHT REGULATIONS.

1. Purpose: Height regulations for buildings and structures are established for the City of Cottonwood to protect scenic view resources, promote compatible development and ensure development occurs in a manner that protects the health, safety and general welfare of the citizens of Cottonwood.
2. Applicability: No building or structure shall be erected, reconstructed or structurally altered to exceed the height limit designated for the Zoning District in which such building or structure is located, except as otherwise specifically provided in this Section, and provided such exceptions are in conformance with all other applicable city codes, ordinances, and regulations.

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3. Architectural Embellishments: Except as described for Industrial Zoning Districts, the height limitations for each Zoning District may be exceeded by no more than ten (10) feet for spires, cupolas, domes, pediments or similar architectural or ornamental structures integrated directly into the design of the building, provided such elements occupy no more than ten percent (10%) of such roof area in total measured in plan view and provided the design is subject to review and approval through the Design Review process.
4. Non-Habitable Rooftop Structures: Except as described for Industrial Zoning Districts, the height limitations for each Zoning District may be exceeded by no more than ten (10) feet for flues, vents, poles, beacons, enclosed mechanical towers, or other similar non-habitable structures extending above the roof of a building provided such structures occupy no more than ten percent (10%) of such roof area in total measured in plan view and provided the design is subject to review and approval through the Design Review process.
5. Industrial Structures: In Industrial Zoning Districts, chimneys, derricks, conveyors, cooling towers, elevator bulkheads, fire towers, storage tanks, water towers, or similar accessory structures necessary and integral to the industrial process may extend to a height of sixty (60) feet above grade, provided that such structures shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed. The Planning and Zoning Commission may approve additional height for accessory industrial structures where it is determined that the location does not adversely impact scenic views from other properties and provided it meets safety standards and is not in conflict with any other codes, ordinances and regulations of the City of Cottonwood.
6. Monuments, Memorials, and Statues: Height limits for freestanding or attached monuments, memorials, symbolic representations, statues, art installations or similar structures shall be subject to the following:
 - a. Review and approval through the Design Review process which shall consider the height and size of a proposed structure in terms of scale, proportion and relationship to the surrounding context, including buildings, site plan layout, landscape features, streets and pedestrian areas, and which may limit such height to lower than the maximum allowed by this Section based on the specific considerations of the site so as to achieve an integrated design for the development;
 - b. Shall not exceed 25 feet in height above the prevailing finished grade; and
 - c. All such structures or installations must meet the setback standards for the underlying zoning district.
7. Flagpoles: A flagpole shall be located so that if it should collapse, its reclining length would be contained on the property on which it was installed.

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8. Wireless Communication Facilities: So as to ensure the protection of scenic view resources in and around Cottonwood, which otherwise define a significant and valued aspect of the character of the city, the following regulations shall apply to new and expanded wireless communication facilities:
 - a. The regulations contained in this Ordinance are intended to be in compliance with the Federal Telecommunications Act of 1996, which shall supersede any regulations contained herein;
 - b. The overall height of any wireless communications structure, antenna and/or antenna array shall not be greater than a maximum of sixty (60) feet from the ground to the highest physical point on the structure;
 - c. Encourage the location and colocation of wireless communications equipment on existing structures thereby minimizing adverse visual, aesthetic and public safety impacts, and effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
 - d. Wireless communication facilities shall be discouraged within any Historic District or in proximity to any historic properties in the City of Cottonwood unless designed in a manner that avoids adversely impacting such historic resources through the use of design techniques that minimize or hide the facility; and
 - e. Such structure shall be located and constructed so that if it should collapse, its reclining length would be contained on the property on which it was installed.
9. Solar and Wind Energy Devices:
 - a. Solar Devices: Solar energy equipment mounted on rooftops may exceed the maximum allowable height for the zoning district by up to five (5) feet.
 - b. Wind Energy Devices: In Industrial, Agricultural Residential or Community Facility zoning districts with a minimum five (5) acre site no more than one accessory wind energy device per parcel or development site may be installed on a freestanding pole or support structure, not to exceed 60' in height at its highest point above grade and subject to obtaining a building permit. Such structure shall be located and constructed so that if it should collapse, its reclining length would be contained on the property on which it was installed.
10. Airport Height Restrictions: No building or structure shall be erected, altered, or maintained within any existing or proposed portions of Cottonwood Airport property, Cottonwood Industrial Airpark or any related airspace that has a height in excess of the height limitations established by that zoning district or as per any special restrictions for such established by the FAA, the Cottonwood Airport Master Plan or any other related regulations, including Building Restriction Lines or

Runway Protection Zones, so as to protect the safety and integrity of the airport functions.

Section 3. That existing Sub-Section 404. H. 3. “Residential Accessory Buildings” is hereby moved to Section 404. G. 6. c. “Detached Accessory Buildings in Residential Zones” as a new Sub-Section (7) as follows:

- (7) Residential Accessory Buildings: No building which is accessory to any residential building shall be erected to a height greater than one (1) story or sixteen (16) feet to the peak or highest point of the roof.

Section 4. That sub-sections “n.” “o.” “p.” and “q.” are hereby added to Section 304. Design Review, Sub-Section E. Criteria, as follows:

- n. Architectural Embellishments: The design and placement of architectural embellishments shall be subject to the standards for Design Review as described in Section 404. H. “Height Regulations.”
- o. Non-Habitable Rooftop Structures: The design and placement of non-habitable rooftop structures shall be subject to the standards for Design Review as described in Section 404. H. “Height Regulations.”
- p. Monuments, Memorials and Statues: The design and placement of freestanding or attached monuments, memorials, statues, art installations or similar structures shall be subject to the standards for Design Review as described in Section 404. H. “Height Regulations.”
- q. Wireless Communications Facilities: The design and placement of wireless communication facilities shall be subject to the standards for Design Review as described in Section 404. H. “Height Regulations.”

Section 4. That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be unlawful, invalid or unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 18TH DAY OF JANUARY 2011.

Diane Joens, Mayor

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APPROVED AS TO FORM:

ATTEST:

Steven B. Horton, Esq., City Attorney

Marianne Jiménez, City Clerk