

***CITY OF COTTONWOOD***  
***ZONING ORDINANCE***



***Adopted 8/14/79***

## LIST OF AMENDMENTS

Ordinance 123, March 28, 1983

An ordinance amending the Zoning map and Zoning Ordinance Numbers 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 44, 50, 51, 60, 65, 67, 68, 70, 71, 73, 74, 75, 82, 86, and 87 and rescinding Ordinance Numbers 88, 91, 97, 98, 99, 102, 105, 106, 107, 108, 110, 111, 116, 117, 119, and 120.

Ordinance 194, September 16, 1986

An ordinance amending Ordinance Number 123 by amending Article I, Section 106, Development Review Board, and Article III, Section 304, Development Review, and adding Article I, Section 106A, Code Review Board, and Article III, Section 304A, Code Review

Ordinance 230, March 7, 1989

An ordinance adopting the Revised Zoning Ordinance.

Certain sections of that Ordinance have been deleted, amended or added:

Section 1, Revised Zoning Ordinance, becomes effective on April 6, 1989.

Section 2, Any person etc., violating Zoning Ordinance shall be guilty of a Class 3 Misdemeanor, fine as set forth in A.R.S. 13-802 and A.R.S. 13-804, or by imprisonment in the City Jail for not more than 30 days or both. Each is a separate offense and every day such violation is continued etc., shall be punished as provided in this Section.

Section 3, Ordinance #19 and all ordinances or parts in conflict are hereby repealed.

Section 4, The repeal of Ordinance #19 does not affect rights, duties and penalties incurred or proceedings that were begun before the effective date of the repeal.

Section 5, If any section, subsection etc., or any part of the code is for any reason held to be invalid or unconstitutional it shall not affect the validity of the remaining portions.

Ordinance 248, April 3, 1990

Amending the "Revised Zoning Ordinance under Ordinance #230, by adding #7. to Section 410.C; #6 to Section 411.C; #6 to Section 412.C; #4 to Section 413.C; #4 to Section 414.C; #5 to Section 415.C; #5 to Section 416.C; and #3 to Section 417.C.

Ordinance 254, March 5, 1991

An ordinance of the City of Cottonwood, Arizona, amending the "Revised Zoning Ordinance of the City of Cottonwood" as adopted by reference under Ordinance Number 230, by amending: Section 305.B.15; amending Section 405.E.5. and 9; amending Section 405.G.1; adding Section 405.H.1.2.3.a.b.c.; amending Section 406.D.1.(2)(d); amending Section 410 B.2. and 3; amending Section 411 B.2. and 4; amending Section 412 B.3. and C.1; deleting Section 423.E.2. and replacing it with Section 423 E.3; and amending Section 424 I.3.

Ordinance 329, November 7, 1995

An ordinance of the City of Cottonwood, Arizona, amending the "Revised Zoning Ordinance" as adopted by reference under Ordinance Number 230, by amending Section 412.D.6.b; amending Section 413.D.6.b; amending Section 414.D.7.b; adding Section 414.C.5; amending Section 421.D.5; and amending Section 422.D.5.

Ordinance 336, June 18, 1996

An ordinance of the City of Cottonwood, Arizona, amending the "Revised Zoning Ordinance" as adopted by reference under Ordinance Number 230, by deleting Section 407 in its entirety and replacing it with Section 407.

Ordinance 354, February 17, 1998

An ordinance of the City of Cottonwood, Arizona, amending the "Revised Zoning Ordinance" as adopted by reference by Ordinance Number 230, by amending Article II - Definitions, Section 201. General, "Guest House"; amending Article IV - Zoning Districts, Section 411., "AR-43 Zone", B.2 (Permitted Uses, Guest Houses); and Section 412., "AR-20 Zone", C.1 ("AR-20" Zone, Agricultural Residential, Permitted Uses).

Ordinance 359, April 7, 1998

An ordinance of the City of Cottonwood, Arizona, amending the "Revised Zoning Ordinance" as adopted by reference by Ordinance Number 230, by amending Section 406. Parking and Loading Requirements, C.2.C. Design and Location of Parking Spaces, Surfacing.

Ordinance 372, January 19, 1999

An ordinance of the City of Cottonwood, Arizona, amending the "Revised Zoning Ordinance" as adopted by reference by Ordinance Number 230, by amending Section 405. "Signs," B., "Definitions," and Section 405.E.10., "Regulations Applicable to Signs in All Districts," and Section 405.G., "Regulations Applicable to Signs in Commercial and Industrial Zones."

Ordinance 379, September 21, 1999

An ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” as adopted by reference by Ordinance Number 230, by adding Section 425, “AR-70” Zone, Agricultural Residential; and Section 426, “NF” Zone, National Forest District.

Ordinance 384, December 21, 1999

An ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” as adopted by reference by Ordinance Number 230, by deleting Section 404. General Provisions, Subsection Q, Exterior Lighting; Section 405. Regulations Applicable to signs in all Districts, Subsection E.3., Lighting; Section 406. Parking and Loading Requirements, Subsection C.2.i., Lighting; and adding Section 408, “Outdoor Lighting Code”.

Ordinance 390, September 19, 2000

An ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” as adopted by reference by Ordinance Number 230, by amending Article III- Procedures, Section 301. Amendments or Zone Changes; by deleting Section A. Purpose; Section B. Citizen Review and Participation; and Section C. Public Hearings required, and providing for severability.

Ordinance 395, December 19, 2000

An Ordinance of the City of Cottonwood, Arizona, amending Ordinance Number 390, by amending Section C., 1., d., 2., Public Hearings Required.

Ordinance 391, February 20, 2001

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” as adopted by reference by Ordinance Number 230, by amending Article IV- Zoning Districts, Section 404. General Provisions., G. Yard, Lot and Area Requirements., by deleting Number 6. Accessory buildings (Detached) and Swimming Pools; and amending Section 404. General Provisions., H. Building Height Requirements. by deleting Section H.3.; and adding a new Section H.3.

Ordinance 396, February 20, 2001

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” as adopted by reference by Ordinance Number 230, by deleting Section 109, Enforcement, and adding a new Section 109, Enforcement.

Ordinance 401, May 1, 2001

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” as adopted by reference by Ordinance Number 230, by amending Article II-Definitions, Section 201, General; Article IV-Zoning Districts, Section 421, “I-1” Zone, Light Industrial; and Section 422, “I-2” Zone, Heavy Industrial.

Ordinance 437, February 3, 2004

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” as adopted by reference by Ordinance Number 230, by deleting Article IV-Zoning Districts, Section 424, “PUD” zone, Planned Unit Development and amending Article IV- Zoning Districts, Section 424, “PAD” zone, Planned Area Development.

Ordinance 456, September 21, 2004

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” Article IV Zoning Districts, Section 418. “C-1” zone, Light Commercial; by deleting Section B. Permitted Uses 5. and Section C. Conditional Uses 3.; and replacing Section B. Permitted Uses 5. and Section C. Conditional Uses 3.

Ordinance 486, May 16, 2006

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” Article II Definitions, Section 201, General, by deleting “Mobile Home” and adding “Mobile Home,” “Manufactured Home,” “Manufactured Home Park,” “Manufactured Home Subdivision,” “Building, Factory Built;” and revising related sections, including Section 410.B.1 (GA Zone); Section 411.B.1 (AR-43 Zone); Section 412.B.1 (AR-20 Zone); Section 413.B.1 (R-1 Zone); Section 415.B.1 (R-3 Zone); Sections 416., 416.A, 416.B.3., 416.B.8., 416.D.1., 416.D.4 (R-4 Zone); Section 417., 417.A, 417.B.1., 417.B.2., 417.B.3., 417.B.4., 417.B.5., 417.D., 417.D.9., 417.D.11., 417.E., 417.E.1-12. & 417.J., 417.K. (MH Zone); Sections 418.C.2., 418.H. 418.I. (C-1 Zone); Sections 419.C.2, 419.J., 419.K. (C-2 Zone); Sections 420.G & H. (C-3 Zone); Section 421.I (I-1 Zone); Section 422.C.2 (I-2 Zone); Section 422.I (I-2 Zone); & Section 423.I (CF Zone).

Ordinance 487, May 16, 2006

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” Article IV-Zoning Districts, Section 417.D, “MH” Zone, Manufactured Home, Property Development Standards for Manufactured Home Subdivisions.

Ordinance 488, May 16, 2006

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” Article III-Procedures, Section 304, Development Review, by adding new standards and criteria for Grading; and Article IV-Zoning Districts, Section 404. General Provisions, by amending Section 404.K.2. pertaining to procedures for dumping of dirt or material.

Ordinance 489, July 20, 2006

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” Article I-Administration, Section 106.A Development Review Board, by amending the composition of board members.

Ordinance 496, November 21, 2006

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” Article IV, Section 404.G. General Provisions, Yard, Lot and Area Requirements, pertaining to the allowable size of accessory structures in the MH Zone; and by amending Article IV, Section 417. E. Property Development Standards for Manufactured Home Parks; adding a new Section 417.F. pertaining to manufactured homes located outside of the MH Zone; renumbering Sections 417.F. through Section 417. M., as Sections 417.G. through 417.N. to accommodate new Section 417.F.; and amending new Section 417.G. pertaining to skirting for manufactured homes and accessory structures in MH Zone.

Ordinance 501, March 20, 2007

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” Section 405. Signs. by Amending Section 405. B. Definitions, by adding new Definitions for A-Frame Signs and Portable Signs; 405 E. Regulations Applicable To Signs In All Districts, by deleting existing Section 405. E. 5. and adding a new Section 405. E. 5.; amending Section 405. E. by adding a new Section 405. E. 12., A-Frame Signs; and amending Section 405. G. 9., Temporary Signs by adding a new Section 405. H. 9.a.

Ordinance 504, April 3, 2007

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” by renaming Article IV, Section 420. “C-3” Zone, Restricted Commercial District, to Section 420. “CR” Zone, Commercial Residential District; and amending existing Section 420. “C-3” Zone, Sections 420. A. Purpose; B. Conditional Uses; and C. Property Development Standards; by adding new Sections 405. A. Purpose; B. Permitted Uses; C. Conditional Uses; and D. Property Development Standards.

Ordinance 510, September 4, 2007

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” by amending Article IV, Sections 404. G. 4. and 404. G. 5. General Provisions, allowing front porch encroachments in front yards in certain residential zones; and amending Sections 417.E. Manufactured Home Parks; Section 415., R-3 Zone; and Section 416., R-4 Zone, excluding front porch encroachments by right.

Ordinance 514, May 6, 2008

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” by amending Article I, Section 105. Board of Adjustment, by establishing a separate Board of Adjustment comprised of seven appointed residents of Cottonwood; and amending Article III. Section 306.A.8. Appeals and Variances, regarding the criteria for Variances.

Ordinance 515, May 20, 2008

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” by amending Article II, Definitions by adding a new definition for “Guest House;” and amending Article IV. Section 404.G.6.D. adding a new section for Detached Accessory Building Guest House; and amending Section 413.C. (R-1 Zone) by adding Guest House as a Conditional Use.

Ordinance 522, September 2, 2008

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” by amending Section 201. Definitions by deleting the definition for “Sign” and amending Section 405. Signs by changing the definition for “Sign” and adding definitions for various types of signs, amending the sign allowance standards, wall mounted sign height standards, and requirements for repair, renovation and replacement of legal nonconforming signs.

Ordinance 523, September 2, 2008

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” by amending Section 105. Board of Adjustment to be comprised of five residents of the City of Cottonwood and establishing quorum of three members.

Ordinance 525, September 16, 2008

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” by amending Section 404. E. Street Dedication Requirements, to allow creation of lots or parcels within a shopping center that do not have frontage of a public street.

Ordinance 527, September 16, 2008

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” by amending Section 406. Parking and Loading Requirements, by amending the minimum parking requirements for large scale retail store and shopping centers, amending the requirements for off-site parking and adding a new section for shared parking.

Ordinance 524, October 7, 2008

An Ordinance of the City of Cottonwood, Arizona, amending the “Revised Zoning Ordinance” Section 405. Signs by amending Section 405.G.1. (Size) and Section 405.G.4. (Height), to increase the maximum size and height of freestanding signs located in commercial zones on arterial streets in Cottonwood from 40 square feet in area to 60 square feet, and from 15’ height to 20’.

REVISED ZONING ORDINANCE  
of  
THE CITY OF COTTONWOOD

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## ARTICLE I - ADMINISTRATION

### SECTION 101. SHORT TITLE.

This Ordinance shall be known as "The Zoning Ordinance of the City of Cottonwood".

### SECTION 102. PURPOSE.

The purposes of this Ordinance are to secure safety from fire, panic and other dangers; to provide adequate light and air; to lessen congestion in the streets; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources; and to otherwise promote the health, safety, convenience and general welfare of the citizens of the City of Cottonwood, Arizona.

### SECTION 103. INTERPRETATION AND APPLICATION.

In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements for the promotion of a comprehensive plan and for the promotion of the public health, safety and general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or with restrictions placed provided that where this Ordinance imposes a greater restriction on land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.



## SECTION 104. PLANNING AND ZONING COMMISSION.

### A. ESTABLISHMENT; COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS.

There is hereby established a Planning and Zoning Commission of the City of Cottonwood, to consist of seven (7) members, each of whom shall be a resident of the City of Cottonwood, to be appointed by the City Council. The members of the Commission shall serve for three (3) years, except as hereinafter provided. The members of the first Commission appointed hereunder shall serve for the following terms: two (2) members shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of three (3) years. In the event of a death, resignation or removal from the Commission, the vacancy shall be filled by the Council for the unexpired term. Members of the Commission may, after public hearing, be removed by the Council for inefficiency, neglect of duty or malfeasance in office. The Council shall file a written statement of the reasons for removal. Three (3) unexcused absences during a term from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice and such action shall be final. All members shall serve without pay. However, members of the Commission may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Commission and approval of such expenditures by the City Manager.

### B. POWERS AND DUTIES.

It shall be the duty of the Commission to formulate and administer any lawful plan duly adopted by the Council for the present and future growth and development of the City of Cottonwood, pertaining to the use of land and buildings for any purpose, to make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the City of Cottonwood and in cooperation with adjacent areas and to recommend to the Council revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the City of Cottonwood to hold public hearings where necessary; to make recommendations to the Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein and amendments of this Ordinance; to carry out the specific duties as associated therewith and commonly known as "Planning and Zoning." The Commission is also authorized to confer and advise with other city, county, regional or state planning commissions.

### C. SELECTION OF OFFICERS.

The Commission shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and to take evidence. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

D. QUORUM; VOTING.

Four (4) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for passage of any matter before the Commission. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

E. RULES; REGULATIONS; RECORDS; MEETINGS.

The Commission shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. Meetings of the Commission shall be open to the public. The minutes and records of all Commission proceedings shall be kept and filed as public record in the office of the City Clerk.

## SECTION 105. BOARD OF ADJUSTMENT.

### A. ESTABLISHMENT; COMPOSITION; TERMS OF MEMBERS; VACANCIES; ABSENT MEMBERS; COMPENSATION OF MEMBERS.

There is hereby established a Board of Adjustment of the City of Cottonwood, to consist of five (5) members, each of whom shall be a resident of the City of Cottonwood, to be appointed by the City Council. The members of the Board shall serve for three (3) years, except as hereinafter provided. The members of the first Board appointed hereunder shall serve for the following terms: two (2) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of three (3) years. In the event of a death, resignation or removal from the Board, the vacancy shall be filled by the Council for the unexpired term. Members of the Board may, after public hearing, be removed by the Council for inefficiency, neglect of duty or malfeasance in office. The Council shall file a written statement of the reasons for removal. Any member who is absent for three (3) consecutive regular meetings, or a cumulative total of seven (7) meetings throughout the calendar year, shall automatically cease to hold membership without further action being taken by the City Council. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the City Manager.

### B. POWERS AND DUTIES.

1. It shall be the duty of the Board of Adjustment to:

- a. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of the Zoning Ordinance and to 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.
- b. Hear and decide appeals for variances from the terms of the Zoning Ordinance. A variance shall not be granted unless the Board of Adjustment shall find upon sufficient evidence:
  - 1) That there are special circumstances or conditions applicable to the property, including its size, shape, topography, location, or surroundings; and
  - 2) That such special circumstances or conditions are pre-existing and not self-imposed or created by the property owner or the applicant; and
  - 3) The strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other property of the same classification in the same zoning district; and
  - 4) The adjustment authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

2. The Board of Adjustment may not:

- a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Ordinance provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to this article.
- b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner. This includes economic hardships, interest in improving financial return on investment or other personal circumstances of the property owner or applicant.

C. SELECTION OF OFFICERS.

The Board shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and to take evidence. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

D. QUORUM; VOTING.

Three (3) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for passage of any matter before the Board. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question. The vote of each member shall be shown in the minutes of the meeting.

E. RULES; REGULATIONS; RECORDS; MEETINGS.

The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. Notice of the time and place of the hearing, including a general explanation of the matter to be considered, shall be given at least fifteen (15) days before the hearing. The notice shall be published at least once in a newspaper of general circulation. In addition, notice shall be posted on the property affected, when applicable, in a manner readily visible to the general public. All meetings of the Board shall be open to the public. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the City Clerk.

F. PROCEDURES.

Procedures for Appeals to the Board of Adjustment and Appeals from the decisions of the Board of Adjustment shall be as per Zoning Ordinance Section 306. Appeals and Variances.

## SECTION 106. DEVELOPMENT REVIEW BOARD.

### A. ESTABLISHMENT; COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS.

There is hereby established a Development Review Board of the city, to consist of seven (7) members, each of whom shall be a resident of the City of Cottonwood, or own or operate a business in the city, to be appointed by the City Council. The membership shall consist of one Planning and Zoning Commission Member and six (6) Public Members, three (3) of whom shall be qualified by design related background training or experience, one (1) of whom shall be land developers, builders, contractors or otherwise represent economic or real estate interests, and two (2) of whom shall represent general public interest. The members shall serve for three (3) years, except as hereinafter provided. The Planning and Zoning Member shall serve a three (3) month revolving term. The members of the first Board appointed hereunder shall serve for the following terms: Two (2) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of three (3) years. Members of the Board may, after public hearing, be removed by the Council for inefficiency, neglect of duty or malfeasance in office. The Council shall file a written statement of the reasons for removal. Three (3) unexcused absences during a term from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice and such action shall be final. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the City Manager.

### B. POWERS AND DUTIES.

The Development Review Board shall have the power to approve, conditionally approve or disapprove all applications for Development Review as required by Section 304 of the City of Cottonwood Zoning Code, basing its decision solely on the criteria set forth in Section 304.C. of the City of Cottonwood Zoning Code or any supplemental guidelines to the Criteria as approved by the City Council.

### C. SELECTION OF OFFICERS.

The Board shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairman shall have the power to administer oaths and to take evidence. The Vice-Chairman shall perform the duties of the Chairman in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

D. QUORUM; VOTING.

Four (4) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for passage of any matter before the Board. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

E. RULES; REGULATIONS; RECORDS; MEETINGS.

The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the Board shall be open to the public. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the City Clerk.

SECTION 107. CODE REVIEW BOARD.

A. ESTABLISHMENT; COMPOSITION; TERMS OF MEMBERS; VACANCIES; COMPENSATION OF MEMBERS.

There is hereby established a Code Review Board of the City of Cottonwood, to consist of five (5) members as follows: the Cottonwood Planning and Zoning Administrator, the Cottonwood City Engineer, the Cottonwood Fire Chief, the Cottonwood Police Chief and the Cottonwood Building Official. The Board Members shall serve for as long as they are employed in those capacities by the City of Cottonwood. Members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the City Manager.

B. POWERS AND DUTIES.

In accordance with the provisions of this Ordinance, it shall be the duty of the Code Review Board to review all proposed developments with the exception of single-family residences and mobile homes. The purpose of this review shall be to ensure that new developments adequately provide for vehicular and pedestrian safety; provide for proper drainage, adequately protect adjoining properties from excessive and unreasonable noise, vibrations, gases, odors, light and other nuisance; shall not be detrimental to the public peace, health, safety and general welfare; and shall provide proper landscaping as required by this Ordinance.

The City of Cottonwood Building Official shall receive all plans for plan approval. The Building Official shall distribute the plans and a review form to each of the Board Members. The individual Board Members are responsible for returning the plans and completed review form to the Building Official by the date required on the form. The Building Official will then notify the applicant and supply a copy of all the completed review forms to the applicant.

Upon approval of the proposed plans, by all Board Members, the Building Official may issue a Building Permit.



## SECTION 108. ZONING ADMINISTRATOR.

### A. CREATION; APPOINTMENT.

There is hereby created the office of Zoning Administrator of the City of Cottonwood, who shall be appointed from time to time by the City Manager.

### B. POWERS AND DUTIES.

#### 1. The Zoning Administrator shall:

- a. Enforce the Zoning Ordinance.
- b. Accomplish all administrative actions required by the Ordinance.
- c. Undertake preliminary negotiation with and provide advice to, all applicants for zoning adjustment action, Use Permits, plan review, or other action of the Planning and Zoning Commission.
- d. Subject to general and specific policy laid down by the Planning and Zoning Commission and City Council, interpret the Zoning Ordinance to members of the public, City Departments and other branches of government.



## SECTION 109. ENFORCEMENT.

The Zoning Inspector shall issue a violation notice by certified mail to the person or persons in violation of the City Zoning Ordinance. The notice will explain the nature of the complaint, the corrective action and a time period of not less than 15 calendar days for such correction. If such time should pass without corrective action, a complaint may be filed with the Municipal Court. Said complaint shall state that the Zoning Inspector has reasonable cause to believe a Class 3 Misdemeanor in violation of one or more provisions of the City of Cottonwood Zoning Ordinance or amendments thereto has been committed and shall describe the conduct of the person that constitutes the violation. The Court shall issue a summons to the person which shall specify the date and time of the initial appearance before the Court.



SECTION 110. VIOLATION AND PENALTY.

It is hereby declared to be unlawful to construct, erect, install, alter, change, demolish, maintain or use any house, building, structure or fence or to use any lot or premise contrary to or in violation of any provision of this Ordinance. Any person, firm or corporation violating any of the provisions of the City of Cottonwood Zoning Ordinance shall be guilty of a Class 3 Misdemeanor and, upon conviction thereof, shall be punished by a fine as set forth in A.R.S. 13-802 and A.R.S. 13-804 or by imprisonment in the City jail facility for not more than thirty (30) days or both such fine and imprisonment. Every such person, firm or corporation shall be deemed guilty of a separate offense for each and every day in which such violation is committed, continued or permitted and shall be punished therefore as herein before provided in this Section.



SECTION 111. SEVERABILITY.

If any part of "City of Cottonwood Zoning Ordinance" is found to be invalid or unconstitutional by any court, such action shall not apply to the Ordinance as a whole and it is intended and declared that all parts of said "City of Cottonwood Zoning Ordinance" not expressly declared to be invalid or unconstitutional shall continue in full force and effect not withstanding so much thereof as may be declared to be invalid or unconstitutional.



## ARTICLE II – DEFINITIONS

### SECTION 201. GENERAL.

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

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

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

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

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

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

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

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

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

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

- b. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities”, excluding condoms, diaphragms, contraceptive inserts, contraceptive medications and other birth control or disease prevention devices prescribed by a licensed medical doctor or osteopathic doctor.

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

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

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

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

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

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

establishment as a form of expression of opinion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.

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

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

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

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

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

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

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

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

ANTIQUÉ - 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.

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.

BOARD OF ADJUSTMENTS - (See Section 105)

BOARDING HOUSE OR ROOMING HOUSE - A building with no more than one (1) common kitchen where, for definite periods of time, lodging with or without meals is provided for three (3) or more persons, but not exceeding ten (10) persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CONTIGUOUS** - In actual contact.

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

**COUNCIL** - Cottonwood City Council.

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

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

DEVELOPMENT REVIEW BOARD - (See Section 106).

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

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

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

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

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

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

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

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

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

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

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

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

FAMILY - An individual, or two or more persons related by blood or marriage, or a group of persons not related by blood or marriage, living together as a single housekeeping group 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.

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

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

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.

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

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

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

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

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

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

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

LOT - A legally created parcel of land.

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

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

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

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

LOT LINE - The line bounding a lot.

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

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

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

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

MANUFACTURED HOME - A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 and as amended, manufactured after June 15, 1976, and placed within applicable zoning districts, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, and when erected onsite, is three hundred twenty (320) square feet or more in size, and which is built on permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the typical plumbing, heating, air conditioning electrical systems and adequate sanitary sewage disposal system approved, installed and operational. A manufactured housing unit shall have a decal certifying that the dwelling unit has been inspected and constructed in accordance with the requirements of the U.S. Department of Housing and Urban Development (HUD) in effect at the date of manufacture wherein such date shall not be prior to June 15, 1976. The term "Manufactured Home" does not include recreational vehicles, travel trailers, factory built buildings, or mobile homes, as defined herein.

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

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

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

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

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

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

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

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

**NONCONFORMING BUILDING** - (See Section 403).

**NONCONFORMING USE** - (See Section 403).

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

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

NUDITY OR THE STATE OF NUDITY - Defined as:

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

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

NURSING HOME - A structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

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

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

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

OPEN SPACE - (See Usable Open Space).

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

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

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

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

PUBLIC HEARING - Hearings held as required by law.

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

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

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

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

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

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

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

**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.

**SPECIFIED ANATOMICAL AREAS** - Defined as:

1. Human genitals in a state of sexual arousal;
2. The appearance of the cleft of the buttocks, anus, male or female genitals, or areola of the female breast; or
3. A state of dress that fails to opaquely cover the cleft of the buttocks, anus, male or female genitals or areola of the female breast.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 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 judgment 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/she 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. The provisions of this Section apply to grading activity, including any stripping, cutting, excavating, filling or shaping of the earth, land, soil or material, or removal of vegetation.
4. 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.
  - d. Grading activity (cut and/or fill) on a parcel or total development site that is less than one (1) acre in size or that involves less than 50 cubic yards of material.
5. Under the following circumstances, the Planning and Zoning Administrator may approve a building, structure or grading 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 (1,000) 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.
  - e. Grading activity (cut and/or fill) that involves less than 1,000 cubic yards of material and is considered minor or is part of a site development plan previously approved by the Design Review Board or City Council.
6. The Planning and Zoning Administrator shall have the same duties and powers of the Board in regard to these buildings, structures and grading activity. 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, structures or grading 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.
  - e. Grading plans submitted for review must include a site development plan in compliance with approved zoning district standards.
  - f. Grading activity (cut and/or fill) that involves 1,000 cubic yards of material or greater shall require preliminary engineering plans to be prepared by a Civil Engineer. Submit all plans for review to the Building Official prior to consideration by the Development Review Board.



- g. The design and implementation of all grading shall address the following:
- 1) Ensure that grading activity is designed and implemented to minimize adverse impacts and include appropriate restorative measures;
  - 2) Avoid unnecessary visual scaring, excessive deposits of fill material on slopes and other adverse visual impacts resulting from cut and fill;
  - 3) Blend with the natural contours of the land. Alterations to the terrain shall be integrated with the existing landscape in a harmonious manner;
  - 4) Conserve the natural scenic beauty and vegetation of the site to the greatest extent possible, including major rock outcroppings, natural drainage courses and native plants and trees;
  - 5) Restrict the areas and volumes to the minimum necessary to implement the planned development;
  - 6) Ensure that graded areas, hillsides, slopes, or other areas subject to erosion are stabilized;
  - 7) Reduce the erosion effects of storm water discharge, preserve the flood-carrying capacity of natural or constructed waterways by limited soil loss, and protect drainage ways from siltation; and,
  - 8) Minimize dust pollution and surface water drainage from graded areas during grading and development.

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 or grading 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/she 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 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 based on personal inconvenience and/or financial hardship or as the result of self-imposed actions by a property owner or 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 special action review of the Board's decision. The filing of a petition for special action relief 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.

## ARTICLE IV - ZONING DISTRICTS

### SECTION 401. ESTABLISHMENT OF ZONING DISTRICTS.

- A. In order to carry out the purposes of this Ordinance, the City of Cottonwood is hereby divided into the following zoning districts:
1. "GA" Zone, General Agricultural
  2. "AR-43" Zone, Agricultural-Residential
  3. "AR-20" Zone, Agricultural-Residential
  4. "R-1" Zone, Single-Family Residential
  5. "R-2" Zone, Single-Family and Multiple-Family Residential
  6. "R-3" Zone, Multiple-Family Residential
  7. "R-4" Zone, Single-Family/Multiple-Family/Manufactured Home
  8. "MH" Zone, Manufactured Home
  9. "C-1" Zone, Light Commercial
  10. "C-2" Zone, Heavy Commercial
  11. "CR" Zone, Commercial Residential
  12. "I-1" Zone, Light Industrial
  13. "I-2" Zone, Heavy Industrial
  14. "C-F" Zone, Community Facility
  15. "PAD" Zone, Planned Unit Development
  16. "AR-70" Zone, Agricultural Residential
  17. "NF" Zone, National Forest District



## SECTION 402. LOCATION AND BOUNDARIES OF DISTRICTS.

- A. The locations and boundaries of the zoning districts are established as they are shown on the map entitled "Zoning Map of the City of Cottonwood" which is hereby incorporated into this Ordinance.
- B. Where uncertainty exists with respect to the boundaries of any zoning districts as shown on the zoning map, the following rules shall apply:
  - 1. Where district boundaries are shown by specific dimensions, such specific dimensions shall apply.
  - 2. Where district boundaries are indicated as approximately following streets, alleys or right-of-way lines, such streets, alleys or right-of-way lines shall be deemed to be such boundaries.
  - 3. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be deemed to be said boundaries.
  - 4. Where district boundaries are so indicated that they are approximately parallel to the streets, alleys or right-of-way lines, such district boundaries shall be deemed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.
  - 5. Where the application of the above rules does not clarify the zone boundary location, then the Board of Adjustment shall determine the location.
- C. Annexed Territory: The Cottonwood City Council, upon recommendation of the Planning and Zoning Commission, shall determine the zoning district or districts which should be applied to the land within a proposed annexation prior to final adoption of an Annexation Ordinance and the Annexation Ordinance shall delineate zoning districts as approved by the Council.



## SECTION 403. NONCONFORMING USES AND STRUCTURES.

### A. PURPOSE

The purpose of this Section is to regulate the use, maintenance, alteration, repair, extension and restoration of buildings and land which lawfully existed at the time of adoption of this Ordinance, but which do not conform to the regulations for the district in which they are located.

### B. DEFINITIONS.

1. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Ordinance but which, under this Ordinance, does not conform to the use regulations for the district in which it is located.
2. A nonconforming structure is a structure which was lawfully erected prior to the adoption of this Ordinance but which, under this Ordinance, does not conform with the standards of coverage, yard spaces, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located.

### C. REGULATIONS.

1. Nothing in this Code shall prevent requiring the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by a proper authority.
2. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been issued prior to the enactment of this Ordinance, provided the construction shall be diligently prosecuted within sixty (60) days of the date of this Ordinance and the building is completed and used according to such plans as filed within one (1) year from the date of this Ordinance.
3. A nonconforming building or portion thereof which was specifically designed, or beyond a reasonable doubt, intended by the nature of its arrangement and construction to be used in any way which would be nonconforming under this Ordinance, but was not so used at the time this Ordinance became effective, may, if not altered or repaired as prohibited elsewhere in this Ordinance, be occupied or used for the purpose for which it was designed, arranged or intended provided such building is so used within six (6) months after the effective date of this Ordinance. Otherwise the use of such building shall conform to the provisions of this Ordinance.
4. Nothing in this article shall be interpreted as authorization for approval of the continuance of the use of a building or premises in violation of regulations in effect at the time of the effective date of this Ordinance.
5. The lawful use of land, building or structure existing at the time of the passage of this Ordinance, although such does not conform to the provisions hereof for said land, may be continued, but if such nonconforming use is discontinued for a period of six (6) months, any future use of said land or structure shall be in conformity with the provision of this Ordinance.

6. Nothing in this article shall prevent the reconstruction, repairing or rebuilding of a nonconforming structure or part thereof rendered necessary by normal wear and tear, deterioration, or depreciation.
7. Any extensions of a conforming structure devoted to a nonconforming use or extensions of a nonconforming structure shall conform with all regulations for the zoning district in which such structure is located.
8. Nothing in this Code shall prevent the reconstruction, repairing, rebuilding and continuance of any nonconforming structure damaged by fire, collapse, explosion or acts of God, wherein the expense of such work does not exceed sixty percent (60%) of the value of the structure immediately prior to the occurrence of such damage, provided such reconstruction, or rebuilding is started within six (6) months after damage and is completed within one (1) year.
9. Extensions of a nonconforming use shall be by Conditional Use Permit issued by the Planning and Zoning Commission subject to the following:
  - a. The extension of a lawful use to any portion of a nonconforming building shall not be deemed the extension of such nonconforming use.
  - b. No nonconforming use shall be extended to displace a conforming use.
  - c. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.
  - d. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
10. Notwithstanding any other provision of this Ordinance, a building may be constructed on any lot of record before the adoption of this Ordinance in any zone in which such buildings are permitted even though such lot fails to meet the area or width requirements for within the zone, except that such construction shall conform to any lot coverage and yard requirements of the zone.
11. Where two or more contiguous lots of record are owned by the same person, the land included in the lots shall be considered to be an undivided parcel once a structure is located so as to cross the lot lines separating said lots and no portion of said parcel shall be used as building site or sold which does not meet the area and width requirements of the zone in which the lot is located.
12. Whenever the boundaries of a zone shall be changed so as to transfer an area from one zone to another zone of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

## SECTION 404. GENERAL PROVISIONS.

### A. APPLICATION.

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

### B. USE RESTRICTIONS.

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

### C. NONCONFORMING LOTS OF RECORD.

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

D. REDIVIDING OF RECORDED LOTS.

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

E. STREET DEDICATION REQUIREMENTS.

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

F. SITE UNSUITABILITY.

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

G. YARD, LOT, AND AREA REQUIREMENTS.

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

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

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

## 6. Swimming Pools and Detached Accessory Buildings

- a. **Swimming Pools:** A swimming pool, in any zone shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.
- b. **Detached Accessory Buildings in Commercial and Industrial Zones:** Any detached accessory building in a commercial or industrial zone shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone. All accessory buildings including galvanized and zinc-coated structures must be painted.
- c. **Detached Accessory Buildings in Residential Zones:**
  - (1) Accessory buildings eight (8) feet in height or less shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.
  - (2) Accessory buildings over eight (8) feet in height must meet all the setback requirements for the principal building in that zone.
  - (3) In the AR-20, R-1, R-2, R-3, and R-4, no single accessory building or aggregate of accessory buildings shall exceed 2,000 square feet except by approval of a conditional use permit.
  - (4) In the GA, AR-70 and AR-43 zones, no accessory building or aggregate of accessory buildings shall exceed 3,000 square feet except by approval of a conditional use permit.
  - (5) In the MH zone, no single accessory building or aggregate of accessory buildings shall exceed 750 square feet except by approval of a conditional use permit.
  - (6) All accessory buildings, including galvanized and zinc-coated structures must be painted.
- d. **Detached Accessory Guest House in Residential Zones:**
  - (1) Where listed as a Permitted or Conditional Use, one (1) detached guest house may be considered for parcels or lots with no more than one single-family dwelling.

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

#### H. BUILDING HEIGHT REQUIREMENTS.

1. Application: No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.

2. Exceptions: Height regulations established elsewhere in this Ordinance shall not apply:
  - a. In any district, to church spires, belfries, cupolas and domes not for human occupancy; monuments; water towers; flagpoles; 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.
  - b. In any district, to noncommercial radio or television antennas.
  - c. In industrial districts, to chimneys, smokestacks, derricks, conveyors, grain elevators or similar structures wherein the industrial process involved customarily require a height greater than otherwise permitted, 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.
  - d. In any district to solar heating or cooling apparatus, the plans of which have been approved by the Zoning Administrator.
3. Residential Accessory Buildings: No building which is accessory to any residential building shall be erected to a height greater than one (1) story or sixteen (16) feet to the peak or highest point of the roof, except as otherwise may be permitted by a conditional use permit.

I. HEIGHT LIMITATIONS ON CORNER LOTS.

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

J. WALLS AND FENCES.

1. PERMITS:

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

2. EXCEPTION:

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

3. ALL FENCE PERMITS:

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

4. HEIGHT:

a. No solid, view obscuring wall, fence or hedge over three (3) feet high and no chain link or wire fence or similar open, non-view obscuring fence over four (4) feet high shall be constructed or maintained nearer to the street line than the required front or street-side building setback line, nor be more than six (6) feet in height in any rear or side yards, provided that fences exceeding the above heights may be built around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof, or within Industrial areas when approved by the Development Review Board or in Agricultural or Agricultural-Residential Zoning Districts when a Conditional Use Permit has been secured for such purposes. The height regulations shall not apply when fences of greater height are required by the Planning and Zoning Commission or Development Review Board in order to provide adequate screening as required by this Ordinance.

b. Refer to Article V. for specific screening requirements.

5. No person shall place a fence or wall near any fire hydrant, fire department connection or fire protection system valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum of three (3) feet clear space shall be maintained around the circumference of the fire hydrant except as otherwise required or approved by the Code Review Board.

6. Hazardous Materials: No wall or fence shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices, provided that fences enclosing storage areas in Industrial Zoning Districts may contain barbed wire so long as such wire is located not less than six (6) feet above grade. Fences containing electrical current or barbed wire shall be allowed within Agricultural or Agricultural- Residential Zoning Districts provided a Conditional Use Permit has been secured for such purpose.

7. Materials and Design: Fences and walls in all Zoning districts shall be constructed of material in new condition only. Material must be wood, woven wire or masonry, of conventional design. Fences or walls of other than specified material or of other than conventional design, shall be allowed only by Conditional Use Permit, except that fence constructed of pipe shall be allowed in any Agricultural or Agricultural-Residential Zoning Districts.

8. Swimming Pools: All swimming pools shall be enclosed by a solid wall, wood or chain link fence not less than five (5) feet nor more than six (6) feet in height so as to prevent uninvited access.
9. Storage Facilities: Where "storage facilities" are to be enclosed by a masonry wall or solid fence as required elsewhere in this Ordinance, such enclosure shall be considered adequate only when constructed of: masonry without aperture, chain link with slats or wood fence with no aperture exceeding one quarter (1/4) inch.
10. Refer to Article V, Section 501, for specific screening requirements.
11. Fees: No fee shall be charged for Conditional Use Permits concerning fences.

K. DUMPING, DISPOSAL, AND EXCAVATION.

1. Prohibited Dumping: The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, refuse, ashes, slag or industrial wastes or by-products, shall be prohibited in every district except as otherwise provided in this Ordinance.
2. Dumping of Dirt or Material: In any district, the dumping or stockpiling of dirt, sand, rock, other material excavated from the earth or other organic or inorganic landscape material in quantities which exceed 50 cubic yards total for the overall development site or project site shall be subject to the requirements of the Building Code regarding review and approval of a Grading Permit and shall be subject to Section 304 of the Zoning Ordinance requiring review and approval by the Design Review Board, except as otherwise provided herein.
3. Excavation: A Conditional Use Permit shall be required for any person, firm or corporation to strip, excavate or otherwise remove soil, earth, gravel, etc., for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

L. OUTDOOR STORAGE AND JUNK AUTOMOBILES.

1. Definitions:
  - a. Outdoor Storage: The location of any goods, services, wares, merchandise, commodities, junk, debris, vehicles or any other item outside of a completely enclosed building for a continuous period longer than twenty four (24) hours.
  - b. Junk Automobile: A vehicle or any other major portion thereof which is incapable of movement on its own power and will remain so without major repair, or does not have a valid and current State of Arizona registration certificate and/or which does not conform to the State of Arizona Motor Vehicle Division standards for operation of a motor vehicle on public streets or highways.

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

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

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

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

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

#### N. HOME OCCUPATIONS.

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

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

O. ANIMALS AND PETS.

- 1. Household Pets: Except as otherwise permitted in this Ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three (3) pets, such as dogs, cats and similar household pets, exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building and which do not create odor or sound which is detectable on an adjoining lot.
- 2. Show Animals: The keeping of animals as show projects, not to exceed one lamb, or three adult poultry, rabbits or other small animals per project or premises, shall be an allowable use only by family members residing on the premises. Annually a completed form, prescribed by the Planning and Zoning Department, with name and physical address of each applicant and type, duration and number of animals of each project shall be submitted to the Planning and Zoning Department by said resident. Goat, swine, beef, adult sheep and horse projects shall be limited to Agricultural zones. Lamb, poultry, rabbits and other small animal projects shall be allowed in residential zones by permit only. The projects in zones other than Agricultural shall be of a limited duration not exceeding six (6) months in one (1) calendar year, allowing for the care, feeding and grooming of such animals to be shown and/or sold annually at events such as the Verde Valley, Yavapai County and/or Arizona State Fair. In the instance that a prize winning animal is to be entered into competition more than one time, an extension of the permit may be applied for and after evaluation by the Planning and Zoning Department conditionally extended. Pens, stables, cages and other shelters for such animal projects shall not be located closer than twenty five (25) feet to any property line. All structures shall be kept in a neat and sightly manner and shall be controlled daily from refuse, manure, flies and other nuisances at all times. Storage of feed equipment and other material related to such animals shall be entirely within an enclosed building. Carports or garages attached to a residence shall not be used to contain such animal projects.
- 3. Nuisance: Where the keeping of such animals becomes a nuisance, the Planning and Zoning Inspector shall have the authority to require a reduction in the number of and/or removal of the animals. Normally the Inspector will allow a ten (10) day grace period

for compliance to the Ordinance. In exceptional cases the Inspector shall require immediate removal of the animals in question.

4. The provisions of the Ordinance are not intended to authorize the keeping of animals, regardless of number, size or type, in a manner which constitutes a nuisance and which impairs the enjoyment or use of nearby properties or violates other legal restrictions the properties are subject to.

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

1. Applicability: The provisions of this Section do not apply to garage sales, Rummage Sales or any activities conducted entirely within the boundaries of the "Verde Valley Fair Grounds". All other Carnivals, Circuses, Revivals, Rodeos, Swap Meets and similar activities shall be permitted only in commercial and industrial zone districts subject to the following restrictions:
2. A Temporary Use Permit shall be obtained from the Zoning Administrator in accordance with the following:
  - a. The Zoning Administrator shall ensure that health and safety are considered and shall obtain the approval of the County Health Department, the City Fire Department and the City Police Department prior to issuing the Temporary Use Permit.
  - b. The Zoning Administrator shall ensure that land area is adequate for the proposed use and consequent parking and shall ensure that traffic safety is considered.
  - c. The Zoning Administrator shall require any measures necessary to protect surrounding property.
  - d. A time limit shall be established for each use conducted under the Temporary Use Permit. This time limit shall in no case exceed seven (7) consecutive days, nor shall more than four (4) Temporary Use Permits be issued for the same use during any calendar year.
  - e. Permanent structures shall not be permitted under a Temporary Use Permit.

Q. EXTERIOR LIGHTING.

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

R. PUBLIC SERVICE FACILITIES.

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

S. TRASH ENCLOSURES.

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

T. STRUCTURES NEAR AIRPLANE RUNWAY OR LANDING STRIP.

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

U. MOVING OF BUILDINGS.

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

V. PERFORMANCE STANDARDS.

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

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

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

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

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

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

W. OUTSIDE DISPLAY.

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

## SECTION 405. SIGNS.

### A. PURPOSE.

This Section provides a set of standards for the design and construction of signs within the City of Cottonwood in order to protect property values; to promote a desirable aesthetic character for the City; to protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs; to protect pedestrians and motorists from damage or injury caused, or partially attributed to the distractions and obstructions which are hereby caused by improperly situated signs; to promote the public safety, welfare, convenience and enjoyment of travel and free flow of traffic.

### B. DEFINITIONS.

1. ANIMATED SIGN – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the appearance of such movement or rotation.
2. BALLOON SIGN - One or more balloons attached by means of a rope or tether to a fixed location for the purpose of attracting attention to a location, business, service or event; and which may or may not have sign copy, images, symbols or advertising messages affixed or attached to the balloons or structure.
3. BANNER - A sign which is constructed of cloth, canvas, or other type of natural or synthetic, lightweight, non-rigid material and supported along one or more sides or at two or more corners by wires, ropes, strings, or other materials or devices that are not fixed or rigid.
4. FLAG, ADVERTISING - Flags intended to advertise a business, product, service or event, including flags with corporate marks or graphic symbols, and with or without words, that are intended to enhance the aesthetic appearance of a street or area or to attract attention through the use of color, design elements, messages or pictures.
5. FLAG, POLITICAL – Any fabric or other flexible material designed to be mounted to a pole or similar device and which represents or symbolizes an organization, issue, place or government. National flags and flags of political subdivisions shall not be considered as signs.
6. INFLATABLE SIGN - A three-dimensional sign comprised of fabric or similar lightweight material that is filled with mechanically supplied air or other gaseous material to inflate the structure, and which may or may not have sign copy, images, symbols or advertising messages affixed or attached to the material.
7. NONCONFORMING SIGN - A sign lawfully erected and maintained prior to the adoption of the ordinance that does not conform to the current requirements of the ordinance because of subsequent amendments which changed said requirements.

8. OUTDOOR ADVERTISING - means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing that is designed, intended or used to advertise or inform and the message of which is visible from any place on the main traveled way of the interstate, secondary or primary systems.
9. OUTDOOR PROMOTIONAL SIGN - Includes inflatable signs, advertising flags, banners, balloons, streamers, pennants, searchlights and similar devices intended for the purpose of attracting attention for promotion or advertising for a business, activity or event, and which is located outside and is visible from a public right-of-way, neighboring property or public area.
10. PENNANT – A sign comprised of lightweight fabric, plastic, paper or other non-rigid material, suspended from a wire, rope or string, usually in a series, designed to move in the wind, with or without sign copy, images, symbols or advertising messages.
11. PLATE LINE, TOP - The horizontal line of a building at a height that would normally be the horizontal framing member resting on top of the studs, on the first or ground floor.
12. ROOF SURFACE - The top, exterior covering of a building extending from the highest point of the building to the furthest extension of the eaves.
13. SHOPPING CENTER - A group of three (3) or more commercial establishments associated by common agreement or under common ownership which comprises contiguous land parcel unit with common parking facilities.
14. SIGN - Any identification, description, illustration or device which directs attention to a product, place, activity, person, institution or business by such means including words, letters, designs, symbols, pictures, colors, or illumination and which is visible from any public right-of-way, neighboring property or public area.
15. SIGN, A-FRAME - A portable sign, also referred to as a sandwich board sign, comprised of two separate panels or faces typically joined at the top with a hinge and widened at the bottom to form a shape similar to the letter A.
16. SIGN, AREA OF - That area in square feet of the smallest rectangle, square, circle or triangle that encompasses the sign. The area of any two-faced sign with parallel faces or "v" type signs having an interior angle of forty five (45) degrees or less shall be the area of the single face. All other multiple faced or paneled signs shall be the total area of all faces or panels. Sign area shall include the mounting surface on which the lettering is placed. For signs which are painted on a wall surface and for multiple-unit signs, the area shall include the lettering and the vertical and horizontal spacings between letters which comprise the work or words that convey the message.
17. SIGN, CANOPY - A type of building-mounted sign mounted under and supported by a permanent canopy, arcade or portal, or flat mounted on facade of canopy.

18. SIGN, CONSTRUCTION - Any temporary sign erected on the premises of an existing construction project and designating the architect, contractor, designer, or builder, or developer or the name and nature of the project.
19. SIGN, DIRECTIONAL - Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed and which contains no advertising copy.
20. SIGN, FREESTANDING - A sign attached to or supported from the ground and not attached to a building; signs on walls or fences which are not an integral part of a building are freestanding signs.
21. SIGN, HEIGHT - The vertical distance from grade to the highest point of the sign.
22. SIGN, POLITICAL - Any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot of primary, general or special election.
23. SIGN, PORTABLE - Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. This definition does not include property realty signs, construction signs, political signs, signs intended for temporary use for safety reasons due to construction or traffic control, governmental signs which are to inform the public, exempt signs, or other signs permitted for temporary or special use.
24. SIGN, PROJECT ANNOUNCEMENT - A temporary sign installed on a development site providing information about future development or current construction on that site and displaying the project name, developers name, graphic renderings of the future development and other general information regarding the project.
25. SIGN, PROPERTY SALE, RENTAL, OR LEASE - Any sign advertising the availability for sale, rental or lease of land or building.
26. SIGN, SPECIAL DIRECTIONAL - Any sign which is designed and erected solely for the purpose of directing traffic to a public facility (parks, schools, library, hospital, Old Town district or similar community facility including community identification/gateway signs or to a subdivision within the city limits of Cottonwood that provides significant recreational facilities for the general public.
27. SIGN, WALL - A sign flush to the exterior surface of a building, applied directly on the building, in a window or a signboard attached flush to the building, projecting no more than six (6) inches from the building surface and not projecting above the roof. However, light sources aimed at the wall sign may project farther.
28. SIGN, TEMPORARY - Any sign or banner which is not intended for permanent use, usually used to announce community functions, grand openings, establishment of new commercial projects or sales events.

29. VEHICLE SIGN - A sign mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle parked or placed so that the sign thereon is discernable from a public street or right-of-way as a means of communication. The term shall not include a symbol, mark, or other medium of identity that is intrinsic, inherent, or otherwise belonging to the vehicle by nature of its manufacture, or a license plate frame, bumper sticker, spare tire cover, or similar appurtenance displaying a commercial message, when placed in the number, amount, location, and manner customarily found on a vehicle, or messages painted directly on, or adhesive vinyl film affixed to, the interior or exterior surface of a vehicle window.

C. APPLICABILITY.

The provisions of this Section shall apply to all signs placed or maintained within the City of Cottonwood, with the exception of the following:

1. Dedication Plaques: Non-illuminated names of building, dates of erection, monument, citations, commemorative tablets and the like when carved into stone, concrete, metal or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
2. Governmental Signs: Signs required by law or signs of a duly-constituted governmental body, such as traffic signs, warning signs or no trespassing signs.
3. Public Utility Signs: Signs placed by a public utility for the safety, welfare or convenience of the public, such as signs identifying high voltage, public telephone or underground cables.
4. Vehicle Signs: Signs upon a vehicle, provided that any such vehicle with a sign face of over two (2) square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for a bona fide delivery and other vehicular purposes.
5. Temporary Holiday Decorations.

D. PERMITS.

1. A sign permit shall be required before a sign may be placed, constructed, reconstructed or altered within the City of Cottonwood, with the exception of the following provided the provisions of this Section are complied with:
  - a. Name plate signs and address signs as allowed in residential zones.
  - b. Repainting or maintenance of signs, provided there is no change in size, shape, wording, compositions or color.
  - c. Property sale, rental or lease signs.
  - d. Political signs.

- e. Construction signs.
  - f. Directional signs.
  - g. Governmental signs.
  - h. Grand Opening Signs.
  - i. Going Out of Business Signs.
2. An application for a sign permit shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall include the following:
    - a. Sketch showing, size, height and shape of sign(s).
    - b. Description of materials used and method of mounting.
    - c. Any existing or planned landscaping around sign(s).
    - d. Existing sign(s).
    - e. Any other information the Planning and Zoning Administrator might need to evaluate the Sign Proposal.
    - f. Payment of the filing fee in an amount established by a schedule adopted by resolution of the Council. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is an official or agency of the City, County, State or Federal Government.
  3. Plan Review: Upon receipt of a complete application for a sign permit, the Zoning Administrator shall review the sign plans and deny, approve or conditionally approve said plans.

**E. REGULATIONS APPLICABLE TO SIGNS IN ALL DISTRICTS.**

1. No sign shall be constructed or erected in such a manner as to interfere in any way with, or confuse traffic or present a traffic hazard. All free standing signs shall be five (5) feet back from all property lines.
2. Flashing Signs: Signs shall not be animated or have intermittent illumination or flashing lights, except that "time and temperature" signs such as used by banking institutions may be allowed by Conditional Use Permit.
3. Lighting: Deleted by Ordinance 384, adopted December 21, 1999. Please refer to Section 408, "Outdoor Lighting Code".
4. No sign shall have audible devices.

5. There shall be no roof signs, signs which are projecting or cantilevered from buildings, or banners. Temporary signs shall be subject to the provisions set forth in Subsection G.9.
6. Real Estate Signs: Temporary property sale, rental or lease signs shall be allowed along each street frontage of the property to which the sign refers. Each sign shall not exceed six (6) square feet in area, shall not exceed five (5) feet in height and shall be located no nearer than ten (10) feet from another lot, nor nearer than three hundred (300) feet from any other real estate sign along the street frontage, on the same piece of property. Signs of up to twenty (20) square feet may be allowed by Conditional Use Permit.
7. Entrance or Exit Signs: Two (2) utility signs, not more than two (2) square feet each, denoting "Entrance" or "Exit" shall be permitted if necessary for that purpose.
8. Sign Installation: All building mounted signs shall be attached to the building in a manner that will ensure safe operation. All freestanding signs shall be installed and constructed in a manner that will ensure structural stability.
9. Nonconforming Signs: Any nonconforming sign may be continued in use, provided, however, that in the event any such sign is hereafter damaged to exceed fifty (50) percent of the reproduction value according to appraisal thereof by competent appraisers, or is removed by any means whatsoever, including an Act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this chapter. Alteration to nonconforming signs may be made only if such alteration will bring such sign into conformity with the provisions of this Code. The sign face or sign panel within a nonconforming sign structure may be replaced with a new sign for the same or a new use provided the sign structure is not changed or altered in any manner and the panel is essentially the same size and dimensions, and provided all other applicable provisions of this ordinance are addressed in a conforming manner.
10. Off-Site Advertising: All signs shall be located on the same lot or parcel to which it refers, except for special directional signs issued under a conditional use permit pursuant to Section 405. G. 10. Off-site advertising shall be prohibited.
11. Dangerous and Deteriorated Signs: If any outdoor advertising sign becomes a danger to the public, or becomes deteriorated, or is abandoned, the property owner or owner of the sign shall be notified to remove or repair the sign. If he does not comply within ten (10) days, the Zoning Administrator shall have the sign removed and the cost assessed to the owner of the property on which such sign is located.
12. A-Frame Signs: For purposes of this section, an A-frame sign refers to all types of portable signs that are not fixed to a permanent structure and may be moved on a site unless otherwise described as exempt by this ordinance. A-frame and portable signs shall be permitted in any zone in association with an approved commercial, industrial, institutional and/or multi-unit residential use, subject to the following restrictions:
  - a. Size: Each panel of a two-panel A-frame sign or a single panel for any type of portable sign is limited to two (2) feet in width by three (3) feet in height, except as may be allowed for in association with a special event permit or temporary sign

permit. The A-frame or portable sign shall not count towards the maximum allowable sign area calculation for the use.

- b. Number: One sign is allowed per business location, tenant or multi-unit residential development. For multi-tenant commercial projects, one sign per tenant is allowed with a minimum of twenty (20) feet of separation maintained between signs.
- c. Location: A-frame signs shall be located in the following manner:
  - (1) The sign shall be placed on the property being identified or within the right-of-way directly in front of and immediately abutting the property location with an approved encroachment permit. A minimum two (2) feet setback must be maintained from the back of curb or if the street has no curb, a minimum eight (8) feet setback must be maintained from the edge of pavement.
  - (2) A-frame signs shall not be located at off-premise locations, including private property or right-of-way not directly in front of the subject use.
  - (3) The sign shall be located at grade level.
  - (4) No sign shall be located within the 25 Ft. sight visibility triangle as described in Section 404.I. Height Limitations on Corner Lots.
  - (5) No sign shall be located within 25 feet of the edge of a driveway entry.
  - (6) For businesses located in a commercial center with multiple tenants and/or buildings, the sign may be placed within the development or at the perimeter of the commercial center subject to location and separation requirements.
  - (7) Alteration of existing or required landscaping to locate the sign is prohibited.
- d. Sidewalk Locations: Where the building façade directly abuts the sidewalk right-of-way, one sign per business location may be located on the public sidewalk directly in front of the business if a minimum of five (5) feet clear area is maintained on the sidewalk for passage of pedestrians at all times, and an encroachment permit is obtained from the City of Cottonwood, which indicates that the applicant agrees to relinquish any future claim of permanent encroachment by placement of the sign and indemnify the City from any and all liability associated with such sign placement.
- e. Prohibited Locations: A-frame and portable signs are prohibited in the following locations:
  - (1) Off-premise locations, except as otherwise provided for within immediately abutting right-of-way by approved encroachment permit and as associated with permitted temporary uses and special events.
  - (2) In all vehicular circulation areas, including parking lots, parking stalls, drive aisles, driveways, crosswalks and roadways.

- (3) In association with Home Occupations or Single-family residential uses.
  - (4) In raised or painted medians.
  - (5) So that less than a minimum of five (5) feet clear area is provided for pedestrian passage on all sidewalks, pathways, walkways, plazas or courtyards, or so as to cause a hazard to pedestrian traffic.
  - (6) On fences, boulders, raised landscape planters, other signs, vehicles, utility facilities or similar structures.
  - (7) Within a minimum distance of twenty (20) feet from any other A-frame or portable sign.
  - (8) Within a minimum distance of twenty-five (25) feet from a driveway, access drive or street intersection.
- f. Appearance: A-frame sign structures and display copy must be made and constructed to comply with the following requirements:
- (1) Constructed with a protective, water resistant coating, which is impervious to weather conditions.
  - (2) Of sufficient weight and durability to withstand wind gusts and storms so as to not be blown over or become windborne.
  - (3) Maintained in a manner free from chipping paint, visible cracks or gouges, loss of letters or general deterioration.
- g. Attachments: No attachments, illumination, banners, ribbons, flags or moving parts are allowed with the sign.
- h. Display Time: All A-Frame signs must be removed at the end of each business day. Signs may be displayed during the posted hours the business is open only.

**F. REGULATIONS APPLICABLE TO SIGNS IN ALL AGRICULTURAL, RESIDENTIAL, AND MANUFACTURED HOME ZONING DISTRICTS.**

- 1. Nameplates: One (1) nameplate not exceeding two (2) square feet in area indicating the names of the occupants and one (1) set of numbers not exceeding one (1) square foot in area indicating street address, shall be allowed for each dwelling unit.
- 2. Business Signs: One (1) sign not exceeding twenty (20) square feet in area shall be allowed for each street frontage for each professional office or business in those zones in which such office or business is permitted. Such signs may be wall mounted or detached from the building, however, in buildings with multiple offices or businesses only one detached sign is permitted per street frontage. This detached sign may identify the professional building or individual offices in the building. When such detached sign is used by individual offices or businesses the area of use shall be included in the twenty (20) square foot maximum allowable.

3. Height: No sign shall project above the top plate line of the building to which it is attached. On parapet walls or on vertical building walls signs shall be placed flat on the wall and may not extend above the top of parapet wall or roof line. No freestanding sign shall exceed ten (10) feet in height above grade.
4. Construction Signs: One (1) temporary sign not to exceed twelve (12) square feet in area giving the name of the contractors, engineers and/or architects shall be allowed during a construction period when a valid building permit is in existence. Additional signs for this purpose may be permitted by Conditional Use Permit when more than one structure is under construction on adjacent lots, during the same construction period by the same contractors, engineers and/or architects.

G. REGULATIONS APPLICABLE TO SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES.

1. Size: The allowable sign area shall be computed, as follows:
  - a. For buildings with fifty five (55) or less lineal feet of building frontage:
    - (1) The maximum total area for all signs shall be eighty (80) square feet, including freestanding sign, except as allowed for single businesses with 20,000 square feet or greater of gross floor area, which may be allowed additional total sign area as described by this ordinance.
    - (2) Free standing sign for building not located in shopping center up to forty (40) square feet, except that freestanding signs located on properties with frontage on arterial streets, as designated by the Cottonwood General Plan street classification map, shall be allowed a maximum of sixty (60) square feet in area. The lesser dimension of the sign area of the freestanding sign shall not be less than one fifth (1/5) the larger dimension.
  - b. For buildings with more than fifty-five (55) lineal feet of building frontage:
    - (1) Buildings with more than fifty five (55) lineal feet of building frontage will be allowed one and one half (1 ½) square feet of sign area per lineal foot of building frontage.
    - (2) The maximum total area for all signs shall be two hundred (200) square feet, including freestanding sign, except as allowed for single businesses with 20,000 square feet or greater of gross floor area, which may be allowed additional total sign area as described by this ordinance.
    - (3) Free standing sign for building not located in shopping center up to forty (40) square feet, except that freestanding signs located on properties with frontage on arterial streets, as designated by the Cottonwood General Plan street classification map, shall be allowed a maximum of sixty (60) square feet in area. The lesser dimension of the sign area of the freestanding sign shall not be less than one fifth (1/5) the larger dimension.

- c. When a building has more than one street frontage, the following shall apply:
  - (1) The maximum sign area shall be computed based only on the lineal footage for that frontage.
  - d. The total allowable signage for a single business that has 20,000 square feet of gross floor area or greater, may be increased by an amount calculated by multiplying 0.001 by the floor area, not to exceed 300 square feet in area for total allowable signage, including freestanding signs.
2. Number: On a premise other than a shopping center not more than two (2) signs for any allowed use shall be displayed on any one (1) street except that additional signs may be allowed by Conditional Use Permit.
3. Shopping Centers: Shopping Centers shall be allowed one (1) sign of forty (40) square feet per street frontage. This sign shall identify the shopping center and/or individual shops only and shall not be used for advertising products or services. If freestanding sign identifies shops in shopping center, each identification shall be construed as one (1) of two (2) allowable signs. Individual businesses in shopping center shall have no more than two (2) signs for any building frontage. A single tenant building having a single use in a shopping center shall be allowed one (1) free standing sign provided that the total square footage on all signs does not exceed the maximum square footage allowed above. (Street frontage shall be deemed to exist when the entire length of a building side faces and can be seen from a street or mall.) Individual shops in a shopping center shall be allowed one and one half (1 ½) square feet per lineal foot frontage of shop.
4. Height:
  - a. Signs may not project above, beyond or in any way interrupt the roof surface. On a mansard roof surface a sign may be placed flat on the pitched surface between the eaves and the roof line.
  - b. On parapet walls or on vertical building walls signs shall be placed flat on the wall and may not extend above the top of parapet wall or roof line.
  - c. Free standing signs shall not extend higher than fifteen (15) feet above the ground surface, except that freestanding signs located on properties with frontage on arterial streets, as designated by the Cottonwood General Plan street classification map, shall be allowed a maximum of twenty (20) feet above the ground surface.
5. Signs in Right-of-Way: Where existing buildings are situated to prevent the erection of a free standing sign, a permit may be issued for an alternate building mounted sign. Such alternate building mounted sign may extend into the public right-of-way provided the applicant agrees to relinquish any future claim of permanent encroachment. A sign allowed in the right-of-way is to be of minimal cost and be essentially detachable. An allowable location in the right-of-way is to be determined by the Zoning Administrator considering freedom from interference with pedestrian and vehicle traffic and the freedom from obstruction of other signs.

6. Political Signs: Political Signs of not more than six (6) square feet are permitted during an election campaign. Such signs may not be erected prior to ninety (90) days before the pertinent election and must be removed immediately thereafter.
7. Construction Signs: One (1) temporary sign of not to exceed forty (40) square feet in area giving the name of the contractors, engineers and/or architects during a construction period when a valid building permit is in existence, is permitted. Additional signs for this purpose may be permitted by Conditional Use Permit when more than one structure is under construction on adjacent lots, during the same construction period by the same contractors, engineers and/or architects.
- 8.. Address Signs: One (1) set of numbers not exceeding one (1) square foot in area indicating the street address, shall be allowed in addition to normal sign allowances.
9. Temporary Signs:
  - a. General requirements for temporary signs: Temporary signs shall be permitted in applicable zoning districts pertaining to national holidays, civic and community functions, grand openings for retail establishments or new businesses, establishment of new commercial projects and sales of businesses provided that temporary signs shall comply with the following requirements:
    - (1) Sign permits shall be required for all temporary signs, unless listed as exempt by this ordinance.
    - (2) All temporary signs must be properly affixed and located subject to the provisions set forth in Section 405 for permanent signs.
    - (3) Temporary A-frame or portable signs shall be subject to the same restrictions set forth in this ordinance regarding standards for their use. Exceptions for size and location may be approved by the Community Development Director for temporary or special events.
  - b. Requirements applicable to temporary signs for existing businesses:
    - (1) A temporary sign for a business shall not cause that business to exceed its total allowable sign area as set forth in Section 405-G.1. or total number of signs as set forth in Section 405-G.2., however, in any event one (1) temporary sign shall be allowed for each business not to exceed thirty two (32) square feet.
    - (2) A time limit shall be established for each use conducted under the temporary sign permit. This time limit shall in no case exceed twenty one (21) consecutive days, nor shall more than four (4) temporary sign permits be issued for the same calendar year.
    - (3) No temporary signs shall be placed upon any street light pole, traffic signal pole or utility pole within the City.

- c. Requirements applicable to project announcement signs for new commercial projects.
    - (1) One temporary freestanding sign for each street frontage, not to exceed forty (40) square feet in area and eight (8) feet in height.
    - (2) A temporary sign permit for a project announcement sign shall not be issued until a complete development review application has been filed for the project as set forth in Section 304 of this Ordinance.
    - (3) The temporary project announcement sign is allowed for a period not to exceed one (1) year or until such time as construction is completed or a Certificate of Occupancy is issued.
  - d. Requirements applicable to grand opening signs for new businesses.
    - (1) Temporary signs announcing the grand opening of a business shall not require a sign permit provided the business has obtained a business registration and has approval for permanent signage.
    - (2) Temporary grand opening signs are allowed from the date of issuance of a new business registration for a period not to exceed thirty (30) days. Non-illuminated signs, including banner signs, may be installed on the building or site walls and shall be limited in size to no more than thirty-two (32) square feet in area. One (1) temporary sign per building frontage shall be allowed with no more than two (2) such signs per business or development property located on a corner property.
  - e. Requirements applicable to going out of business signs.
    - (1) Temporary signs announcing the closing of a business shall not require a sign permit and shall be allowed for a period not to exceed thirty (30) days.
    - (2) Non-illuminated signs, including banner signs, may be installed on the building or site walls and shall be limited in size to no more than thirty-two (32) square feet in area. Only one (1) sign per building frontage shall be allowed with no more than two (2) such signs per business or development property located on a corner property.
10. Special Directional Signs may be permitted as conditional uses in Commercial and Industrial Zones or on public rights of way for the purpose of directing the public to any public facility or subdivision within the city limits of Cottonwood that provides significant recreational facilities to the general public. Such sign can be placed on either the property to which the public is directed or an off-site property along the route to the public facility or subdivision. Special directional signs must comply with all applicable sections of the ordinance and the following requirements:

- a. Conditional use permits shall be required for all special directional signs.
- b. Only one special directional sign may be allowed per subdivision. All conditional use permits for a subdivision special directional sign shall be granted for a specific period of time.
- c. A special directional sign shall be constructed of materials intended to be of a substantial nature.
- d. The total allowable size of the sign area shall be forty (40) square feet, and no sign shall exceed ten (10) feet in height.
- e. All A. D. O. T. and City permits, including right of way permits shall be obtained for a special directional sign.

H. REGULATIONS APPLICABLE TO SIGNS IN "OLD TOWN COMMERCIAL AREA WHERE THE STRUCTURES ABUT THE FRONT PROPERTY LINES LOCATED ON NORTH MAIN STREET.

1. "Old Town" businesses shall be allowed two signs per building. One of these signs may be cantilevered on the building over the public right of way provided the applicant agrees to relinquish any future claim of permanent encroachment. This cantilevered sign shall not be mounted on top of an awning, it shall be affixed to the building or shall hang below on the awning or mounted on the building. All such cantilevered signs shall be mounted so as to consider freedom from interference with pedestrian and vehicle traffic and the freedom from obstruction of other signs.
2. Size: Each building shall be allowed one and one half (1 1/2) square feet of signage per lineal foot frontage of shop, twenty four (24) feet of which may be used for a cantilevered sign. (When a building has multiple frontage the maximum sign area for any one (1) frontage will be computed only on the lineal footage for that frontage.) (Building frontage shall be deemed to exist when the entire length of a building side faces and can be seen from a street.) A cantilevered sign if erected below a canopy may be no larger than six (6) square feet, if mounted above a canopy such sign shall be no larger than twenty four (24) square feet. In addition the size of cantilevered signs shall be determined by their setback on the structure, i.e., a sign two (2) feet from the corner of the building can project two (2) feet, but in no case shall project more than six (6) feet. Additional square footage may be allowed by Conditional Use Permit.
3. Number: No more than two (2) signs for any allowed use shall be displayed on any one (1) street except that additional signs may be allowed by Conditional Use Permit.
4. Height:
  - a. Signs may not project above, beyond or in any way interrupt the roof surface. On a mansard roof surface a sign may be placed flat on the pitched surface between the eaves and the roof line.

- b. On parapet walls or on vertical building walls signs shall be placed flat on the wall and may not extend above the top of parapet wall or roof line.
- c. The lowest edge of any cantilevered sign shall not be lower than six foot six inches from the sidewalk.

ALL OTHER SIGNS INCLUDING BUT NOT LIMITED TO FREE STANDING, POLITICAL, TEMPORARY, CONSTRUCTION, AND ADDRESS SIGNS SHALL BE UNDER THE SAME REGULATIONS AS IN OTHER COMMERCIAL AREAS.

## SECTION 406. PARKING AND LOADING REQUIREMENTS.

### A. PURPOSE

The purpose of this Section is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which the property is put. It is the further purpose of this Section to place upon the property owner the primary responsibility for relieving public streets of the burden of on street parking.

### B. GENERAL REGULATIONS.

1. Size: A parking space shall mean an area of not less than one hundred eighty (180) square feet, with a minimum width of nine (9) feet and a minimum depth of twenty (20) feet, which is specifically designated for and used for, the parking of an automobile or light truck, exclusive of all driveways and access ways.
2. Permits: An applicant for a building permit must submit plans showing the off-street parking required by this Subsection. These plans must show location, arrangement and dimensions of the off-street parking, turning spaces, drives, aisles and ingress and egress and must be approved by the Zoning Administrator and/or Development Review Board in accordance with the provisions of Sections 304 and 305. Whenever a permit has been issued in compliance with the requirements of this Section, subsequent use of the structure, or use of land is conditioned upon the unqualified availability of off-street parking as shown in the plans submitted prerequisite to receiving the permit.
3. Alterations and additions:
  - a. A new use, addition or alteration to a building shall not be approved if it would create or increase a deficit in off-street parking.
  - b. It is unlawful to reduce the amount of existing parking below the minimum required by this Section without first supplying other spaces as are required.
  - c. When a use which does not conform to the off-street parking requirements of this Ordinance is extended or changed, parking spaces in addition to those already provided shall be required only for the increased needs generated by the extension or change.
4. All garage or other space allocated for the parking of vehicles, within buildings, basements or on roofs of buildings, shall be considered part of the off-street parking facilities and may be included as such in computing the parking area requirements.
5. Access: All off-street parking shall have access from a public street or alley.
6. Design: Ingress, egress, internal traffic circulation, off-street parking and loading facilities and pedestrian ways shall be designed so as to promote safety and convenience so that traffic visibility is not obstructed.

C. DESIGN AND LOCATION OF PARKING SPACES.

1. Single-Family Residences, Manufactured Homes.
  - a. Location: Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve.
  - b. Surfacing: Off-street parking spaces, driveways and access-ways shall be properly surfaced and graded to prevent impoundment of surface water.
  - c. Driveways: Driveways and access ways shall be not less than ten (10) feet wide for one-way traffic and not less than twenty (20) feet wide for two-way traffic.
2. All uses except as provided above:
  - a. Location: Required off-street parking shall be located within three hundred (300) feet of the building or use it is intended to serve, the distance being measured along the street line from the nearest point of the building or use to the nearest point of the parking lot.
  - b. Off-site parking: The Community Development Director may approve the location of required off street parking spaces on a separate lot from the lot on which the principal use is located subject to the following conditions:
    - (1) Off-site parking spaces shall be located within three hundred (300) feet of the primary entrance of the use served and adequate, safe and convenient pedestrian access shall be provided from the parking area to the use.
    - (2) Off-site parking shall not be permitted for residential uses unless approved through a Planned Area Development rezoning. Required handicap-accessible parking spaces shall not be located off-site.
    - (3) Off-site parking must be located within a zoning classification that permits the parking lot use and all other requirements of site development must be met.
    - (4) Off-site Parking Agreement: The developer(s) shall submit a written agreement requiring that the off-site parking spaces shall be maintained as long as the uses requiring the parking exist or unless the required parking is provided elsewhere in accordance with the provisions of this Ordinance. Such written agreement addressing the rights and responsibilities for each property shall be submitted to the Community Development Director and approved by the City Attorney for recordation by the Yavapai County Recorder prior to the issuance of a building permit or certificate of occupancy, and prior to establishment of the use(s). A copy of the recorded agreement shall be filed in the project review file at the Community Development Department. The agreement shall, at a minimum include the following:
      - a) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;

- b) Provide a legal description of the properties;
  - c) Include a complete site plan showing the area of the parking parcel and the relationship to all related uses;
  - d) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
  - e) Assure the continued availability of the spaces for intended use;
  - f) Describe the obligations of each party, including the maintenance responsibilities;
  - g) Describe the method by which the covenant shall, if necessary, be revised;
  - h) Include the City of Cottonwood as either a party in the agreement or as a third-party beneficiary; and
  - i) Provide that the agreement may not be cancelled or modified without the City's approval.
- c. Off-Street Parking Spaces shall be situated in a manner which will not result in automobiles backing onto a public street.
- d. Surfacing: All off-street parking areas, access ways and driveways shall be improved with compacted ABC base, not less than four (4) inches thick and surfaced with a minimum 2" asphaltic concrete in a manner satisfactory to the City Engineer. The surfacing of the parking area shall be of sufficient grade so that there will be no impoundment of surface water and all surface drainage shall be into a public street or improved drainage channel or structure. This performance criteria applies to all new developments requiring more than ten (10) new parking spaces. New developments requiring ten (10) or fewer parking spaces and additions or expansions to existing developments may use a chip seal treatment. New developments requiring more than ten (10) new parking spaces may request the use of a chip seal treatment to the Planning and Zoning Commission. The Commission will evaluate the request based on the nature of the use, the amount of traffic generated or expected, the grading and drainage plan for the parking lot and other relevant factors.
- e. Curbing: A six (6) inch wide by six (6) inch high curb or bumper guard shall be installed where necessary to ensure that no part of a vehicle shall extend over or beyond a property line, except where a common parking lot, established by an agreement between abutting properties, crosses a property line.
- f. Design: The parking lot shall be designed in a manner to ensure compliance with Paragraph G. of this Section and with the Landscaping Requirements of Section 407. Design of the parking lot is subject to approval of the Development Review Board.

- g. Access: Access to off-street parking from a public or private street shall be from a two-way driveway with a minimum width of 24 feet and a maximum width of 32 feet, or two one-way driveways each with a minimum width of 12 feet and a maximum width of 20 feet. No access driveway shall be located closer than 150 feet from a street intersection, or closer than 20 feet from another access driveway, or closer than 10 feet from an interior property line.
- h. Dimensions: Arrangements of parking spaces within the parking lot and driveway widths shall conform with the following requirements:

Note: The front two (2) feet of the parking space may project into landscaped areas or walkways, provided the parking lot is so designed as to allow an automobile to overhang into this area without endangering visibility, the automobile or pedestrians.

ANGLE OF PARKING	STALL DEPTH	CURB LENGTH	INTERIOR DRIVEWAY WIDTH	
			ONE-WAY	TWO-WAY
0 deg.	9'- 0"	20'- 0"	12'-0"	24'-0"
30 deg.	17'-10"	21'-10"	12'-0"	24'-0"
45 deg.	20'- 6"	20'- 6"	12'-0"	24'-0"
60 deg.	21'-10"	17'-10"	18'-0"	25'-0"
90 deg.	20'- 0"	9'- 0"	25'-0"	25'-0"

- i. Screening: Whenever a parking lot or a driveway to a parking lot is established closer than ten (10) feet to the side or rear line of a lot in a Residential, Agricultural, Agricultural-Residential or Manufactured Home Zoning District, a solid masonry or solid material fence six (6) feet in height, or of other material or height as allowed or required by the Planning and Zoning Commission or Development Review Board, (subject also to the fence height regulations established in Section 404 of this Ordinance), shall be constructed and maintained along said side or rear lot line. This regulation shall not apply where a public alley is existing which is sixteen (16) feet or more in width and is used to access a parking area which alley abuts.
- j. Lighting: Deleted by Ordinance 384, adopted December 21, 1999. Please refer to Section 408, "Outdoor Lighting Code".

D. SCHEDULE OF REQUIRED OFF-STREET SPACES

1. Off-street parking spaces shall be provided for each specified use in accordance with the schedule below:
2. Definitions: In calculating the total number of required parking spaces, "Usable area" as used herein shall mean the area capable of being devoted to the specified use (does not include spaces as kitchens, restrooms, hallways, etc.) and the term "seat" shall also include each thirty (30) inches of bench seating when individual seats are not provided.
3. Mixed Uses: In the event of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements of the various uses computed separately.
4. Fractional Amount: In calculating the total number of required off-street parking spaces, fractional amounts are to be rounded to the nearest whole number (1/2 shall be rounded to the next highest number).
5. Unlisted Uses: Parking requirements for a specific use not listed in this Section shall be determined by the Planning and Zoning Commission or Development Review Board.
6. Schedule:

a. RESIDENTIAL USE:

USE	SPACES
(1) One or two family residences	2 per dwelling unit.
(2) Multiple dwellings:	
Efficiency Units	1.2 per dwelling unit.
One-Bedroom Unit	1.5 per dwelling unit.
Two or More Bedroom Units	1.7 per dwelling unit.
(3) Rooming Houses, fraternities, sororities, resident clubs, lodges:	1 per sleeping room or 1 per bed, whichever is greater.
(4) Manufactured Home Parks and Subdivisions:	2.1 per manufactured home site.

b. COMMERCIAL SALES AND SERVICES:

USE	SPACES
(1) Restaurants, bars, cocktail lounges:	1 per 35 Sq. Ft. of usable floor area, plus 1 per 2 employees.
(2) Drive-in food or drink places, with on-site consumption:	1 per 35 Sq. Ft. of usable floor area, plus 1 per 2 employees.
(3) Mortuaries, funeral homes:	1 per 3 permanent seats, plus 1 per 20 Sq. Ft. of assembly room area, whichever is greater, plus 1 per employee, plus 1 per commercial funeral vehicle.
(4) Self-Service laundries and dry cleaners:	1 per 3 washing machines.
(5) Open-air businesses:	1 per 500 Sq. Ft. of sales area for first 2000 Sq. Ft., plus 1 per additional 2000 Sq. Ft.
(6) Used car lots:	1 per each 100 Sq. Ft. of sales area for first 4000 Sq. Ft., plus 1 per additional 2000 Sq. Ft.
(7) Gas Service Stations:	1 per 2 gasoline pumps, plus 2 per service bay.
(8) Carwash:	1 per employee, plus reserve spaces equal to 5 times the wash line capacity.
(9) Motor vehicle and machinery sales, auto repair shops:	1 per 800 Sq. Ft. of floor area.
(10) Planned shopping centers under unified control:	Requirements for all uses elsewhere specified herein, plus 1 per 200 Sq. Ft. of remaining usable floor area.
(11) Barber shops, beauty shops:	2 per service chair.
(12) Furniture and appliance stores, household equipment:	1 per 800 Sq. Ft. usable floor area.

- (13) Retail stores:  
Less than 100,000 Sq. Ft.  
of usable floor area.  
(except where otherwise  
specified): 1 per 200 Sq. Ft. of usable floor  
area.
- (13-a) Retail stores:  
100,000 Sq. Ft. or greater  
of usable floor area. 1 per 250 Sq. Ft. of usable floor  
area.
- (14) Hotels, motels: 1 per guestroom or suite plus 1 per  
2 employees.
- (15) Bus depots: 1 per 150 Sq. Ft. of waiting room  
space.
- (16) Skating rinks, dance halls,  
dance studios: 1 per 3 persons of maximum  
capacity permitted by fire  
regulations.
- (17) Bowling alleys: 4 per bowling lane, plus 1 per 5  
seats in gallery, plus 1 per 2  
employees.
- (18) Billiard parlors: 1 per 2 billiard tables, plus 1 per 2  
employees.
- (19) Gymnasiums, health studios 1 per 400 Sq. Ft. of usable floor  
area, plus 1 per 2 employees.
- (20) Private golf clubs, swimming  
clubs, tennis clubs and similar  
uses. 1 per 2 member families or  
individuals.
- (21) Shopping Center, under one  
hundred thousand (100,000)  
square feet with one (1) or more  
restaurant(s). One (1) space per two hundred  
fifty (250) square feet of gross  
floor area.
- (22) Shopping Center, under one  
hundred thousand (100,000)  
square feet with no restaurants  
or where restaurants have  
separately counted parking. One (1) space per three hundred  
(300) square feet of gross floor  
area.

- |      |  |  |
|------|--|--|
| (23) | Shopping Centers of one hundred thousand (100,000) or more square feet with restaurant(s) having shared parking.                                 | One (1) space per two hundred fifty (250) square feet of gross floor area up to one hundred thousand (100,000) square feet; and one (1) space per three hundred (300) square feet of gross floor area over one hundred thousand (100,000) square feet.         |
| (24) | Shopping Centers of one hundred thousand (100,000) or more square feet with no restaurants or where restaurants have separately counted parking. | One (1) space per three hundred (300) square feet of gross floor area up to one hundred thousand (100,000) square feet; and one (1) space per three hundred twenty-five (325) square feet of gross floor area over one hundred thousand (100,000) square feet. |

c. OFFICES AND CLINIC USES:

USE	SPACES
(1) Offices, banks, savings and loan agencies:	1 per 150 Sq. Ft. of usable floor area.
(2) medical and dental offices and clinics:	1 per 100 Sq. Ft. of waiting room, Plus 1 per examination room or dental chair, plus 1 per 2 employees.

d. SCHOOLS AND INSTITUTIONS:

USE	SPACES
(1) Elementary and intermediate schools.	1 per employee.
(2) High Schools:	1 per 8 students, plus 1 per employee.
(3) Junior colleges, colleges:	1 per 3 enrolled full-time day students, plus 1 per employee.
(4) Trade schools, business universities:	1 per 150 Sq. Ft. of gross floor area.

- (5) Hospitals 1 per 2 beds, plus 1 per resident employee, plus 1 per 2 non-resident employees.
- (6) Sanitariums, children's homes, homes for aged, asylums, nursing and convalescent homes: 1 per 5 beds, plus 1 per resident employees, plus 1 per 2 non-resident employees.

e. PUBLIC ASSEMBLY:

- | USE  | SPACES   |
|--|--|
| (1) Golf courses:  | 4 per hole, 1 per employee, plus 1 per 200 Sq. Ft. of usable enclosed building area.         |
| (2) Auditoriums, exhibition halls, theaters, convention facilities, meeting rooms: | 1 per 3 fixed seats, plus 1 per 25 Sq. Ft. of unfixed seating space, plus 1 per 2 employees. |
| (3) Church or other place of worship:  | 1 space per 6 seats, plus 1 space per 50 Sq. Ft. of usable area not used for seating.        |
| (4) Stadiums, outdoor sports areas:  | 1 per 4 seats, plus 1 per 2 employees.   |

f.. WHOLESALING AND WAREHOUSING USES:

1 per 1700 Sq. Ft. of usable floor area, or 1 per employee, whichever is greater, plus 1 per company owned motor vehicle.

g. MANUFACTURING AND INDUSTRIAL USES:

1 per 500 Sq. Ft. of gross floor area, or 1 per employee, whichever is greater.

E. OFF-STREET LOADING REQUIREMENTS.

1. Applicability: In all zoning districts, for every building or part thereof, erected or enlarged after the effective date of this Ordinance, which is occupied by a use receiving or distributing materials or merchandise by motor truck, there shall be provided and maintained on the same premises as the building or use, adequate off-street loading space meeting the minimum requirements hereinafter specified. Loading space shall not be considered as satisfying requirements for off-street parking space.
2. Schedule of Loading Space Requirements:

TOTAL FLOOR AREA OF BUILDING	NUMBER OF LOADING SPACES REQUIRED
20,000 SQ. FT. TO 30,000 SQ. FT.	1
30,000 SQ. FT. TO 50,000 SQ. FT.	2
For each 100,000 additional SQ. FT.	1 additional

3. Location: Required off-street loading space shall not be permitted in any front yard, nor in any required side yard except in a nonresidential district where a sideyard abuts an alley. Off-street loading space may occupy all or any part of a required rear yard, except as otherwise provided herein and may be partially or entirely enclosed within a building.
4. Alleys: Where a building or use in a nonresidential district abuts an alley, such alley may be used as maneuvering space for loading and unloading spaces; provided, however, that no alley abutting any residential district may be so used.
5. Size: Every required off-street loading space shall have a minimum width of twelve (12) feet, a minimum length of forty five (45) feet and a minimum height of fourteen (14) feet, exclusive of access aisles and maneuvering space.

F. SHARED PARKING REQUIREMENTS.

1. Applicability. A shared parking arrangement may be approved where a mix of uses is proposed and such uses are shown to have different hours of operation or different peak periods of use. Shared parking is intended to allow more efficient use of parking spaces by allowing the same spaces to be “shared” by uses with staggered periods of parking demand.
2. General.
  - a. Provide a complete site plan for the entire development showing all parking, pedestrian facilities and buildings.

- b. Shared parking lot shall be within 300 feet of the use to be served and adequate, safe and convenient pedestrian access shall be provided from the parking area to the use.
  - c. Shared parking must be located within a zoning classification that permits the parking lot use and all other requirements of site development must be met.
  - d. Shared parking is not applicable to residential uses.
  - e. All tenants in a shopping center or group commercial center must be notified of a proposed shared parking plan.
  - f. The required number of parking spaces may be reduced by not more than 40% of the parking required for the combined uses.
3. Shared Parking Report. A parking report is required to be submitted to the Community Development Department to establish the feasibility of the proposed plan to adequately accommodate the shared parking arrangement. The parking report shall include at a minimum the following:
  - a. Size and type of proposed uses or activities and the composition of all tenants or uses that will be sharing the parking spaces.
  - b. The anticipated hours of operation and peak parking hours for the various uses that will be sharing the parking spaces, including morning, afternoon and evening uses, and weekday and weekend uses.
4. Agreement for Shared Parking Plan: The developer(s) shall submit a written agreement requiring that the shared parking spaces shall be maintained as long as the uses requiring the parking exist or unless the required parking is provided elsewhere in accordance with the provisions of this Ordinance. Such written agreement shall be submitted to the Community Development Director and approved by the City Attorney for recordation by the Yavapai County Recorder prior to the issuance of a building permit or certificate of occupancy, and prior to establishment of the use(s). A copy of the recorded agreement shall be filed in the project review file at the Community Development Department. The agreement shall, at a minimum:
  - a. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
  - b. Provide a legal description of the land;
  - c. Include a complete site plan showing the area of the parking parcel and the relationship to the associated uses;
  - d. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
  - e. Assure the continued availability of the spaces for joint use;

- f. Describe the obligations of each party, including the maintenance responsibilities;
- g. Incorporate the shared parking report, if applicable, by reference;
- h. Describe the method by which the covenant shall, if necessary, be revised;
- i. Include the City of Cottonwood as either a party in the agreement or as a third-party beneficiary; and
- j. Provide that the agreement may not be cancelled or modified without the City's approval.



## SECTION 407. LANDSCAPING REQUIREMENTS.

### A. PURPOSE.

The purpose of this Section is to provide usable open space and landscaping within the City of Cottonwood and promote the safety and general welfare of the public by establishing minimum requirements for usable open space within all developments. In those instances where the minimum standards and requirements are not sufficient to achieve the purpose and objectives of this section, the Design Review Board or Community Development Director may impose such other reasonable requirements as may be deemed appropriate.

### B. GENERAL REGULATIONS.

1. The provisions of this section shall apply to all parcels within the city limits of Cottonwood except single family residential uses.
2. All portions of the development site not occupied by buildings, structures, vehicle access and parking areas, loading / unloading areas, and approved storage areas shall be landscaped in accordance with these provisions.
3. Future building pads within a phased development shall be improved with temporary landscaping, or otherwise maintained weed-free in such a manner as may be approved by the director.
4. All disturbed portions of a parcel not in parking, landscaping or building must be covered with some type of aggregate such as gravel or granite.
5. Provisions must be made for continued maintenance and irrigation and all dead trees/shrubs must be replaced within three months - with leeway for time of year.
6. The landscaping of all street rights-of-way, contiguous with the proposed development site and not used for street pavement, curbs, gutters, sidewalks, or driveways, shall be required in addition to the required on-site landscaped areas.
7. At least 50% of the required landscaping, other than parking lot landscaping, must be between the structures and the street(s).
8. Landscaping and/or meaningful open space, exclusive of parking and driveways and in accordance with provisions stated above, shall be provided according to the following schedule:
  - a. R-2 Zone - 25% of lot + 20% of parking lots over 10 spaces
  - b. R-3 Zone - 20% of lot + 20% of parking lots over 10 spaces
  - c. R-4 Zone - 20% of lot + 20% of parking lots over 10 spaces
  - d. C-1 Zone - 10% of lot + 10% of parking lots over 10 spaces

- e. C-2 Zone - 10% of lot + 10% of parking lots over 10 spaces
  - f. I-1 Zone - 20% of lot + 10% of parking lots over 10 spaces
  - g. I-2 Zone - 10% of lot + 10% of parking lots over 10 spaces
9. a. Each 1000 square foot of required landscaping shall contain one plant unit which is equal to a total of the following:
- 2 -15 gallon trees
  - 4 - 5 gallon trees / shrubs
  - 10 -1 gallon shrubs / ground covers
- b. Substitutions may occur as follows:
- 1 -15 gallon = 3- 5 gallon
  - 1 - 5 gallon = 3 - 1 gallon
- c. At least 50% of all 1 gallon plants must be evergreen ground cover.
10. At least one 15 gallon street tree (planted within 25 feet of the edge of pavement or curb) shall be planted for each 40 feet of street frontage. Trees required per 9.a above may be counted toward the requirement.

11. The Design Review Board has developed a recommended list of plant materials:

Abelia grandiflora	DS	Glossy Abella	part shade
Abelia g. "Prostrata"	DS	Spreading Abelia	part shade
Acer palmatum	DT	Japanese Maple	part shade
Ajuga reptans	EUC	Carpet Bugle	shade
Albizia julibrissin	DOT	Mimosa	part shade
Arbutus unedo	EOT	Strawberry Tree	part shade
Arctostaphylos manzanita	BLS	Manzanita	desert
Arctostaphylos uva-ursi	EU	Bearberry	
Atriplex canescens	ES	Saltbush	desert
Aucuba japonica	ES	Japanses Aucuba	shade
Baccharis pilularis	EUC	Coyote brush	
Berberis thunbergil	DS	Japanese Barberry	
Buxus micrphyllis japonica	BLS	Japanese Boxwood	part shade
Buxus sempervirens	BLS	Common Boxwood	part shade
Caesalpinia gilliesii	DS	Bird of Paradise Bush	desert

<i>Carya Illinoensis</i>	DT	Pecan	
<i>Cedrus atlantica</i>	ET	Atlas Cedar	
<i>Cedrus deodara</i>	ET	Deodar Cedar	
<i>Celtis pallida</i>	DT	Desert Hackberry	desert
<i>Ceridium floridum</i>	DOT	Palo Verde	freezes back-desert
<i>Cercis canadensis</i>	DOT	Eastern Redbud	shade
<i>Chilopsis linearis</i>	DOT	Desert Willow	desert
<i>Cortaderia selloana</i>	ES	Pampas Grass	unruly with age
<i>Cotoneaster apiculatus</i>	DS	Rockspray	
<i>Cotoneaster dammeri</i>	DS	Rockspray	
<i>Cupressus glabra</i>	ET	Arizona Cypress	desert
<i>Cupressus sempervirens</i>	ET	Italian Cypress	
<i>Cyperus alternifolius</i>	ES	Umbrella Plant	pond
<i>Cyperus papyrus</i>	ES	Papyrus	pond
<i>Euonymus fortunei</i>	BLS		part shade
<i>Euonymus radicans "Colorata"</i>	EUC	Winter Creeper	part shade
<i>Euonymus radicans "Sarcoxie"</i>	BLS		part shade
<i>Forsythia suspensa</i>	DS	Weeping Forsythia	part shade
<i>Fouquieria splendens</i>	DOT	Ocotillo	desert
<i>Fraxinus velutina</i>	DT	Arizona Ash	desert
<i>Fraxinus v. "Modesto"</i>	DT	Modesto Ash	
<i>Gelsemium sempervirens</i>	EUC	Carolina Jessamine	part shade
<i>Ginkgo biloba</i>	DT	Maldenhair Tree	part shade
<i>Gleditsia "Moraine"</i>	DT	Moraine Locust	
<i>Gleditsia "Sunburst"</i>	DT	Sunburst Locust	
<i>Hedera helix</i>	EUC	English Ivy	shade
<i>Hesperaloe parviflora</i>	ES		cactus
<i>Ilex comuta</i>	BLS	Chinese Holly	part shade
<i>Ilex vomitoria</i>	BLS	Yaupon Holly	part shade
<i>Juniperus horizonatalis "Bar Harbor"</i>	ES	Bar Harbor	
<i>Juniperus horizonatalis "Plumosa"</i>	ES	Andorra Juniper	
<i>Juniperus horizonatalis "Wiltonii"</i>	EUC	Blue Carpet Juniper	

<i>Juniperus sabina</i> "Tamariscifolia"	ES	Tam Juniper	
<i>Juniperus chinensis</i> "Hetzli"	ES	Hetz Blue Juniper	
<i>Juniperus chinensis</i> "Pfitzerana"	ES	Golden Pfitzer Juniper	
<i>Juniperus chinensis</i> "Sea Green"	ES	Sea Green Juniper	
<i>Juniperus deppeana pachyphlaea</i>	ET	Alligator Juniper	desert
<i>Juniperus occidentalis</i>	ET	Western Juniper	desert
<i>Juniperus osteosperma</i>	ET	Utah Juniper	desert
<i>Koeireuteria paniculata</i>	DOT	Goldenrain Tree	
<i>Lagerstroemia Indica</i>	DOT	Crape Myrtle	
<i>Leucophyllum frutescens</i>	BLS	Texas Sage	desert
<i>Ligustrum japonicum</i>	BLS	Waxleaf Privet	
<i>Ligustrum lucidum</i>	BLS	Glossy Privet	
<i>Linope muscari</i>	EUC	Linope	shade
<i>Linope spicata</i>	EUC	Dwarf Linope	shade
<i>Lonicera japonica</i>	EUC	Japanses Honeysuckle	
<i>Lonicera sempervirens</i>	DUC	Trumpet Vine	
<i>Magnolia grandiflora</i>	EOT	Magnolia	part shade
<i>Mahonia aquifolium</i>	BLS	Oregon grape	part shade
<i>Mahonia fremontii</i>	BLS	Desert Mahonia	part shade
<i>Morus alba</i>	DT	Mulberry	desert
<i>Nandina domestica</i>	BLS	Heavenly Bamboo	part shade
<i>Nerium oleander</i>	BLS	Oleander	freezes back
<i>Oenothera berlandieri</i>	EUC	Mexican Primrose	desert
<i>Oenothera missourensis</i>	EUC	Evening Primrose	
<i>Pachysandra terminalis</i>	EUC	Japanese Spurge	shade
<i>Photinia fraseri</i>	BLS	Photinia	
<i>Photinia glabra</i>	BLS	Japanese Photinia	
<i>Pinus edulis</i>	ET	Pinon Pine	very slow growth
<i>Pinus Eldarica</i>	ET	Mondell Pine	
<i>Pinus pinea</i>	ET	Italian Stone Pine	
<i>Pinus thunbergiana</i>	ET	Japanese Pine	contorted habit
<i>Pistacia chinensis</i>	DOT	Chinese Pistachio	
<i>Pittosporum tobira</i>	BLS	Tobira	

<i>Platanus acerifolia</i>	DT	London Plane Tree	
<i>Platanus racemosa</i>	DT	California Sycamore	moist locations
<i>Platanus wrightii</i>	DT	Arizona Sycamore	moist locations
<i>Podocarpus gracilior</i>	ET	Fern Pine	shade
<i>Populus fremontii</i>	DT	Western Cottonwood	wet locations
<i>Prosopis glandulosa torreyana</i>	DOT	Mesquite	desert
<i>Prunus glandulosa</i>	DOT	Flowering Almond	root rot problems
<i>Prunus cerasifera</i>	DOT	Flowering Plum	root rot problems
<i>Prunus cerasifera "Atropurpurea"</i>	DOT	Flowering Plum	root rot problems
<i>Prunus cistena</i>	DOT	Flowering Plum	root rot problems
<i>Pyracantha coccinea</i>	BLS	Firethorne	
<i>Pyracantha "Santa Cruz"</i>	BLS	Firethorne - Dwarf	
<i>Pyrus calleryana</i>	EOT	Ornamental Pear	root rot problems
<i>Rapholepis Indica</i>	BLS	India Hawthorn	
<i>Robinia "Purple Robe"</i>	DT	Locust	
<i>Rosmarinus officinalis</i>	BLS	Rosemary	desert
<i>Salix matsudana "Navajo"</i>	DT	Globe Willow	moist locations
<i>Salvia greggii</i>	BLS	Evergreen Salvia	Desert
<i>Sambucus caerulea neomexicana</i>	DOT	Desert Elderberry	desert
<i>Simmondsia chinensis</i>	ES	Jojoba	freezes back
<i>Sophora arizonica</i>	BLS	Desert Laurel	desert
<i>Spartium junceum</i>	ES	Spanish Broom	invasive-desert
<i>Spiraea burnaيدا "Froebelii"</i>	DS	Spiraea	part shade
<i>Syringa chinensis</i>	DS	Chinese Lilac	part shade
<i>Syringa persica</i>	DS	Persian lilac	part shade
<i>Thuja occidentalis</i>	ES	Arborvitae	
<i>Thuja picata</i>	ES	Western Red Cedar	desert
<i>Vibimum davadii</i>	BLS	Evergreen Vibimum	
<i>Vinca major</i>	EUC	Big Leaf Myrtle	part shade
<i>Vinca minor</i>	EUC	Dwarf Myrtle	part shade
<i>Vitex agnus-castus</i>	DOT	Chaste Tree	desert
<i>Xylosma congestum</i>	BLS		
<i>Yucca brevifolia</i>	ES	Joshua Tree	cactus

Yucca elata	ES	Soaptree Yucca	cactus
Yucca filamentosa	ES		cactus
Yucca gloriosa	ES	Spanish Dagger	cactus
Zelkova serrata	DT	Sawleaf Zelkova	



## SECTION 408. OUTDOOR LIGHTING CODE

### A. INCORPORATION BY REFERENCE

A.R.S., Title 49, Chapter 7, Light Pollution, § 49-1101 et seq., is hereby incorporated by reference.

### B. MISSION STATEMENT

To afford every citizen of Cottonwood the flexibility to engage in the pursuit of safe, inexpensive lighting practices for the purpose of commerce and private use without being impeded upon or impeding upon other citizens desiring a more pristine night time environment free from light pollution, waste, trespass, or clutter while providing nighttime safety, security and productivity.

### C. PURPOSE AND INTENT

1. The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principle among these concerns are 1) the degradation of the nighttime visual environment by production of unsightly and dangerous glare, 2) unnecessary waste of energy and resources in the production of too much light or wasted light, 3) interference in the use or enjoyment of property which is not intended to be illuminated at night, and 4) the loss of the often-neglected scenic view of the heavens due to increased urban skyglow. It is hereby recognized that these different interests, those of safety and utility and those of aesthetic appearance, need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. In nearly all cases, careful attention to questions of when and where and how much nighttime lighting is needed, will lead to better lighting practice from all viewpoints.
2. It is also recognized that the topography and atmospheric conditions in northern Arizona are uniquely suited for government, military, commercial, and private astronomical observation in the area, and that unnecessary or excessive uses of outdoor nighttime lighting have an adverse impact on astronomical observation, even at relatively distant observatories.
3. Accordingly, it is the intent of this Code to encourage lighting practices and systems which will minimize light pollution, glare, light trespass, and conserve energy while maintaining nighttime safety, utility, security and productivity.

### D. CONFLICTING REGULATIONS

In the event of conflict between the regulations set forth in this Code and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern.

E. APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION

1. The provisions of this Code are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved by the Development Review Board.
2. The Development Review Board may approve any such proposed alternate provided that such alternate:
  - a. Provides at least equivalence to the applicable specific requirements of this Code; and
  - b. Is otherwise satisfactory and complies with the intent of this Code.

F. DEFINITIONS

As used in this Code, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

1. *Abandonment* means the discontinuation of use for a period of six months.
2. *Class 1 Lighting* means all outdoor lighting used for but not limited to outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important.
3. *Class 2 Lighting* means all outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination of the grounds is the primary concern.
4. *Class 3 Lighting* means any outdoor lighting used for decorative effects, including but not limited to architectural illumination, flag monument lighting, and illumination of trees, bushes, etc.
5. *Community Development Director* means the Director of Community Development for the City of Cottonwood or his or her designated representative.
6. *Development Project* means any residential, commercial, industrial or mixed use subdivision plan or individual building development or remodeling plan which is submitted to the City for approval.
7. *Direct Illumination* means illumination resulting from light emitted directly from a lamp, luminary or reflector, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

8. *Fully Shielded Fixture* means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
9. *Installed* means attached, or fixed in place, whether or not connected to a power source.
10. *Light Trespass* is spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.
11. *Lumen* is the unit used to measure the actual amount of visible light, which is produced by a lamp as defined by the manufacturer.
12. *Luminary* means the complete lighting assembly, less the support assembly.
13. *Multi-class Lighting* means any outdoor lighting used for more than one purpose, such as security and decoration, when those purposes fall under the definitions for two or more lighting classes as defined for Class 1, 2 and 3 Lighting above.
14. *Motion Sensing Security Lighting* means a fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.
15. *Neon Lighting* means lighting using luminous gas filled tubes often formed into text, symbols or decorative elements. Neon Lighting includes tubes with typical diameters of 10 to 20 millimeters filled with neon, argon, xenon, or other gasses and producing various colors of light. Not included are replaceable T-8 (1 inch diameter) and T-12 (1.5 inch diameter) or PL (“compact”) fluorescent tubes.
16. *Net Acreage* means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.
17. *Outdoor Light Fixtures* means all outdoor illuminating devices, reflective surfaces, lamps and other devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:
  - a. buildings and structures
  - b. recreational areas
  - c. parking lot lighting
  - d. landscape and architectural lighting
  - e. billboards and other signs (advertising or other)

- f. street lighting
  - g. product display area lighting
  - h. building overhangs and open canopies
  - i. security lighting
18. *Outdoor Recreation Facility* means an area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.
  19. *Person* includes a corporation, company, partnership, firm, association or society, as well as a natural person.
  20. *Security Lighting* is lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed to be left on during night time hours as well as motion sensing lighting fixtures.
  21. *Temporary Lighting* means lighting which does not conform to the provisions of this Code and which will not be used for more than one thirty (30) day period within a calendar year. Temporary lighting is intended for uses which by their nature are of limited duration; e.g. holiday decorations, civic events, or construction projects.
  22. *Total Outdoor Light Output* means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a property. For lamp types that vary in their output as they age (such as high pressure sodium and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.
  23. *Unshielded Fixture* means a fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.
  24. *Watt* is the unit used to measure the electrical power consumption (not the light output) of a lamp.

#### G. PREFERRED SOURCE

Due to their high energy efficiency, long life and spectral characteristics, low-pressure sodium (LPS) lamps are the preferred illumination source throughout the city. Their use is encouraged for outdoor illumination whenever possible.

#### H. LIGHTING REQUIREMENTS

1. Outdoor floodlighting by flood light projection above the horizontal is prohibited except for lamps specifically exempted under sections H.11 and H.18 and properly adjusted motion sensing security lighting fixtures as defined in subsection F.14.

2. All light fixtures which are required to be shielded shall be installed in such a manner that the shielding complies with the definition of fully shielded fixtures.
3. All light fixtures, including security lighting, except street lamps, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing lighting fixtures shall be properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.
4. No new mercury vapor light fixtures nor replacement equipment other than bulbs shall be sold or installed for use as outdoor lighting within the City of Cottonwood after the effective date of this Code, and the use of mercury vapor light fixtures for outdoor lighting is prohibited after January 1, 2005.
5. Search lights, laser source lights, strobe or flashing lights, motion or illusion lights or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel at their direction or as permitted in subsection K-1.
6. Class 1 lighting, including but not limited to, sales, service, commercial, assembly, repair, maintenance, and industrial areas, may only continue in operation until 10:00 p.m., or for as long as the area is in active use. This provision is not applicable to fixtures lawfully installed or implemented prior to the adoption of the Code.
7. Class 2 lighting shall have no time restrictions except as specified by the Development Review Board for new projects.
8. Class 3 lighting, except for flag pole lighting, must be extinguished after 10:00 p.m. or when the business closes, whichever is later, except that low-wattage holiday decorations may remain on all night from November 15 to January 15.
9. Multi-class lighting, except for security lights, must conform to the time limitations of the most strict class.
10. Except as permitted in subsections H.11, H.12 and H.13, total outdoor light output, excluding streetlights used for illumination of public rights-of-way, of any development project shall not exceed 100,000 lumens per net acre, averaged over the entire property. No more than 5,500 lumens per net acre may be accounted for by lamps in unshielded fixtures permitted in subsection H.18.
11. Lighting, in all cases, for all outdoor athletic fields, courts, tracks or ranges shall be considered Class 1 (Color Rendition). Lighting allowed in this subsection shall be subject to approval of the Development Review Board. When the proposed lumens per acre exceeds the limits of subsection H.10, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA). The installation shall also limit off-site spill (off the parcel containing the sports facility) to a maximum of 0.5 fc at any location on any non-residential property, and 0.05 fc at any location on any residential property, as measurable from any orientation of the measuring device.

Every such lighting system design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this Code.

All events shall be scheduled so as to complete all activity by 10:00 p.m. Illumination of the playing field, court, track or range shall be permitted after 10:00 p.m. only to conclude a scheduled event that was unable to conclude before 10:00 p.m. due to unusual circumstances. Fully shielded lighting shall be required for fields designed for amateur, recreational or non-professional sports activity. For professional level sports facilities where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:

- a. Are provided with internal or external glare control louvers, or both, and installed so as to minimize uplight and offsite light trespass as required in subsection F.10 above, and;
- b. Are installed and maintained with aiming angles that permit no greater than two percent (2%) of the light emitted by each fixture to project above the horizontal.

12. Lighting for Outdoor Display Lots shall be considered Class 1 (Color Rendition), and shall conform to the lumens per acre limits of subsection H.10 except as follows:

- a. All such lighting shall utilize fully shielded luminaries that are installed in a fashion that maintains the fully-shielded characteristics. When the proposed lumens per acre exceed the limits of subsection H.10 the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA). The installation shall also limit off-site spill (off the parcel containing the display lot) to a maximum of 0.5 fc at any location on any non-residential property, and 0.05 fc at any location on any residential property, as measurable from any orientation of the measuring device. Every such lighting system design shall be certified by an Arizona registered engineer as conforming to all applicable restrictions of this Code. Outdoor Display Lot lighting exceeding the lumens per acre cap of Section H.10 shall be turned off at 10:00 p.m. or within thirty minutes after closing of the business or activity whichever is later. Lighting in the Outdoor Display Lot after this time shall be limited to Class 2 lighting, and shall conform to all restrictions of this Code applicable for this class, including the lumens per acre caps in Section H.10.
- b. Lighting allowed in this subsection shall be subject to approval of the Development Review Board.

13. Lighting for Service Station or similar canopies shall be considered Class 1 lighting. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed forty (40) lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent (50%) of the lumen output of all lamps mounted within or under a canopy, except

internally illuminated signs, is included in the lumen caps in subsection H.10.

14. Lighting used for all externally illuminated signs shall conform to all restrictions of this Code, shall be fully shielded, and shall be turned off at 10:00 p.m. or when the business closes, whichever is later.
15. All site lighting not directly associated with the special uses as permitted in subsections F.14, H.11, H.12, and H.13 shall conform to all lighting standards described in this Code.
16. Outdoor internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. Opaque means only that the material must not transmit light from the internal illumination source: the color of such opaque backgrounds is not restricted by this section. Lamps used for internal illumination of such signs shall not be included in the lumens per net acre limit set in subsection H.10. All illuminated signs shall be turned off at 10:00 p.m. or when the business closes, whichever is later.
17. All outdoor neon lighting shall be fully shielded and shall be turned off at 10:00 p.m. or when the business closes, whichever is later.
18. The requirements for lamp source and shielding of light emissions for outdoor light fixtures are as follows:

Shielding/Use Code:

A = allowed, unshielded  
F = allowed, fully shielded

<u>LAMP TYPE</u>	<u>SHIELDING</u>
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Class 1, 2 and 3 lighting:

All lamp types above 2050 lumens	F (See Note 1)
All types below 2050 lumens	A (See Note 2)
All neon tube lighting	F
Lamps in Motion Sensing Security Lights (F.14)	A (See H.3)

Note 1. Examples of lamp types of 2050 lumens and below (the acceptability of a particular light is decided by its lumen output, not wattage. Check manufacturer's specifications):

- a. 100 Watt Standard Incandescent and less
- b. 100 Watt Midbreak Tungsten-Halogen (quartz) and less
- c. 25 Watt T-12 Cool White Fluorescent and less

- d. 18 Watt Low Pressure Sodium and less

Note 2. Lights shall be shielded whenever feasible to minimize light spilled into the night sky or adjacent properties. Unshielded lights (all types) are limited to a maximum of 5,500 lumens per net acre (see subsection H.10). Residential parcels and Development Projects containing one net acre or less are allowed 5,500 lumens of unshielded light (all Classes).

#### I. PARKING LOT LIGHTING STANDARDS

Lighting Standards (poles) shall be sized in such a manner that the top of any luminary does not exceed twenty-four (24) feet above adjacent grade, unless otherwise specified by the Development Review Board for new projects.

#### J. AIRPORT LIGHTING

Airport lighting which is required for the safe and efficient movement of aircraft during flight, take-off, landing and taxiing is exempt from the provisions of this Code. Lighting used for illumination of aircraft loading, unloading, and servicing areas is exempt from the lumens per net acre limits of subsection H.10, although it must conform to all other requirements of this Code. All other outdoor lighting at airport facilities shall comply with the provisions of this Code.

#### K. TEMPORARY LIGHTING PERMITS

1. The Community Development Director may grant a permit for temporary Lighting if he or she finds all of the following:
  - a. The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days;
  - b. The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible;
  - c. The proposed lighting will comply with the general intent of this Code; and
  - d. The permit will be in the public interest.
2. The Community Development Director shall rule on the application within five (5) business days from the date of submission of the request and notify the applicant in writing of his or her decision. The Community Development Director may grant one (1) renewal of the permit for an additional thirty (30) days if he or she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The Community Development Director is not authorized to grant more than one temporary permit and one renewal for the same property within one calendar year.

L. NONCONFORMING USES.

1. Mercury vapor lamps in use for outdoor lighting on the effective date of this Code shall not be so used after 1 January 2005.
2. Bottom or side-mounted outdoor advertising sign lighting shall not be used after 1 January 2005.
3. No outdoor lighting fixture or use which was lawfully installed or implemented prior to the enactment of this Code shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this Code, except that identical lamp replacement is allowed.
4. In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Code.

M. VARIANCES.

Any person desiring to install an outdoor lighting fixture in violation of this Code may apply to the Board of Adjustment for a variance from the regulation in question. Such variances shall be allowed only as provided by Section 105 of the City of Cottonwood Zoning Ordinance.

N. PERMITS AND DEVELOPMENT PLAN REVIEWS.

1. Whenever a person is required to obtain a building or electrical permit for outdoor lighting or signage, a Conditional Use Permit, subdivision approval or any development plan approval by the City, including all City projects, or whenever a person requests annexation or rezoning, the applicant shall, as a part of said application, submit sufficient information to enable the Community Development Director to determine whether the proposed lighting will comply with this Code. All applications may be subject to review and action by the Development Review Board at the discretion of the Community Development Director or the Development Review Board.
2. All applications, except those for single family residences, shall include the following:
  - a. A site plan indicating the proposed location of all outdoor lighting fixtures;
  - b. A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs; and

- c. Such other information as the Community Development Director may determine is necessary to ensure compliance with this Code.
3. If the Community Development Director determines that the proposed lighting does not comply with this Code, the permit shall not be issued or the plan approved.

SECTION 410. "GA" ZONE, GENERAL AGRICULTURAL.

A. PURPOSE.

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

B. PERMITTED USES.

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

C. CONDITIONAL USES.

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

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

D. PROPERTY DEVELOPMENT STANDARDS

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

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

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

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

### A. PURPOSE.

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

### B. PERMITTED USES.

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

### C. CONDITIONAL USES.

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

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

D. PROPERTY DEVELOPMENT STANDARDS.

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

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

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



## SECTION 412. "AR-20" ZONE, AGRICULTURAL RESIDENTIAL.

### A. PURPOSE.

This district is intended to promote and preserve agricultural areas, open spaces and low density residential development. Regulations and property development standards are designed to protect the open space character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes on large lots (20,000 Sq. Ft. minimum) and low intensity agriculture.

### B. PERMITTED USES.

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

### C. CONDITIONAL USES.

1. One (1) guest house provided the minimum lot area is one (1) acre.
2. Hospitals.
3. Cemeteries.

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

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 20,000 Sq. Ft.
2. Minimum Average Lot Width: 100 Ft.
3. Minimum Lot Frontage: 50 Ft.
4. Maximum Lot Coverage: 40%
5. Minimum Front Yard:
  - a. 30 Ft.
  - b. Where lots have a double frontage on two streets, the required front yard shall be provided on both streets.
6. Minimum Side Yard:
  - a. 10 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 20 Ft.
7. Minimum Rear Yard:
  - a. 20 Ft.
  - b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.
8. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

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



## SECTION 413. "R-1" ZONE, SINGLE FAMILY RESIDENTIAL

### A. PURPOSE.

This district is intended to promote and preserve low density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities.

### B. PERMITTED USES.

1. One (1) single-family dwelling. Mobile home(s) and manufactured home(s) are prohibited.
2. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
4. Publicly owned and operated parks and recreation areas and centers.
5. Home occupations.
6. Churches or similar places of worship.
7. Schools: Public and private elementary and high having no room regularly used for housing or sleeping.

### C. CONDITIONAL USES.

1. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
2. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.
3. Hospitals.
4. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
5. One (1) guest house, provided the minimum lot area is 15,000 square feet.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 7,500 Sq. Ft.
2. Minimum Average Lot Width: 60 Ft.
3. Minimum Lot Frontage: 30 Ft.
4. Maximum Lot Coverage: 30%
5. Minimum Front Yard: 25 Ft.
6. Minimum Side Yard:
  - a. 7 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 15 Ft.
7. Minimum Rear Yard:
  - a. 20 Ft.
  - b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.
8. Maximum Building Height: 2 ½ stories, but not to exceed 35 FT., except under Conditional Use Permit.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

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

SECTION 414. "R-2" ZONE, SINGLE FAMILY/MULTIPLE FAMILY RESIDENTIAL.

A. PURPOSE.

This district is intended to promote and preserve medium density single-family and multiple-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes and multiple-family dwellings together with required recreational, religious and educational facilities.

B. PERMITTED USES.

1. One (1) single-family dwelling. Mobile homes are prohibited.
2. Multiple-family dwellings.
3. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
5. Publicly owned and operated parks and recreation areas and centers.
6. Home occupations.
7. Churches or similar places of worship.
8. Schools: Public and private elementary and high having no room regularly used for housing or sleeping.
9. Colleges, universities and professional schools having a regular curriculum and having no room regularly used for housing or sleeping.
10. Nursery Schools and Day Care Centers.

C. CONDITIONAL USES.

1. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
2. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.
3. Hospitals, clinics, medical and dental offices.

4. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
5. One manufactured home (as defined by the State Office of Manufactured Housing) per lot provided that the unit is installed at grade and anchored to an approved foundation.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 7,500 Sq. Ft.
2. Minimum Lot Area per Dwelling Unit: 3,750 Sq. Ft.
3. Minimum Average Lot Width: 60 Ft.
4. Minimum Lot Frontage: 30 Ft.
5. Maximum Lot Coverage: 40%
6. Minimum Front Yard: 20 Ft.
7. Minimum Side Yard:
  - a. 5 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 15 Ft.
8. Minimum Rear Yard:
  - a. 20 Ft.
  - b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.

9. Minimum Dwelling Size:

TYPE OF DWELLING UNIT	MINIMUM FLOOR AREA
Efficiency or Studio	300 Sq. Ft.
One Bedroom	500 Sq. Ft.
Two Bedroom	650 Sq. Ft.
Over Two Bedroom	750 Sq. Ft. plus 150 Sq. Ft. per additional bedroom over two

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

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

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

J. CODE REVIEW.

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

K. LANDSCAPING REQUIREMENTS.

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



## SECTION 415. "R-3" ZONE, MULTIPLE FAMILY RESIDENTIAL.

### A. PURPOSE.

This district is intended to fulfill the need for high density multiple-family residential development. Regulations and property development standards are designed to allow maximum flexibility and variety in residential development while prohibiting all incompatible activities. Land use is composed chiefly of individual homes and multiple-family dwellings together with required recreational, religious and educational facilities.

### B. PERMITTED USES.

1. One (1) single-family dwelling. Mobile home(s) and manufactured home(s) are prohibited.
2. Multiple-family dwellings.
3. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
5. Publicly owned and operated parks and recreation areas and centers.
6. Home occupations.
7. Churches or similar places of worship.
8. Schools: Public and private elementary and high.
9. Colleges, universities and professional schools having a regular curriculum.
10. Nursery Schools and Day Care Centers.
11. Boarding or Rooming House.
12. Nursing Homes and Convalescent Homes.

### C. CONDITIONAL USES.

1. Hospitals, clinics, medical and dental offices.
2. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land or homes which are offered for sale.

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

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 7,500 Sq. Ft.
2. Minimum Lot Area per Dwelling Unit:

AREA OF LOT	MINIMUM LOT AREA PER DWELLING UNIT
Up to 10,000 Sq. Ft.	3,000 Sq. Ft.
10,001 Sq. Ft. to 14,000 Sq. Ft.	2,500 Sq. Ft.
14,001 Sq. Ft. to 24,000 Sq. Ft.	2,000 Sq. Ft.
24,001 Sq. Ft. and over	1,500 Sq. Ft.

3. Usable Open Space:

For all uses other than single-family residences and mobile homes, 30% of the total lot area shall be provided as "Usable Open Space" as defined in this Ordinance. No less than 30% of the "Usable Open Space" shall be located between the front of the structure and the front lot line.

4. Minimum Average Lot Width: 60 Ft.
5. Minimum Lot Frontage: 30 Ft.
6. Maximum Lot Coverage: 40%
7. Minimum Front Yard: 10 Ft., including covered entry, porch or deck.
8. Minimum Side Yard:
  - a. 5 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 10 Ft.
9. Minimum Rear Yard:
  - a. 15 Ft.
  - b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.

10. Minimum Dwelling Size:

TYPE OF DWELLING UNIT	MINIMUM FLOOR AREA
Efficiency or Studio	300 Sq. Ft.
One Bedroom	500 Sq. Ft.
Two Bedroom	650 Sq. Ft.
Over Two Bedroom	750 Sq. Ft. plus 150 Sq. Ft. per additional bedroom over two

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

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

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

J. CODE REVIEW.

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

K. LANDSCAPING REQUIREMENTS.

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



SECTION 416. "R-4" ZONE, SINGLE FAMILY/MULTIPLE FAMILY/MANUFACTURED HOME.

A. PURPOSE.

This district is intended to accommodate certain areas of the City in which a great deal of mixed single-family residences and manufactured homes existed at the time of adoption of this Ordinance. In order to permit reasonable development potential for the property within these areas, this district will allow single-family residences, multiple-family residences and manufactured homes on individual lots. Since it is also the intent of this Ordinance to prevent the expansion of these mixed-use areas and to promote their elimination, it shall be the policy of the City Council to accept no applications for "R-4" rezoning within the City of Cottonwood after the adoption of this Ordinance.

B. PERMITTED USES.

1. One (1) single-family dwelling.
2. Multiple-family dwellings.
3. One (1) manufactured home per lot or space within a manufactured home park.
4. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
6. Publicly owned and operated parks and recreation areas and centers.
7. Home occupations.
8. Manufactured home parks and manufactured home subdivisions.
9. Churches or similar places of worship.
10. Schools: Public and private elementary and high.
11. Colleges, universities and professional schools having a regular curriculum.
12. Nursery Schools and Day Care Centers.
13. Nursing Homes and Convalescent Homes.
14. Boarding or Rooming House.

C. CONDITIONAL USES.

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

D. PROPERTY DEVELOPMENT STANDARDS.

1. Manufactured Home Parks and Manufactured Home Subdivisions are subject to the property development standards of the MH Zone.

2. Minimum Lot Area: 7,500 Sq. Ft.

3. Minimum Lot Area per Dwelling Unit:

AREA OF LOT	MINIMUM LOT AREA PER DWELLING UNIT
Up to 10,000 Sq. Ft.	3,000 Sq. Ft.
10,001 Sq. Ft. to 14,000 Sq. Ft.	2,500 Sq. Ft.
14,001 Sq. Ft. to 24,000 Sq. Ft.	2,000 Sq. Ft.
24,001 Sq. Ft. and over	1,500 Sq. Ft.

4. Usable Open Space:

For all uses other than single-family residences and manufactured homes, 30% of the total lot area shall be provided as "Usable Open Space" as defined in this Ordinance. No less than 30% of the "Usable Open Space" shall be located between the front of the structure and the front lot line.

5. Minimum Average Lot Width: 60 Ft.

6. Minimum Lot Frontage: 30 Ft.

7. Maximum Lot Coverage: 40%

8. Minimum Front Yard: 10 Ft., including covered entry, porch or deck.

9. Minimum Side Yard:                    a. 5 Ft.  
     b. Where a side lot line abuts a street, there shall be a side yard of not less than 10 Ft.
10. Minimum Rear Yard:                    a. 15 Ft.  
     b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center of the alley.

11. Minimum Dwelling Size:

TYPE OF DWELLING UNIT	MINIMUM FLOOR AREA
Efficiency or Studio	300 Sq. Ft.
One Bedroom	500 Sq. Ft.
Two Bedroom	650 Sq. Ft.
Over Two Bedroom	750 Sq. Ft. plus 150 Sq. Ft. per additional bedroom over two

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

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

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

J. CODE REVIEW.

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

K. LANDSCAPING REQUIREMENTS.

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

SECTION 417. "MH" ZONE, MANUFACTURED HOME.

A. PURPOSE.

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

B. PERMITTED USES.

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

C. CONDITIONAL USES.

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

D. PROPERTY DEVELOPMENT STANDARDS FOR MANUFACTURED HOME SUBDIVISIONS.

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

E. PROPERTY DEVELOPMENT STANDARDS FOR MANUFACTURED HOME PARKS.

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

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

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

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

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

F. LOCATIONS OUTSIDE OF PARKS AND SUBDIVISIONS:

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

G. GENERAL REGULATIONS.

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

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

H. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

I. SIGNS.

The provisions of Section 405 shall apply.

J. PARKING AND LOADING.

The provisions of Section 406 shall apply.

K. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences and individual manufactured homes.

L. DEVELOPMENT REVIEW.

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

M. CODE REVIEW.

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

N. LANDSCAPING REQUIREMENTS.

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

## SECTION 418. "C-1" ZONE, LIGHT COMMERCIAL.

### A. PURPOSE.

This district is intended to provide for light commercial uses. Land use is composed chiefly of light retail and service business, together with necessary accessory uses and certain residential uses subject to Conditional Use Permit approval. The property development standards are designed to encourage orderly and compatible development in existing and future commercial areas within the City.

### B. PERMITTED USES.

1. Permitted and Conditional Uses allowed in the R-3 Zone, except residences.
2. Indoor retail sales of apparel and accessories, shoes, dry goods, foods, drugs, flowers and plants, garden supplies, hardware, gifts and novelties, pet and hobby supplies, art and art supplies, jewelry, liquor, tobacco, newspapers and magazines, music and records, household supplies, stationery, books, paints, wallpaper and glass, sporting goods, toys, variety store goods, appliances, auto parts and supplies, furniture, office supplies, leather and leather products, carpet, antiques, fabrics, photo supplies and similar convenience goods.
3. Repair services such as, but no more objectionable or intensive in character than: watches, jewelry, shoes, locksmith, minor household appliances.
4. Personal services such as: barbers, beauty shops, health clubs, laundries and cleaners, mortuaries.
5. Establishments serving food or beverages such as: restaurants, cafes, coffee shops, bars, taverns, cocktail lounges.
6. Light manufacturing incidental to a permitted use is permitted, but subject to the following limitations:
  - a. All products incidental to a permitted use which are manufactured or processed on the premises shall be sold at retail only and on the premises only.
  - b. All such manufacturing activity shall be conducted within a completely enclosed building.
  - c. All such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building allocated to the permitted use.
7. Second hand stores, pawn shops, used furniture stores, provided such activity shall be conducted within a completely enclosed building.
8. Radio and TV studios, provided that no masts, towers or antenna used for transmission or broadcasting purposes are erected on the premises.

9. Banks, stock brokerage firms, savings and loan associations, loan companies and credit unions.
10. Governmental services, public utility offices and exchanges, excluding storage or repair services.
11. Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, lawyer, architects and engineer.
12. Medical and dental offices and clinics.
13. Establishment primarily supplemental in character to other permitted principal uses, such as: pharmacy; apothecary shop; sales of corrective garments, prosthetic devices and optical goods; medical and dental laboratories.
14. Establishments whose principal function is basic research, design, and pilot or experimental product development, when conducted within a completely enclosed building.
15. Business and trade schools, dancing, art and music schools.
16. Headquarters buildings of charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
17. Hospitals and clinics.
18. Indoor commercial recreation establishments, such as bowling alleys, billiard parlors, skating rinks and similar establishments.
19. Indoor theaters, assembly halls, ballrooms, lodges and similar places of assembly.
20. Taxi stands, bus stops, public parking lots and garages.
21. Lumber yards and building supplies, provided such activity is conducted within a completely enclosed building.
22. Pet shops.
23. Accessory buildings, structures and uses customarily incidental to a permitted use.

C. CONDITIONAL USES.

1. Residences as allowed in the "R-3" Zone, subject to the property development standards of the "R 3" Zone.

2. Manufactured Home Parks, subject to the property development standards of the “MH” Zone.
3. Outdoor entertainment.
4. Wholesale establishments, provided such activity shall be conducted within a completely enclosed building.
5. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 5,000 Sq. Ft.
2. Minimum Average Lot Width: 50 Ft.
3. Minimum Front Yard: 20 Ft.

(Except that along the west side of Main Street between East Mingus Ave. and East Cherry St., the required front yard shall be 5 Ft., provided the owner of the property agrees to landscape the front 10 Ft. of street right-of-way, measured back from a line 20 Ft., in front of the resulting building setback line, in a manner consistent with the requirements of Paragraph 7 of this Subsection.)

4. Minimum Side Yard:
  - a. None required.
  - b. Where a lot adjoins a lot in a residential district along its side lot line, there shall be a 15 Ft. side yard.
  - c. Where a lot line abuts a street there shall be a 10 Ft. side yard.
5. Minimum Rear Yard: 5 Ft.
6. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., unless otherwise permitted under a Conditional Use Permit.
7. Screening: Where the lot adjoins a residential district, a commercial use shall be screened from the residential property by a solid masonry or solid material fence six (6) Ft. in height, or as otherwise allowed or required by the Development Review Board or Zoning Administrator, subject also to the fence height and material regulations established in Section 404 of this Ordinance.

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

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences and individual manufactured homes.

I. DEVELOPMENT REVIEW.

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

J. CODE REVIEW.

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

K. LANDSCAPING REQUIREMENTS.

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

## SECTION 419. "C-2" ZONE, HEAVY COMMERCIAL”

### A. PURPOSE.

This district is intended to provide for medium and heavy commercial uses. Land use is composed chiefly of retail and service businesses, together with necessary accessory uses and certain residential uses subject to Conditional Use Permit approval. The property development standards are designed to encourage orderly and compatible development in existing and future commercial areas within the City.

### B. PERMITTED USES.

1. Retail sales of apparel and accessories, shoes, dry goods, foods, drugs, flowers and plants, garden supplies, hardware, gifts and novelties, pet and hobby supplies, art and art supplies, jewelry, liquor, tobacco, newspapers and magazines, music and records, household supplies, stationery, books, paints, wallpaper and glass, sporting goods, toys, variety store goods, appliances, auto parts and supplies, furniture, office supplies, leather and leather products, carpet, antiques, fabrics, photo supplies and similar convenience goods.
2. Repair services such as, but no more objectionable or intensive in character than: watches, jewelry, shoes, locksmith, minor household appliances.
3. Personal services such as: barbers, beauty shops, health clubs, laundries and cleaners, mortuaries.
4. Establishments serving food or beverages inside a completely enclosed building such as: restaurants, cafes, coffee shops, bars, taverns, cocktail lounges. Entertainment, dancing or drive-in facilities in connection therewith shall be permitted.
5. Light manufacturing incidental to a permitted use is permitted, but subject to the following limitations:
  - a. All products incidental to a permitted use which are manufactured or processed on the premises shall be sold at retail only and on the premises only.
  - b. All such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building allocated to the permitted use.
6. Second hand stores, pawn shops, used furniture stores.
7. Radio and TV studios.
8. Banks, stock brokerage firms, savings and loan associations, loan companies and credit unions.
9. Governmental services, public utility offices and exchanges, excluding storage or repair services.

10. Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, lawyer, architects and engineer.
11. Medical and dental offices and clinics.
12. Establishment primarily supplemental in character to other permitted principal uses, such as: pharmacy; apothecary shop; sales of corrective garments, prosthetic devices and optical goods; medical and dental laboratories.
13. Establishments whose principal function is basic research, design, and pilot or experimental product development, when conducted within a completely enclosed building.
14. Business and trade schools, dancing, art and music schools.
15. Headquarters buildings of charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
16. Indoor commercial recreation establishments, such as bowling alleys, billiard parlors, skating rinks and similar establishments.
17. Indoor theaters, assembly halls, ballrooms, lodges and similar places of assembly.
18. Taxi stands, bus stops, public parking lots and garages.
19. Gas Service Stations.
20. Outdoor sales of nursery stock.
21. New and used automobile, truck, mobile home and agricultural equipment sales.
22. Wholesale establishments.
23. Lumber yards and building supplies.
24. Automobile repair garages.
25. Hotels and motels.
26. Hospitals and clinics.
27. Pet shops.
28. Veterinary clinics and kennels.
29. Accessory buildings, structures and uses customarily incidental to a permitted use.

C. CONDITIONAL USES.

1. Residences as allowed in the "R-3" Zone, subject to the property development standards of the "R-3" Zone.
2. Manufactured Home Parks, subject to the property development standards of the "MH" Zone.
3. Outdoor commercial recreation establishments.
4. Drive-In theatres.
5. Construction Yard and Equipment, except heavy construction equipment.
6. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 5,000 Sq. Ft.
2. Minimum Average Lot Width: 50 Ft.
3. Minimum Front Yard: 20 Ft.

(Except that along the west side of Main Street between East Mingus Ave. and East Cherry St., the required front yard shall be 5 Ft., provided the owner of the property agrees to landscape the front 10 Ft. of street right-of-way, measured back from a line 20 Ft., in front of the resulting building setback line, in a manner consistent with the requirements of Paragraph 7 of this Subsection.)

4. Minimum Side Yard:
  - a. None required.
  - b. Where a lot adjoins a lot in a residential district along its side lot line, there shall be a 15 Ft. side yard.
  - c. Where a lot line abuts a street there shall be a 10 Ft. side yard.
5. Minimum Rear Yard: 5 Ft.
6. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., unless otherwise permitted under a Conditional Use Permit.
7. Screening: Where the lot adjoins a residential district, a commercial use shall be screened from the residential property by a solid masonry or solid material fence six (6) Ft. in height or as otherwise allowed or required by the Development Review Board or Zoning Administrator, subject also to the fence height and material regulations established in Section 404 of this Ordinance.

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

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

H. SIGNS.

The provisions of Section 405 shall apply.

I. PARKING AND LOADING.

The provisions of Section 406 shall apply.

J. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences and individual manufactured homes.

K. DEVELOPMENT REVIEW.

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

L. CODE REVIEW.

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

M. LANDSCAPING REQUIREMENTS.

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

## SECTION 420. "CR" ZONE, COMMERCIAL RESIDENTIAL DISTRICT

### A. PURPOSE.

This district is intended to provide for an orderly and compatible mix of single-family residential and light commercial uses in a manner that preserves and protects the established neighborhood character of the area. The land use is composed chiefly of single-family residential uses, light retail, office uses, art galleries and personal service businesses, together with necessary accessory uses and certain more intensive uses subject to Conditional Use Permit approval. The CR zoning district provides a zoning classification for an area generally identified along North Main Street from North 8th Street to North Willard Street, including portions of intersecting streets.

### B. PERMITTED USES.

1. Single-family residential uses.
2. Professional offices, including executive, administrative and business offices for accounting, clerical, graphic art, real estate, attorneys, architects, engineers and similar professional uses.
3. Medical and dental offices and clinics, including physical therapy, massage therapy, chiropractic, and similar medical and health related services.
4. Offices for charitable, philanthropic and social welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
5. Personal and household services, such as barber and hair styling shops, beauty salons, dry cleaners, clothing alteration, shoe repair, small appliance and electronic equipment repair, and self-service copying and printing shops, and excluding drive-through or drive-up facilities for all such uses.
6. Retail sales, provided:
  - a. No outdoor display or outdoor storage of any kind, including products or materials.
  - b. No individual store shall exceed an area of 1,500 square feet of gross floor area.
  - c. No drive-through or drive-up facilities are included.
7. Art galleries and studios for the practice of fine arts.
8. Home occupation uses, as permitted in Section 404.N. of this Ordinance.
9. One (1) guest house, as defined in Section 201 of this ordinance, for properties with no more than one (1) existing single-family dwelling.
10. Accessory buildings, structures and uses customarily incidental to a permitted use.

C. CONDITIONAL USES

1. Multiple-family residential uses subject to the R-2 Zone property development standards.
2. Establishments serving food or beverages such as: restaurants, bakeries, cafes and coffee shops, excluding bars, taverns and lounges, and excluding drive-through or drive-up facilities.
3. Light manufacturing incidental to a permitted or conditional use, subject to the following limitations:
  - a. All such manufacturing activity shall be conducted entirely within an enclosed building with no outdoor storage or display of equipment, materials, supplies or products.
  - b. All such manufacturing activity shall be restricted to no more than twenty-five (25) percent of the ground floor area of the building or buildings allocated to the permitted use.
4. Public and private schools, including general instruction, business and trade schools, dancing, art and music schools, martial arts schools and similar uses.
5. Cultural institutions, art centers and performance halls.
6. Churches and similar places of worship.
7. Any such other uses as determined by the Zoning Administrator to be substantially similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 5,000 Sq. Ft.
2. Minimum Average Lot Width: 50 Ft.
3. Minimum Front Yard:
  - a. 20 Ft. from garage/carport to the back of sidewalk.
  - b. 15 Ft. from main structure, including covered entry, porch or deck.
4. Minimum Side Yard:
  - a. 5 Ft.
  - b. Where a lot adjoins a lot in a residential district along its side lot line, there shall be a 15 Ft minimum side yard for non-residential or mixed use development and 10 Ft. for single-family residential development.

c. Where a lot line abuts a street there shall be a 10 Ft. side yard.

5. Minimum Rear Yard: 5 Ft.

6. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., unless otherwise permitted under a Conditional Use Permit.

7. Screening: Where the lot adjoins a residential district, a commercial use shall be screened from the residential property by a solid masonry wall or solid material fence six (6) Ft. in height or higher if required by the Development Review Board or Zoning Administrator, subject also to the fence height and material regulations established in Section 404 of this Ordinance. Required screening shall not include chain link fence with or without slats.

Refer to Article V, Section 501, for specific screening requirements regarding wall height greater than six (6) Ft.

8. Mixed Uses: Residential and non-residential uses may occupy the same development site subject to meeting the property development standards for each use. In the event of conflicting standards, the more restrictive standards shall take precedence.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences and individual manufactured homes.

I. DEVELOPMENT REVIEW.

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

J. CODE REVIEW.

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

K. LANDSCAPING REQUIREMENTS.

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



SECTION 421. "I-1" ZONE, LIGHT INDUSTRIAL

A. PURPOSE.

This district is intended to promote and encourage modern industrial and research development facilities and other similar uses which can meet strict development standards, while maintaining enough flexibility to efficiently meet the needs of the developer and user. For this reason, Planned Industrial Parks are strongly encouraged in this district. Residential uses are not permitted, including manufactured home parks, courts or subdivisions or RV parks.

B. PERMITTED USES.

1. Manufacturing establishment within a completely enclosed building.
2. Warehouses and storage facilities within a completely enclosed building.
3. Retail sales which are incidental to a manufacturing activity.
4. Governmental services, public utility offices and exchanges, excluding storage or repair services.
5. Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, lawyer, architects and engineer.
6. Establishments whose principal function is basic research, design, and pilot or experimental product development, when conducted within a completely enclosed building.
7. Business and trade schools.
8. Taxi stands, bus stops, public parking lots and garages.
9. Gas Serve Stations.
10. Outdoor sales of nursery stock.
11. New and used automobile, truck, mobile home, and agricultural equipment sales.
12. Wholesale establishments.
13. Lumber yards and building supplies.
14. Automobile repair garages.
15. Veterinary clinics and kennels.
16. Open storage in an enclosed, screened fenced area for boats and RV's.

C. CONDITIONAL USES.

1. Adult Uses (as defined in Section 201)
  - a. An adult use shall meet the following separation criteria whereas the exterior building wall of adult uses shall not be located within five hundred (500) feet of the exterior property lines of:
    - (1) A nursery school, elementary school, secondary school or high school.
    - (2) Public libraries, service clubs, neighborhood or community public recreation facilities, and publicly owned and operated swimming or aquatic facilities.
    - (3) A state designated Local Alcohol Reception Center.
    - (4) A church.
    - (5) Bar or Cocktail Lounge.
  - b. Any adult use lawfully operating is not rendered in violation of these provisions by the subsequent location of a nursery school, elementary school, secondary school, high school, public library, service club, neighborhood or community public recreation facility, publicly owned and operated swimming or aquatic facility, state designated local alcohol reception center, church, bar or cocktail lounge.
  - c. For the purposes of calculating the separation requirements, the distance shall be measured from the exterior surface of the walls of the buildings or portions thereof, in which the businesses are conducted.
  - d. An adult use shall not be located within five hundred (500) feet of any other adult use, measured from exterior building wall to exterior building wall.
  - e. The exterior building wall of an adult use shall not be located within five hundred (500) feet of an existing residential district boundary. A residential district for the purposes of this section shall include the following zoning districts: GA, AR-70, AR-43, AR-20, R-1, R-2, R-3, R-4, MH, or residentially designated areas within a P.U.D. zoning district.
  - f. Any adult use will be required to obtain any and all required licenses for such business including a Cottonwood Business Registration.
2. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 10,000 Sq. Ft.
2. Minimum Average Lot Width: 75 Ft.
3. Minimum Front Yard: 20 Ft.
4. Minimum Side Yard:
  - a. None required.
  - b. Where a lot adjoins a lot in a residential district along its side lot line, there shall be a 15 Ft. side yard.
  - c. Where a lot line abuts a street there shall be a 10 Ft. side yard.
5. Minimum Rear Yard: 5 Ft., except that if the lot adjoins a lot in a residential district along its rear lot line, there shall be a rear yard equal to the rear yard required in the residential zone.
6. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., unless otherwise permitted under a Conditional Use Permit.
7. Screening: Where the lot adjoins or is adjacent to a residential district, an industrial, as listed under the Permitted Uses of I-1 Zone shall be screened from the residential property by a solid masonry fence, a minimum of six (6) Ft. in height; the height of such fence shall be subject to the provisions as set forth:
  - a. The Planning and Zoning Administrator shall submit a recommendation as to the appropriate screening which includes findings of fact. This recommendation shall be presented to the Planning and Zoning Commission and/or City Council for their review, revision and approval. Such findings of fact must be forwarded to the applicant and maintained as public record. Such findings of fact shall be based on but not limited to the following considerations:
    - (1) Compatibility of land uses.
    - (2) Environmental effects of commercial or industrial use.
    - (3) Potential nuisance created by commercial or industrial use.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply.

I. DEVELOPMENT REVIEW.

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

J. CODE REVIEW.

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

K. LANDSCAPING REQUIREMENTS.

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

SECTION 422. "I-2" ZONE, HEAVY INDUSTRIAL.

A. PURPOSE.

This district is intended to provide for and encourage commercial, industrial and manufacturing development within the City, while insuring that such activities will in no manner affect in a detrimental way any of the surrounding districts.

B. PERMITTED USES.

1. Any permitted or conditional use in the C-2 Zone, except residences and manufactured homes.
2. Warehouses.
3. Outdoor storage yards and junk yards.
4. Automobile wrecking yards.
5. Heavy construction equipment yards.
6. Industrial and manufacturing establishments.
7. Accessory buildings, structures and uses customarily incidental to a permitted use.

C. CONDITIONAL USES.

1. Adult Uses (as defined in Section 201)
  - a. An adult use shall meet the following separation criteria whereas the exterior building wall of adult uses shall not be located within five hundred (500) feet of the exterior property lines of:
    - (1) A nursery school, elementary school, secondary school or high school.
    - (2) Public libraries, service clubs, neighborhood or community public recreation facilities, and publicly owned and operated swimming or aquatic facilities.
    - (3) A state designated Local Alcohol Reception Center.
    - (4) A church.
    - (5) Bar or Cocktail Lounge.
  - b. Any adult use lawfully operating is not rendered in violation of these provisions by the subsequent location of a nursery school, elementary school, secondary school, high school, public library, service club, neighborhood or community public recreation facility, publicly owned and operated swimming or aquatic facility, state designated local alcohol reception center, church, bar or cocktail lounge.

- c. For the purpose of calculating the separation requirements, the distance shall be measured from the exterior surface of the walls of the buildings or portions thereof, in which the businesses are conducted.
  - d. An adult use shall not be located within five hundred (500) feet of any other adult use, measured from exterior building wall to exterior building wall.
  - e. The exterior building wall of an adult use shall not be located within five hundred (500) feet of an existing residential district boundary. A residential district for the purposes of this section shall include the following zoning districts: GA, AR-70, AR-43, AR-20, R-1, R-2, R-3, R-4, MH, or residentially designated areas within a P. U. D. zoning district.
  - f. Any adult use will be required to obtain any and all required licenses for such business including a Cottonwood Business Registration.
2. Residences as allowed in the "R-3" Zone, subject to the property development standards of the "R-3" Zone.
  3. Manufactured Home Parks, subject to the property development standards of the "MH" Zone.
  4. Sand and gravel plants, mines, batch plants, concrete plants and similar uses.
  5. Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 5,000 Sq. Ft.
2. Minimum Average Lot Width: 50 Ft.
3. Minimum Front Yard: 20 Ft.
4. Minimum Side Yard:
  - a. None required.
  - b. Where a lot adjoins a lot in a residential district along its side lot line, there shall be a 15 Ft. side yard.
  - c. Where a lot line abuts a street there shall be a 10 Ft. side yard.
5. Minimum Rear Yard: 5 Ft., except that if the lot adjoins a lot in a residential district along its rear lot line, there shall be a rear yard equal to the rear yard required in the residential zone.
6. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., unless otherwise permitted under a Conditional Use Permit.

7. Screening: Where the lot adjoins or is adjacent to a residential district, an industrial, as listed under the Permitted Uses of I-2 Zone shall be screened from the residential property by a solid masonry fence, a minimum of six (6) Ft. in height; the height of such fence shall be subject to the provisions as set forth:
  - a. The Planning and Zoning Administrator shall submit a recommendation as to the appropriate screening which includes findings of fact. This recommendation shall be presented to the Planning and Zoning Commission and/or City Council for their review, revision and approval. Such findings of fact must be forwarded to the applicant and maintained as public record. Such findings of fact shall be based on but not limited to the following considerations:
    - (1) Compatibility of land uses.
    - (2) Environmental effects of commercial or industrial use.
    - (3) Potential nuisance created by commercial or industrial use.

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply.

I. DEVELOPMENT REVIEW.

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

J. CODE REVIEW.

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

K. LANDSCAPING REQUIREMENTS.

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



SECTION 423. "CF" ZONE, COMMUNITY FACILITY.

A. PURPOSE.

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

B. PERMITTED USES.

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

C. CONDITIONAL USES.

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

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

D. PROPERTY DEVELOPMENT STANDARDS.

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

E. GENERAL PROVISIONS.

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

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

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

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

F. SIGNS.

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

G. PARKING AND LOADING.

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

H. PLAN REVIEW.

The provisions of Section 303 shall apply.

I. DEVELOPMENT REVIEW.

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

J. CODE REVIEW.

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

K. LANDSCAPING REQUIREMENTS.

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

## SECTION 424. “PAD” ZONE, PLANNED AREA DEVELOPMENT

### A. PURPOSE.

The Planned Area Development (PAD) zoning district is intended to provide an alternative to the conventional zoning and development processes in the City of Cottonwood, Arizona (City), in order to achieve the following purposes:

1. To ensure orderly planning and review procedures that will result in superior design, with variety in architectural and site design using techniques including, but not limited to, variations in building styles, setbacks, lot arrangements, and site planning;
2. To promote economical, innovative, and efficient land use, with emphasis on utilizing existing infrastructure, improving amenities, with appropriate and harmonious variety, creative design, and sensitivity to the surrounding land uses and the natural environment;
3. To provide for a zoning district that encompasses a broad range of land uses including, but not limited to single-family and multi-family residential, professional and administrative offices, retail, service, hotel and resort, light industrial or employment, recreational, and any public or semi public use or combination of uses through the adoption of a Master Development Plan (MDP) which sets forth land-use relationships, development standards, and goals consistent with the Cottonwood General Plan;
4. To encourage a more creative approach to land utilization by creating efficient, aesthetic, and desirable developments, which may be characterized by incorporating special features of the geography, topography, size, uses, or shape of a particular property into its site planning;
5. To permit flexibility in design standards so that a PAD produces a choice in the type of environment, living units, commercial installations, and other facilities available to the public while maximizing efficient, aesthetic, and desirable use of open space;
6. To promote a unique yet compatible development that is in harmony with the surrounding land uses and the goals of the City of Cottonwood General Plan; and
7. To provide a device for averaging residential density over an entire parcel and placing no restrictions on lot size or dwelling types, as long as the total density does not exceed the maximum approved in the MDP.

### B. GENERAL REQUIREMENTS AND STANDARDS.

1. The land uses and design of the proposed PAD shall be consistent with the General Plan.
2. Submittal of an MDP is required as part of the PAD approval process. All PAD rezoning applications are subject to the provisions of Section 301 of the Zoning Ordinance, with the exception of subsection D.1.b., which shall be replaced with the requirement for the submission of a MDP. All PADs are subject to the provisions of

Sections 303, 304, 305, and 306 of the City of Cottonwood Zoning Ordinance, the Subdivision Ordinance, and Ordinance Number 144, pertaining to off-site improvements and any other applicable regulations.

3. The approved PAD and MDP, not the prior underlying zoning district, shall determine uses within the PAD. Each PAD shall be limited by the approved MDP to a maximum number of dwelling units and/or gross commercial/industrial square footage, or FAR.
4. Residential development in a PAD may provide for a variety of housing types and permitted uses. Parcel densities within the PAD may be flexible as long as the maximum number of dwelling units for the entire PAD established by the MDP is not exceeded.
5. Commercial development in a PAD may provide for a variety of commercial and/or industrial/employment uses. The total square footage or FAR for commercial/industrial uses may be flexible from parcel to parcel within the maximum allowable number of square feet or FAR of commercial/industrial usage for the entire PAD as established by the MDP.
6. Section 404, General Provisions, of the Zoning Ordinance shall apply for any general development standards not specifically a part of the PAD approval.

C. PERMITTED USES.

1. All uses designated on the approved MDP together with permitted accessory uses.
2. Uses Subject to a Conditional Use Permit designated on the approved MDP and in accordance with Section 302 of this Ordinance.

D. PROPERTY DEVELOPMENT STANDARDS.

The following development standards shall apply to all development and construction permitted within a PAD.

1. There is no minimum size for a proposed PAD site, however, if proposed for an in-fill or redevelopment site, the size of a PAD will be reviewed in the context of the property's location and surrounding uses.
2. Minimum building setbacks from all boundary property lines which form the perimeter of the PAD shall be equal to the abutting City zoning district, or when abutting a County zoning district as established by the approved MDP.
3. Land uses on the perimeter of the PAD shall be designed and developed to be compatible with and complementary to the existing and planned development reflected on the General Plan in the immediate vicinity of the proposed PAD.
4. There shall be no minimum lot size requirement for individual lots or dwelling units.

5. Required open space

- a. Open space shall not be less than 30 percent of the gross acreage, of the parcels within the PAD proposed for residential development excluding public and private road rights-of-way and not less than 10 percent of the gross acreage and 10 percent of the parking over 10 spaces of the parcels within the PAD proposed for commercial or industrial development excluding public and private road rights-of-way, unless off-setting community benefits are demonstrated and approved in the MDP. Specific parcel allocations of open space may be required as part of the 30 percent and 10 percent overall requirements.
- b. Open space shall be conceptually depicted on the MDP as:
  - (1) Dedicated municipal use, public park, and school sites;
  - (2) Bike paths, equestrian, and/ or hiking trails;
  - (3) Public or private park and recreation areas;
  - (4) Floodway or floodplain areas;
  - (5) Retention basins required to comply with the one-hundred (100) year storm, per Ordinance number 172, shall be counted as open space when improved or landscaped to be a cohesive and integral element of the overall landscape plan;
  - (6) In residential areas of a PAD landscaped front yards contributing to the overall streetscape design; and
  - (7) Development site enhancements, including landscapes and hardscaped areas, plazas, and courtyards.
- c. Required open space shall not include any of the following:
  - (1) Dedicated streets, alleys and other public rights-of-way, except that all landscaping within rights-of-way shall be included;
  - (2) Vehicular driveways, parking, loading, and storage areas;
  - (3) Reservation of municipal use, public park, or school sites which the governmental entity shall be required to purchase; only if such sites are dedicated shall they constitute open space as defined above;
  - (4) Concrete or rock lined areas designed primarily as a drainage channel; and
  - (5) Back yards within residential areas of a PAD.

6. Building heights, setbacks, and separations shall be reviewed and approved based upon compatibility with adjacent land uses, the placement of buildings within the parcel, and conformance with building codes and fire safety requirements.
7. A PAD which includes only one housing type, such as all detached or all attached units, or one type of commercial use, shall not be considered inconsistent with the stated purposes and objectives of this section and shall not be the sole basis for denial or approval of the PAD.
8. Parking, landscaping, lighting, and signage standards shall meet the requirements of the applicable sections of the Zoning Ordinance, unless otherwise approved as part of the MDP design criteria.
9. Circulation, General
  - a. The arrangement, character, extent, grade, width, and location of all roadways, streets, bike paths, or trails shall conform to applicable City standards, unless adjusted for specific topographical or developmental conditions in accordance with a traffic engineering study approved as part of the MDP.
  - b. Where such is not shown on the General Plan, adopted transportation plan, specific area plan or preliminary plans, the arrangement of streets, bike paths, and trails shall provide continuation or appropriate projection of existing streets bike paths and trails in surrounding areas. Streets, bike paths, and trails shall be designed to make the best use of the land features and open space requirements of this Ordinance, in addition to meeting public safety issues.
  - c. Each parcel design shall provide for adequate traffic circulation that incorporates the adopted City street functional classification system to handle the projected traffic volumes on the streets.
  - d. The minimum width of right-of-way, measured from lot line to lot line, shall be as established in the MDP. Proposed streets shall extend or project existing streets at their same or greater width, but not at a width less than prescribed by established standards, unless it can be demonstrated that a narrower street will serve the function of efficient site planning and convenience for the residents/occupants and still satisfy public safety issues.
10. Colors, Materials, Architectural Style, and Appearance
  - a. The Development Review Board shall be responsible for approval of the layout and design of buildings and structures within the proposed PAD, in accordance with Section 304 C of the Zoning Ordinance.
11. The PAD narrative report shall identify the ownership and maintenance responsibilities for common areas and landscaping within rights-of-way and shall provide for a homeowners association, a maintenance improvements district, or other mechanism to assure long-term maintenance of common areas and rights-of-way, if needed (as appropriate).

E. PHASING OF DEVELOPMENT.

1. A PAD plan may be constructed in phases and the PAD narrative shall specify the phases of development, locations and timing of on-site and off-site improvements for each phase, as well as, an estimated range of time for beginning and completion of each phase. Each phase must comply with all provisions of this Section 424 of the Zoning Ordinance, or as otherwise approved in the phasing plan of the approved MDP.
2. Requests for modifications to the phasing plan approved as part of the MDP shall be subject to Zoning Administrator approval with a right of appeal to the City Council.
3. The applicant may enter into a development agreement with the City providing for the timing, sizing, and funding of phased infrastructure improvements required for the PAD or may use any alternative mechanism acceptable to the City.

F. OPERATING AND MAINTENANCE REQUIREMENTS FOR PLANNED AREA DEVELOPMENT.

1. In the event that certain land areas or structures are provided within the PAD for private recreational use or as service facilities, the owner of such land and buildings shall establish an arrangement to assure a continued standard of maintenance consistent with the conditions of PAD approval.
2. All utility lines, except electric utility lines 69KV or larger, shall be installed underground.
3. Development within a PAD shall conform to all conditions and standards of PAD approval. The PAD applies to the subject property and change in ownership or successors in interest does not constitute a change in agreed upon standards and requirements. Section 404 General Provisions of the City of Cottonwood Zoning Ordinance shall apply for any general development standards not specifically a part of the PAD approval.

G. APPLICATION AND PROCEDURES.

1. Preapplication

The developer is required to meet with appropriate City staff in a pre-application meeting prior to making application for a PAD to discuss the development concept, the review and approval process, and the submittal requirements.

2. Application

- a. The developer shall complete the necessary application forms from the Planning and Zoning Department and submit the required filing fee, along with ten (10) copies of the MDP and narrative report.
- b. The PAD application and MDP shall include the following as well as a narrative report:

- (1) Proposed name of development;
  - (2) Name, address, and telephone number of property owner and applicant;
  - (3) Legal description of the PAD area;
  - (4) Context exhibit showing adjacent land uses and special site conditions;
  - (5) A conceptual development plan for the PAD area; and
  - (6) Description of the proposed land use areas and the development standards for each use and/or parcel within the PAD including:
    - a) Proposed dwelling unit type, total land area, and maximum density of residential use areas;
    - b) Proposed uses other than residential, total land area, and maximum square footages/floor area ratios associated with commercial/ industrial uses;
    - c) A preliminary parcel data table;
    - d) Proposed public streetscape and open space improvements and their relationships to the overall development;
    - e) Building heights, minimum lot areas, setbacks, and all other development standards;
    - f) A conceptual description of architectural theme, colors, and exterior building materials proposed for use in the PAD;
    - g) A conceptual description of the landscaping treatment, plant materials, fences, walls, and other open space improvements;
    - h) Proposed location of arterial, collector, or local streets, whether public or private, within a preliminary master circulation plan;
    - i) Proposed location and use of all lands proposed to be dedicated for public purposes including parks, stormwater retention areas, and school sites; and
    - j) Preliminary master water, sewer, and drainage reports.
- c. The narrative report shall include the following:
- (1) A description of the objectives to be achieved by the development concept, including, but not limited to:
    - a) The manner in which the proposed MDP meets or exceeds the intent of the PAD District;
    - b) The proposed overall design rationale, as well as architectural and site design concepts, including style, colors, type of materials, and rationale for placement of structures to maximize views and take advantage of the natural characteristics of the PAD site;
    - c) Specific concepts by which the proposed MDP will make an orderly transition from existing or planned adjacent development including varied setbacks and façade treatment, open space elements, screening of parking

areas, and landscaping of the public or private open spaces and recreational facilities; and

d) A discussion of visual, traffic, or drainage impacts and compatibility with surrounding land uses and consistency with the General Plan.

(2) A statement describing the terms and conditions under which the PAD would be developed and maintained subsequent to development. Such statement shall include any conditions, performance standards, and other reasonable restrictions as may be necessary to insure the development and maintenance of the property in accordance with the approved MDP.

(3) Design criteria for the PAD including all development standards.

(4) Phasing Plan.

### 3. Review Process

a. Staff will circulate the MDP and narrative report to the municipal departments and any other agency that may be affected by or have comments to the application.

b. Staff will schedule a Code Review Board meeting in which the MDP and narrative report shall be evaluated and discussed. Representatives from each municipal department and/or reviewing agency shall be invited to participate in the meeting, including the developer and their representatives.

c. At the Code Review Board Meeting, the developer shall receive input as to staff recommendations, compliance with the intent of the PAD Ordinance, and/or apparent constraints, prior to the finalization of submittal materials required as part of the PAD Review.

d. Within fourteen (14) days following the Code Review Board meeting, the developer shall be apprised if Staff will require additional studies, or broadened scope of studies, beyond those enumerated in the MDP application requirements, such as a Multi-modal Circulation Plan, Drainage Concept Plan, Soils Report, Traffic Impact Analysis, or any other studies that the City staff determines is reasonably necessary for the review and approval of the proposed PAD.

e. Upon receipt of the comments, the Planning and Zoning Department shall compile the comments and respond to the developer or agents in writing in a reasonable time period as to how the proposed PAD relates to the following:

(1) Conformance to the General Plan;

(2) Suitability of the PAD for development and constraints or stipulations; and

(3) Preliminary requests for improvements and major dedications required by the City.

- f. The developer shall conduct a neighborhood meeting for citizen review and participation in accordance with the provisions of Section 301 B. of the Zoning Ordinance prior to the public hearing presentation to the Planning and Zoning Commission.

#### H. PLANNING AND ZONING COMMISSION REVIEW AND HEARING.

1. The application shall be filed, reviewed, noticed, and processed in accordance with Section 301 of the City Zoning Code.
2. Upon receipt of a complete PAD application, Staff shall prepare a report and package for the Planning and Zoning Commission.
3. The Planning and Zoning Commission shall review the Staff report, related maps, reports, and data, as well as, conduct a public hearing, which may include the staff report and presentation, a presentation and question and answer session with the developer and/or their representatives, and public comment.
4. In considering applications for a PAD approval, the Commission may consider the following:
  - a. Conformance to the General Plan;
  - b. The impact of the PAD on the existing and anticipated traffic and parking conditions;
  - c. The adequacy of the MDP and narrative report with respect to proposed land uses and development standards;
  - d. Pedestrian and vehicular ingress and egress, including handicapped accessibility;
  - e. Design criteria;
  - f. Conceptual landscaping proposal;
  - g. Provisions for utilities;
  - h. Site drainage and grading;
  - i. Open space and/or public land dedications; and
  - j. Non-motorized circulation.
5. The Commission shall consider oral and/or written statements from the developer and their representatives, the public, City staff, and its own members. The Commission may question the developer and approve, disapprove, carry over the discussion, request additional information, and/or recommend stipulations of PAD approval.

6. If the Commission determines that the proposed PAD will not be detrimental to the health, safety, or welfare of the community, and is in harmony with the purposes and intent of this Ordinance, and the General Plan, the Commission may recommend to the City Council by motion that the PAD be approved. The recommendation may include any conditions and stipulations determined to be reasonably necessary for implementation of the PAD.

I. CITY COUNCIL CONSIDERATION AND HEARING.

1. The City Council, following the report and recommendation of the Planning and Zoning Commission, shall consider the PAD request. The request shall be processed and considered as set forth in Section 301 F. Amendments or Zone Changes of the City of Cottonwood Zoning Ordinance.
2. In its deliberations on the PAD, the Council shall consider oral and/or written statements from the developer, their representatives, City staff, the public, and its own members. The Council's review shall encompass the same spectrum of considerations as did that of the Planning and Zoning Commission. The City Council may approve, deny, carry over the request, or impose conditions and stipulations on the PAD approval. Approvals shall be for a specific development site, not a particular developer.

J. BUILDING PERMIT ISSUANCE.

No building permit will be issued for any portion of a PAD that has not received Development Review Board approval as required and that has not provided required financial assurances or dedications for such portion of the PAD.

K. METHOD FOR WITHDRAWING AN APPLICATION FOR PAD APPROVAL.

Any application for a PAD may be withdrawn by the applicant in writing at any time prior to approval by the City Council.

L. AMENDMENTS TO PAD APPROVAL.

1. A request for an amendment to an approved PAD shall be processed as either a minor amendment or major amendment.
2. An application for a PAD amendment will be routed for review by all affected City departments or agencies and upon receipt of review comments, the Zoning Administrator will determine whether the requested change meets any one of the following criteria for a major amendment:
  - a. An increase in the total number of dwelling units of more than 5 percent above the original approval;
  - b. An increase in the gross leasable square feet/FAR within a PAD of more than 10 percent above the original approval;

- c. A reconfiguration in land use designation boundaries and/or parcel sizes that increases or decreases the size of any land use designation boundaries and/or parcel sizes by more than 20 percent; and
  - d. Any other change which could have a significant impact on areas adjoining the PAD, including a significant traffic impact on roadways adjacent or external to the PAD.
- 3. All major amendments to a PAD shall be reviewed and approved by the Planning and Zoning Commission and City Council following the same procedure as prescribed for the original approval.
  - 4. Any PAD Amendment application, including a rearrangement of parcels within a PAD that does not meet any of the above criteria shall be processed as a minor amendment. A minor amendment shall be reviewed by all affected City departments and agencies and may be administratively approved by the Zoning Administrator.

M. DENIAL OF PAD REQUEST.

If an application for a PAD is denied, the Zoning Administrator shall have the authority to refuse to accept a new application for a PAD on the same site, or a portion of the site, within ninety days after the date of denial.

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

A. PURPOSE.

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

B. PERMITTED USES.

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

C. CONDITIONAL USES.

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

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

D. PROPERTY DEVELOPMENT STANDARDS.

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

E. GENERAL PROVISIONS.

The provisions of Section 404 shall apply.

F. SIGNS.

The provisions of Section 405 shall apply.

G. PARKING AND LOADING.

The provisions of Section 406 shall apply.

H. PLAN REVIEW.

The provisions of Section 303 shall apply to all single-family residences.

I. DEVELOPMENT REVIEW.

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



SECTION 426. “NF” ZONE, NATIONAL FOREST DISTRICT.

A. PURPOSE:

This district is intended to prescribe permissible uses for Prescott National Forest lands currently subject to the jurisdiction of the United States Forest Service (USFS) and located within the corporate boundaries of the City.

B. PERMITTED USES.

All uses are subject to the provisions of the “Prescott National Forest Land Use and Resource Management Plan” and other applicable USFS policies, approvals and/or management provisions.

C. APPROVALS REQUIRED.

Before the construction of physical improvements, approval of the USFS shall be obtained.

D. PROPERTY DEVELOPMENT STANDARDS.

Property development standards prescribed by the USFS shall apply to all land and buildings permitted in the National Forest district.

E. TRANSFER OF NATIONAL FOREST LANDS TO PRIVATE OWNERSHIP.

In the event that any lands designated National Forest under USFS jurisdiction are transferred into private ownership, only those developments, uses or physical improvements in existence at the time of transfer and approved by the USFS shall be allowed to continue until such time as the property owner initiates a rezoning request, and the property is rezoned to allow a change in the development patterns or use of the property. Minor repairs and routine maintenance of existing structures are permitted, however: (1) An existing structure may not be enlarged or extended in such a way as to occupy any part of the site that was not occupied at the time of USFS jurisdiction; and (2) No use may be enlarged or extended in such a way as to occupy any part of a structure that was not occupied at the time of USFS jurisdiction.



## ARTICLE V - FINDINGS OF FACT

### SECTION 501.

The Planning and Zoning Administrator shall submit a recommendation as to the appropriate screening which includes findings of fact. This recommendation shall be presented to the Planning and Zoning Commission and/or City Council for their review, revision and approval. Such findings of fact shall be based on but not limited to the following considerations:

1. Compatibility of land uses.
2. Environmental effects of commercial or industrial use.
3. Potential nuisance created by commercial or industrial use.

