



2008 TOWN OF DEWEY-HUMBOLDT PLANNING & ZONING ORDINANCE

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CHAPTER 1 - INTRODUCTORY PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the "Planning and Zoning Ordinance of the Town of Dewey-Humboldt".

SECTION 102 PURPOSE

Relating to the adoption of a comprehensive long term plan of development for the incorporated area of jurisdiction of Town of Dewey-Humboldt, Arizona as provided in Title 9, Chapter 4, Article 6 of the Arizona Revised Statutes (A.R.S.); in order to conserve and promote the public health, safety, convenience and general welfare, by guiding and accomplishing a coordinated and harmonious Town development for future growth.

SECTION 103 SCOPE

In the interpretation and application, the provisions of this Ordinance (unless otherwise provided) shall be deemed minimum requirements designed to govern the division and use of land in order to: secure safety from fire, panic and other dangers; provide adequate light and air; prevent overcrowding of land and avoid undue concentration of population in certain areas; facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements; maintain and promote stable values of land and structures. These provisions shall govern whenever they are more stringent than any other statute, ordinance, legal covenant, agreement or contract, but shall not abrogate any other such requirement which is more stringent or restrictive than these provisions.

SECTION 104 SEVERABILITY

This Ordinance and the various parts thereof are hereby declared to be severable. If any section, subsection, clause, word or phrase within this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 105 INCONSISTENT PROVISIONS

All Ordinances and portions of Ordinances of the Town of Dewey-Humboldt in conflict herewith are hereby repealed. If inconsistencies or conflicts are found herewith, the stricter standard shall apply.

CHAPTER 2 – ADMINISTRATION

SECTION 201 APPLICABILITY AND EXEMPTIONS

All of the Town of Dewey-Humboldt shall be subject to the provisions of this Ordinance; provided, however, that there shall be EXEMPT from these provisions the following:

- A. Other publicly owned and operated facilities used for essential government purposes.
- B. The use or occupation of land or improvements for railroad, mining, metallurgical, grazing, agricultural composting or general agricultural purposes, if the property concerned is not less than five (5) contiguous commercial acres. An agricultural composting operation shall notify in writing the Town Council and the nearest fire department of the location of the composting operation. This exemption shall not be construed to include commercial feedlots and other allied commercial or industrial uses. Nor shall this exemption apply to commercial retail attached to one of the above exempted uses (i.e. commercial roadside agriculture sales). Nothing in this ordinance is intended or will be effective to regulate land uses where such land use regulation has been preempted by state or federal regulation.

SECTION 202 NON CONFORMING USES

The lawful use of any building, structure, or land existing at the time of the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof.

- A. **DISCONTINUANCE:** If a non-conforming use shall be discontinued on a continuous basis for a period of twelve (12) months except as noted for dwelling units, any subsequent use shall conform to the provisions of this Ordinance. If the use of a dwelling unit as non-conforming lodging is discontinued on a continuous basis for a period of thirty (30) days, such use shall conform to the provisions of this Ordinance.
- B. **WEAR AND TEAR:** Nothing in this Ordinance shall prevent the reconstruction, repairing and continued use of a non-conforming structure or part thereof rendered necessary by wear and tear, deterioration or depreciation.
- C. **RESTORATION:** Any non-conforming structure or a conforming building containing a non-conforming use, damaged, or destroyed by casualty or Act of God may be restored within a twelve (12) month period therefrom without impairment to any non-conforming status.
- D. **CHANGE OF USE:** A non-conforming use may not be changed to another use unless or without complying with the provisions of this Ordinance.

- E. EXPANSION: A non-conforming business use may expand if such expansion does not exceed fifty (50%) of the area of the original business. Expansion of a non-conforming business use, other than within an existing building, requires compliance with the District requirements for yards, spacing, percent of lot coverage and all other such regulations. Additional parking area necessitated by such expansion shall not count against the fifty percent (50%) expansion allowance. Where such expansion is an open-land use a solid masonry wall (or other wall, fence, or hedge as may be approved by the Town Council) must be installed as protective sight screening between such expanded use and any Residential Zoned lot within two hundred feet (200').
- F. MIXED USES: Non-conforming and conforming uses and structures may be included on the same lot within limits of the District regulations for conforming uses and structures.

SECTION 203 ESTABLISHMENT OF DISTRICTS

In conformity with the Purpose and Effect of this Ordinance Use Districts and Density Districts are hereby established in order to classify, regulate, restrict and separate: uses of land and structures; lot dimensions and areas; yard widths and depths, percent of lot coverage and open spaces; density formulas, height and bulk of structures, etc. These Districts are designed to be used in combinations and as such are hereby referred to as a Zoning District. Any reference to a "Use" shall be deemed to include "principal and accessory uses and structures".

SECTION 204 ZONING MAP

Any map officially adopted delineating the locations and boundaries of the various "Use" and "Density" Districts within any portion of the incorporated area of jurisdiction, together with subsequent supplementary maps, shall be known collectively as the Zoning Map for the Town of Dewey-Humboldt, Arizona and becomes an official record, as part of this Planning and Zoning Ordinance as if the matters and information set forth by said map were fully described in the Ordinance. Where a Use District has been adopted but not combined with a specific Density District, then the provisions of Density District 2A (Section 516) shall govern. Until such a time as an official Zoning Map is adopted, all of the incorporated portion of the Town of Dewey-Humboldt is hereby deemed to be zoned RCU (Section 413) the same as though such zone were shown on an official map.

- A. DISTRICT BOUNDARY DETERMINATION: The District boundaries on the map are intended to follow lot lines, subdivision lines, section lines or centerlines of streets, alleys, or other rights-of-way (or extensions thereof) as they existed at the time of the enactment of the Map, except where referenced by dimensions thereon. Uncertainty of location of a District boundary shall be determined by the Town Council unless same can be resolved to the satisfaction of the Zoning Administrator and persons of interest by using the scale of the map. Where such boundary scales to within twenty-five feet (25')

of a common division line or a right-of-way, then it shall be deemed as following such division line or the center of the right-of-way, as the case may be.

- B. ABANDONED RIGHTS-OF-WAY: Where a public street or alley or other right-of-way is officially abandoned, the abutting District boundaries shall automatically extend to the centerline thereof.

SECTION 205 ENFORCEMENT

- A. ZONING ADMINISTRATOR (for reference this title equates to Zoning Administrator as mandated in A.R.S. 9-462.05). For the purpose of enforcement of the provisions of this ordinance, there is hereby created the position of Zoning Administrator and such deputy specialists as may be required, who shall be appointed by the Town Council. The Zoning Administrator shall administer and enforce this ordinance, including the receiving of applications, the inspection of premises, and the issuing of permits. No building permit or certificate of occupancy shall be issued by him, except where the provisions of this ordinance have been complied with.
- B. ZONING INSPECTION:
 - 1. Responsibility: The Code Enforcement Officer is responsible for investigating all complaints of suspected violations of this Ordinance and other applicable codes within the Town of Dewey-Humboldt jurisdiction.
 - 2. Inspection: With proper, prior permission from the property owner or his agent, the Code Enforcement Officer may, in the discharge of his duties, and for good and probable cause, enter private property, during assigned working hours to inspect same in connection with any application made under the terms of this Ordinance, or for any investigation as to whether or not any portion of such property, building or other structure was constructed or is being used in violation of this Ordinance. If permission to enter property is unobtainable, refused or withdrawn, the Inspector shall follow legally prescribed procedures for seeking a search warrant subject to the protections provided for rights of the property owner by the State of Arizona and the United States Constitution.
- C. ZONING VIOLATION:
 - 1. The erection, construction or alteration of any structure or the use of any property or structure, not in conformance with this Ordinance constitutes a violation.
 - 2. Violations of this Ordinance are subject to civil penalties or other legal action PER SECTION 206 of this code for failure to comply with any provision of the Ordinance.
- D. ZONING VIOLATION HEARING:

1. The Hearing Officer may hear and decide complaints alleging violations of this Ordinance, as authorized by A.R.S. §9-462.04.
2. The form and service of complaints, and the hearing procedures of the Hearing Officer, shall follow the zoning enforcement Rules of Procedure adopted by the Town Council.
3. If the Hearing Officer determines a zoning violation exists, civil penalties may be imposed by the Officer in accordance with Section 206 A. Imposition of civil penalties listed in Section 206 A. shall not preclude persons from pursuing remedies provided for in Section 206 C.

E. HEARING OFFICER:

1. Scope: The Hearing Officer hears and decides zoning violations, as authorized by A.R.S. §9-462 et seq.
2. Powers and Duties: The Hearing Officer performs the following duties. Refer also to Section 205 D.
 - a. The Hearing Officer hears and decides complaints alleging civil violations of this Ordinance.
 - b. The Hearing Officer administers oaths.
 - c. The Hearing Officer issues subpoenas and summonses ordering appearance before the Hearing Officer.
 - d. The Hearing Officer makes any other order necessary for the determination and resolution of zoning violations.
3. Appeals:
 - a. The decision of the Hearing Officer may be appealed to the Town Council.
 - b. The decision of the Town Council may be appealed to the Superior Court in accordance with A.R.S. §12-901 et seq.
4. Appointment: The Hearing Officer shall be appointed by the Town Council.
5. Qualifications:
 - a. The Hearing Officer shall have training, experience or familiarity with administrative hearings and this Ordinance.
 - b. The Hearing Officer may be an employee of the Town of Dewey-Humboldt, except that the Hearing Officer shall not be a Land Use Specialist.
6. Annual review: The Town Council shall conduct an annual review of the Hearing Officer.

7. Removal: The Town Council has the authority to remove the Hearing Officer, by majority vote, for neglect of duty, inefficiency or misconduct in office.
8. Transaction of Business: The Hearing Officer shall follow the procedures set forth in the zoning enforcement Rules of Procedures, as adopted and amended by Resolution.

SECTION 206 PENALTIES AND REMEDIES

A. PENALTIES (Civil):

1. Each day's continuance of a zoning violation shall be deemed a separate offense.
2. The maximum penalty for each offense shall be a fine up to two thousand five hundred dollars (\$2500.00) or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment.

B. PENALTIES (Criminal): The maximum penalty for each offense shall be a Class 2 misdemeanor as established by the A.R.S.

C. REMEDIES:

1. All remedies provided in this Ordinance shall be cumulative and not exclusive.
2. The imposition of penalties on any person under this Ordinance shall not relieve such person from the responsibility of correcting prohibited conditions or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal of such violations.
3. If any structure is erected, constructed, reconstructed, altered, maintained or used, or any land is used, in violation of this Ordinance, the Town Council, the Town Attorney, the Zoning Administrator may institute injunction, mandamus (court order), abatement or any other appropriate legal action or proceedings to prevent, abate or remove the violation.

D. It is unlawful to erect, construct, reconstruct, alter or use any building or other structure within any area subject to the provisions of this Ordinance without first obtaining a building permit Zoning approval from the Building Department and/or Zoning Administrator, where such permit is required thereby.

E. All remedies provided herein shall be cumulative and not exclusive. The conviction of any person, firm or corporation hereunder shall not relieve such person from the responsibility to correct such violation, nor prevent the enforcement, correction or removal thereof.

- F. Any fees authorized by the Town Council shall be doubled for failure to apply prior to commencing construction or sale of lots.

SECTION 207 ADJUSTMENT BOARD

There shall be a Board of Adjustment, and it shall have jurisdiction over this Ordinance.

- A. **STRUCTURE:** The Board shall be composed of five (5) resident taxpayers of the incorporated area of the Town of Dewey-Humboldt who shall serve without pay. The Town Council may hire clerical and technical aid for the Board. The Zoning Administrator will serve as an ex-officio member (without vote) in official matters of the Board.
- B. **PROCEDURE:** The Board shall have meetings, hold hearings which shall be open to the public and make decisions for which a quorum of three (3) will be necessary; the Board shall adopt rules not inconsistent with this Ordinance and the laws of Arizona; the Board shall select, from its members, a Chairman and a Secretary; the Chairman shall be the executive officer of the Board with the power of administering oaths and taking evidence and shall preside over its meetings and hearings; the Secretary shall cause minutes of the meetings and hearings to be kept, showing records of votes, examinations, and other official actions, all of which shall be filed in the office of the Zoning Administrator .
- C. **POWERS:** The jurisdiction of the Board shall be limited to the incorporated area of the Town of Dewey-Humboldt. The Board shall have power to:
1. Decide if there is error in any order, requirement or decision of the Zoning Administrator in the enforcement of this Ordinance; reverse or affirm, wholly or partly, or modify the order or decision appealed from and make such order or decision as ought to be made, and to that end shall have the powers of the Zoning Administrator.
 2. Interpret the Planning and Zoning Ordinance when the meaning of any word, phrase, or section is in doubt, or where doubt exists as to the proper District of a specific use.
 3. Authorize in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of these provisions will, in the Board's opinion, result in unnecessary hardships.
 4. Allow the extension of a District where the boundary thereof divides a lot and providing the Board authority to grant such extension conditional upon

development of the extended area following an approved plan, with particular significance in instances where the Town Council has adopted a zoning request in such a manner that a project development is to follow permission to extend such zoning.

5. Determine the location of a District boundary where doubt exists as to the location of same on the zoning map.
 6. Modify the Zoning Administrator's protective requirements in instances where a District use is conditional upon certain stipulations to be specified by the Zoning Administrator.
 7. Grant the Zoning Administrator clearance to issue a building permit where the applicant has failed to secure such prior to commencing construction (but only in cases where the Zoning Administrator has chosen to allow such application to be filed prior to court action).
- D. HEARING APPLICATIONS: Hearing Applications shall be filed in the office of the Zoning Administrator on forms provided therefore by any person or by any officer, department, board or bureau of the Town affected by any order or decision of the Zoning Administrator within thirty (30) days thereafter, and specifying the grounds thereof; or for rulings on other matters of Town Council jurisdiction.
1. An appeal shall stay all proceedings in the matter appealed from unless the Zoning Administrator certifies to the Board that by reason of the fact stated in his certificate, a stay would (in his or her opinion) cause imminent peril to life or property. In such case, proceedings shall not be stayed except by restraining order granted by the Board or by a Court of record on application and notice to the Zoning Administrator.
 2. If an application involves a definite development scheme it must be accompanied by:
 - a. A layout and landscape plan.
 - b. A typical building elevation and other pertinent development characteristics.
 - c. Total cost of the project.
 - d. Evidence of ability and intention of the applicant to proceed with the actual construction and diligently pursue to completion.
 3. A variance appeal applicant should be prepared to show:

- a. That there are special circumstances or conditions applicable to the property of application, or to the adjacent property, or to the neighborhood, that justify variance from the requirements so that strict application thereof would work an unnecessary hardship and that the granting of the request is necessary for preservation and enjoyment of substantial property rights.
 - b. That such granting will not materially affect the health or safety of the neighborhood residents or the public welfare or be injurious to property or improvements.
- E. HEARINGS AND RULINGS: The Board of Adjustment shall hold at least one (1) public hearing, within a reasonable time from the date of application, after giving a minimum of seven (7) days notice thereof to parties of interest and the public by posting at the property of application (if property is involved) and by publishing once in a newspaper of general circulation in the County of Yavapai. The Board of Adjustment shall render a decision within thirty (30) days after the initial hearing on same, unless an extension is agreed to by the Board and the applicant.
 1. In approving an application, in all or in part, the Board of Adjustment may designate such conditions in conjunction therewith that will, in its opinion, secure substantially the objectives of this Ordinance and may require guarantees in such form as it deems proper under the circumstances to insure that such condition be complied with. Where any such conditions are violated or not complied with, the approval shall cease and the Zoning Administrator shall act accordingly.
 2. In granting of permission to proceed on a specific development scheme or of a permit for a construction variance, the same shall be contingent upon permits being obtained and work commenced within six (6) months and being diligently pursued. Failure of such shall void the ruling unless a longer time had been granted or an extension in time is secured.
 3. The concurring vote of three (3) members shall be necessary to render a ruling.
- F. Zoning Administrator Authority: The purpose of this Subsection is to grant authority to the Zoning Administrator to take action on requests for minor modifications or adjustments to certain requirements of this Ordinance, when such requests constitute a reasonable use of property not permissible under a strict literal interpretation of this Ordinance.
 1. For the purpose of administering this Subsection, an adjustment in any variance to the terms or requirements of this Ordinance, which, if granted, would allow the following:

- a. A decrease of not more than two percent (2%) of the required minimum lot area.
 - b. A decrease of not more than five percent (5%) of the required minimum lot area per dwelling.
 - c. A decrease of not more than ten percent (10%) of the required minimum lot width and/or depth.
 - d. A decrease of not more than twenty percent (20%) of the required width of a side yard or the required building separation.
 - e. A decrease of not more than twenty percent (20%) of the required front or rear yard.
 - f. An increase of not more than twenty percent (20%) of the permitted height of a fence or wall.
 - g. An increase of not more than ten percent (10%) of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces into any required front, rear or side setback.
 - h. An increase of not more than ten percent (10%) of the permitted height or areas of signs as required by Section 601 (Sign Code).
 - i. An increase of not more than ten percent (10%) in the maximum allowable lot coverage.
 - j. An increase of not more than ten percent (10%) in the permitted height of buildings.
2. Application for an Adjustment shall be filed with the Zoning Administrator and shall include the following:
- a. Statement as to the nature of the request.
 - b. Legal description.
 - c. Signatures of the property owner(s) of record or the authorized agent of the owner(s).
 - d. A letter of authorization if the property owner is represented by an agent.
 - e. A site plan of the subject property showing existing and proposed structures, access, parking, and distances from structures to property lines and to other structures.
 - f. Written permission to enter the property.

- g. Any other information reasonably necessary to evaluate the application, which is required by the Zoning Administrator or his designee.
- h. Name and mailing address of adjacent affected property owner(s). Notification of the request will be sent to the adjacent affected property owner(s) for their information and comment.

3. Findings:

In granting an Adjustment, the Zoning Administrator shall make findings of fact as provided for in Subsections 207 C. and 207 D. of this Section, which establish the criteria for granting a Variance.

4. Site Area: Additional Findings:

In order to grant approval of an Administrative Adjustment allowing a reduction in minimum lot area or parcel size, the Zoning Administrator must make the following additional finding:

- a. That the property cannot otherwise meet the minimum lot area requirement of its current Zoning Classification.
- b. If a requested reduction of minimum lot area is or would result in a decrease of area greater than two percent (2%) of the requirement set by the appropriate density district, the applicant shall request a Zoning Map Change in accordance with Section 208 (Amendments) in order to further reduce the minimum lot area requirement.

5. Fees:

A processing fee shall be submitted in association with a Minor Administrative Variance Application. Upon receipt of an Appeal as set out under Subsection 207 F.6, a fee equal to a standard variance application shall be necessary to cause the matter to be presented to the Board of Adjustment. Any fee submitted for the Minor Administrative Variance Application shall be applicable to the standard variance application.

6. Appeals:

If the Zoning Administrator denies an application for an Adjustment, or, if the applicant disagrees with the conditions imposed on the granting of an Adjustment, if any, the applicant may file for a Variance in accordance with Section 207.

SECTION 208 AMENDMENTS

The Town Council may, from time to time, following public hearings and Commission report as prescribed by this Ordinance, amend, supplement or change the Zoning Regulations or Map. Any such proposed change may be initiated by the Commission, the Town Council or by petition and application of property owners. Application for Amendment shall be filed in the office of the Zoning Administrator on forms provided.

- A. DISTRICT BOUNDARY CHANGE (Rezoning): A property owner or authorized agent of a property owner desiring an amendment or change in the Zoning Ordinance changing the Zoning District boundaries within an area previously zoned shall file an application for the Amendment or Change.
- B. ZONING REGULATIONS CHANGE (Text): An application for a change in the Regulations (not otherwise addressed by A.R.S. requirements) shall be accompanied by the written consent of at least ten (10) owners of property in the Town of Dewey-Humboldt area of jurisdiction.
- C. COMMISSION ACTION: Upon receipt of any proposed amendment, the same shall be submitted to the Planning and Zoning Commission for a report. Prior to reporting to the Town Council, the Commission shall hold at least one (1) public hearing thereon, after giving at least fifteen (15) days notice thereof by publication (at least once) in a newspaper of general circulation in the County seat, and by posting the area included in any proposed Zoning District change.
 - 1. Prior to noticing for a proposed Zoning District change, the Commission may (on its own motion) delimit a more compatible zoning area (or require the applicant to).
 - 2. If a proposed amendment is a Commission initiative at the written request of others, the proposal shall not be noticed prior to receiving the required fee and charges.
 - 3. In the event an application has been denied, the Commission may refuse to consider a similar application within twelve (12) months of application date.
 - 4. Failure of the Commission to report to the Town Council within sixty (60) days of date of application shall be deemed to be a neutral report.
- D. TOWN COUNCIL ACTION: Upon receipt of the Planning and Zoning Commission report, the Town Council shall, within a reasonable time thereafter, hold at least one (1) public hearing after giving at least fifteen (15) days notice thereof by publication at least once in a newspaper of general circulation in the County seat and by posting the area

included in any proposed Zoning District change. Such hearing notice may be simultaneous with that of the Planning and Zoning Commission or at anytime thereafter. After such hearing, the Town Council may take appropriate action. In the event twenty percent (20%) or more of the owners of property by area and number within the Zoning area file a protest to the proposed change, the change shall not be made except by a three-fourths (3/4) vote of all members of the Council. If any members of the Council are unable to vote on the question because of a conflict of interest, the required number of votes for the passage of the question is three-fourths (3/4) of the remaining membership of the Council, except that the required number of votes in no event shall be less than a majority of the full membership of the Council. In calculating the owners by area, only that portion of a lot or parcel of record situated within three hundred feet (300') of the property to be rezoned shall be included. In calculating the owners by number or area, Town property and public rights-of-way shall not be included.

E. NOTICING FOR HEARINGS:

1. Posting and Advertising: The Zoning Administrator shall post in no less than two (2) places with a least one (1) notice for each one-quarter (1/4) mile of frontage along perimeter public right-of-way so that notices are visible from the nearest public right-of-way, and determine the wording of the advertising so as to be, in his judgment, an effective means of noticing the application hearing.
2. Notice by Mail: The Zoning Administrator shall mail notices by first class mail of the Planning and Zoning Commission hearing, from a list supplied by the applicant, to each real property owner as shown on the last assessment of the property within three hundred feet (300') of a proposed district boundary change.
 - a. Such list shall be certified by a Title Company as current owners, or certified by the applicant as last owners of record in the County Assessor's Office.
 - b. The notice sent by mail shall include, at a minimum, the date, time and place of the hearing on the proposed amendment or change including a general explanation of the matter to be considered, a general description of the area of the proposed amendment or change, how the real property owners within the Zoning area may file approvals or protests of the proposed rezoning, and notification that if twenty percent (20%) of the property owners by area and number within the zoning area file protests, an affirmation vote of three-fourths (3/4) of all members of the Board will be required to approve the rezoning.

SECTION 209 CITIZEN PARTICIPATION

A. CITIZEN PARTICIPATION PLAN. Every applicant who is proposing a project, which requires a public hearing, shall include a citizen participation plan, which shall be implemented prior to the first public hearing. This process shall be started prior to submitting a rezoning, General Plan Major Amendment or Use Permit application.

1. Purpose:

- a. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community.
- b. Ensure that the citizens and property owners within the community have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process.
- c. Facilitate ongoing communication between the applicant, interested citizens and property owners, Town staff, Planning Commissioners and elected officials throughout the application review process.
- d. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision-making.

2. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined by the applicant after consultation with the Zoning Administrator. At a minimum, the target area shall include the following:

- a. Property owners within the public hearing notice area required by other Sections of this Ordinance.
- b. The head of any homeowners association or community/neighborhood within at least one thousand feet (1,000') radius of the project site unless a greater distance is required by other Sections of this Ordinance.
- c. Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Zoning Administrator.
- d. Those residents, property owners, interested parties, political jurisdictions and public agencies that may be affected by the application.
- e. The Zoning Administrator may determine that additional notices or areas be included.

3. At a minimum, the following information regarding the involvement of the target area must be included:
 - a. How those interested in and potentially affected by an application will be notified that an application has been made.
 - b. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application.
 - c. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing.
 - d. The applicant's schedule for completion of the citizen participation plan.
 - e. How the applicant will keep the Zoning Administrator informed on the status of their citizen participation efforts.
 - f. These requirements are in addition to any notice provisions required by State Statute and the Planning and Zoning Ordinance.
 4. Additional Meetings:
 - a. Extenuating circumstances may warrant the Zoning Administrator to cause the applicant to hold additional citizen participation meetings including, but not limited to:
 - b. Timeframe between the last meeting and the date of the submittal.
 - c. Any substantial changes that have occurred to the development proposal since the last citizen participation meetings were held.
- B. CITIZEN PARTICIPATION REPORT.** The applicant shall provide a written report on the results of their citizen participation effort prior to the notice of public hearing. This report will be included in the information provided to the Planning and Zoning Commission by the Zoning Administrator at the public hearing on the matter. The citizen participation report will include the following information:
1. Details of techniques the applicant used to involve the public, including:
 - a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
 - b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;

- c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located;
 - d. The number of people that participated in the process.
2. A summary of concerns, issues and problems expressed during the process, including:
3. The substance of the concerns, issues, and problems;
4. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process;
5. Concerns, issues and problems the applicant is unwilling or unable to address and why.

CHAPTER 3 – DEFINITIONS

SECTION 301 DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given on the following pages. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "person" includes individuals, partnerships, corporations, clubs, and associations. The following words or terms when applied to this Ordinance shall carry full force when used interchangeably: lot, plot, parcel, or premises; used, arranged, occupied, or maintained; sold, or dispensed; construct, reconstruct, erect, place, or alter (structurally or otherwise).

DEFINED TERMS, PHRASES AND WORDS:

ACCESSORY BUILDING - See BUILDING.

ACCESSORY USE - See USE.

ADJACENT - Nearby, but not necessarily touching (abutting).

ADJUSTMENT BOARD - Board of Adjustment and Appeals of the Town of Dewey-Humboldt, Arizona.

ALLEY - A public passageway affording a secondary means of access to abutting property.

ANTIQUE - A product that is sold or exchanged because of increased value derived due to oldness as respects the present age but not simply because same is not a new product.

APARTMENT - A suite of rooms, with or without cooking facilities, used for living purposes. Each such suite of rooms having cooking facilities shall constitute a dwelling unit.

APARTMENT HOTEL - See HOTEL.

APARTMENT HOUSE - A building containing a group of dwelling units.

ARTERIAL - A highway used, or intended to be used, for heavy through-traffic flow or one connecting neighborhoods or communities.

ATTACHED BUILDING - See BUILDING.

AUTOMOBILE SERVICE STATION - A place of business having pumps and/or storage tanks from which liquid fuel and/or lubricants are dispensed at retail directly into the motor vehicle. Service, inspections and minor repairs are considered accessory to the sale of such fuel and lubricants.

BED & BREAKFAST GUEST UNIT – One (1) or more rooms intended for overnight occupancy for remuneration by persons other than those who permanently reside at the home.

BED & BREAKFAST HOMESTAY - An owner-occupied residence which has up to three (3) guest units within a single-family residential structure, the owners of which serve breakfast to guests and seldom advertise.

BED & BREAKFAST INN - An owner-occupied residence which has a maximum of five (5) guest units, the owners of which serve breakfast to guests and advertise on a regular basis.

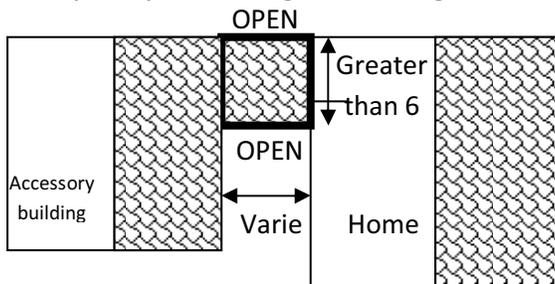
BED & BREAKFAST COUNTRY INN - A residence or building which has six (6) or more guest units, the facility may have a restaurant open to the general public as well as registered guests, and the facility exhibits a character of use consistent with that normally associated with a hotel or motel. Performance standards for Hotel/Motel shall apply for application of Ordinance requirements.

BLOCK - That property fronting on one (1) side of a street and so bounded by other streets, canals, railroad right-of-way, non-subdivided acreage or other barriers (except alleys) of sufficient magnitude as to interrupt the continuity of development on both sides thereof.

BOARDING HOUSE - See ROOMING HOUSE.

BUILDING - A structure having a roof supported by columns or walls.

BUILDING (ACCESSORY) - A subordinate building either attached or detached from the principal building, containing an accessory use.



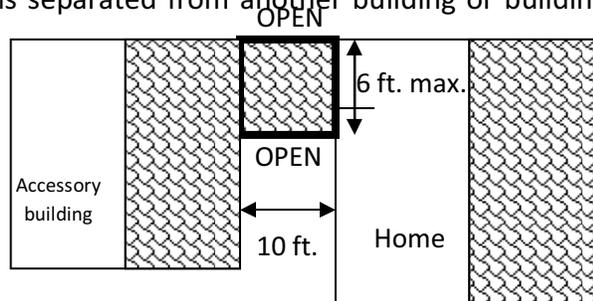
BUILDING (ATTACHED) - A building which has at least part of a wall in common with another building, or which is connected to another building by a roof that exceeds six feet (6') wide between opposite open ends. (See Example)

Example of attached buildings

BUILDING (CLOSED) - A building completely enclosed by a roof, walls and/or doors on all sides.

BUILDING (COMMUNITY) - A public or quasi-public building used for community activities of an educational, recreational or public service nature.

BUILDING (DETACHED) - A building, which is separated from another building or buildings on the same lot. Buildings connected only with a roof not more than six feet (6') wide between opposite open ends shall be deemed to be detached. (See Example)



Example of detached buildings

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 (factory assembled) to be assembled on-site, and complies with current adopted Building Codes (except that it does not include a multi-section manufactured home, manufactured home, park model, recreational vehicle or mobile home).

BUILDING (PRINCIPAL) - A building or buildings in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building of the lot on which the same is situated. Any commercial building with an adequate approved sanitary sewage disposal system may be considered the principal building

BUILDING (SITE BUILT) - A building, all or a major portion of which was constructed on site.

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

BUILDING FLOOR AREA - Sum of the floor areas of all stories of a building. This includes courts and decks or porches when covered by a roof.

BUILDING HEIGHT - The vertical distance (measured from the average natural grade level) to the average height of the highest roof surface. As provided for in Section 540, building height does not apply to portions of buildings extending above the general roof line and comprising an aggregate area not greater than twenty-five percent (25%) of the total roof area, or to structures other than buildings.

BUILDING PERMIT - Shall mean a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated areas of the Town of Dewey-Humboldt, pursuant to building codes adopted by the Town Council.

CARPORT - An open porch used solely for the parking of motor vehicles and containing no enclosing walls, screen, lattice or other material other than the wall or walls of the building to which it attaches, or other than a storage room (where the side adjoining the lot boundary does not exceed six feet (6')).

CEMETERY - A burial ground for human remains.

CODE ENFORCEMENT OFFICER: Person or any deputy specialists charged with investigation and enforcement of these and other related regulations in the Town of Dewey-Humboldt. The Zoning Administrator as appointed by the Town Council assumes the title of Code Enforcement Officer in accordance with A.R.S. §9-462 and may assign these duties to the Building Inspector or other designate.

COMMISSION - Planning and Zoning Commission of the Town of Dewey-Humboldt, Arizona.

COMMUNITY BUILDING - See BUILDING.

CONTIGUOUS - In actual contact.

COUNCIL - The Town Council of the Town of Dewey-Humboldt.

COURT - Any space (other than a yard) on the same lot with a building or group of buildings which is unobstructed and open to the sky from and above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.

CUSTOM - Pertaining to work, service or assembly done to order for individual customers for their own use or convenience.

DEAD STORAGE - Goods not in use and not associated with any office, retail or other business use on premise in a self-storage facility or structure.

DECK - An exterior floor system supported on at least two (2) opposing sides by an adjoining structure and/or posts, piers, or other independent supports without a roof.

DETACHED BUILDING - See BUILDING.

DIRECTIONAL SIGN - See SIGN.

DISTRICT - Refers to either a Use District, a Density District or a combination of both such Districts.

DRIVE-IN RESTAURANT - Any establishment where food or beverages are dispensed through openings in the building or by service to customers in a vehicle.

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 containing one (1) dwelling unit with an adequate approved sanitary sewage disposal system.

DWELLING (MULTIPLE) - A building containing two (2) or more dwelling units.

DWELLING UNIT - A room (or group of rooms) designed for one (1) or more persons living and cooking as one (1) homogeneous body (see FAMILY) and containing one (1) accommodation for preparation of meals. A dwelling unit does not include lodging as defined in this Ordinance.

EDUCATIONAL INSTITUTION – Any institution (including Charter Schools) established for the purposes of offering instruction acceptable to the educational authorities within the school district of jurisdiction in several branches of learning and study to pupils in programs for preschool children with disabilities, kindergarten programs or any combination of grades one through twelve but not including stand alone business colleges, riding academies, or trade, art, music, dancing, nursery or vocational schools. Can include an elementary school, high school, college, university or similar facility.

FAMILY (individually, a FAMILY MEMBER) -

- a. An individual, or two (2) or more persons related by blood, marriage, or adoption, or other legal relationship including any live-in domestic help, living together as a single housekeeping unit in a dwelling unit, or
- b. A group of not more than eight (8) persons who need not be related but function as a family customarily living together as a single housekeeping unit in a dwelling unit; this includes a residential facility duly licensed by the State of Arizona for the developmentally disabled, family foster home, adult foster care or similar residential facility.

FARM ANIMALS – Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified as being e.g. horses, cattle, sheep, goats, rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons, llamas and alpacas. SEE SECTION 501E AND F.

FENCE - A barrier constructed of materials such as solid wood slats and chain link. Pipe rail and barbwire are permitted in residential zones, only. If a multi-strand barbwire fence is used, the bottom strand must be of smooth wire, only. Barriers constructed with materials not designed for fencing are not included in this definition of a fence.

FLOOR AREA - See BUILDING FLOOR AREA.

FREIGHT STATION - A facility for loading, unloading and warehousing of freight.

FREIGHT TERMINAL - A facility for loading and unloading of freight for current distribution but not warehousing.

GARAGE (PRIVATE) - An accessory building occupied primarily by the passenger motor vehicles of the families residing on the same lot.

GARAGE (PUBLIC) - Any building, other than that defined as a private garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

GRADE (adjacent natural ground elevation). - The lowest point of elevation of the natural surface of the ground, within the area between the building and a line five feet (5') from the building.

GUEST HOME - A secondary structure meeting the applicable Zoning District requirements as to construction type not exceeding seven hundred fifty (750) square feet or twenty-five percent (25%) of the total square footage of building area under roof whichever is larger of the primary residential structure and meeting primary structure setbacks of the pertinent zoning

district. Used to house a non-paying or non-reimbursing Family Member on an intermittent basis.

GUESTROOM – One (1) or more rooms intended for occupancy overnight (or longer) by other than members of the family. If such contains cooking facilities it is deemed a dwelling unit.

HOME OCCUPATION - A use within a primary dwelling or in an attached or detached structure carried on by residents thereof for gain, which use is merely incidental to the residential use and does not change the character thereof by display or otherwise.

HOSPITAL - A place for the treatment or care of human ailments, and, unless otherwise specified, the term shall include sanitarium, clinic, maternity home, rest home, convalescent home and similar.

HOTEL - A building other than a boarding house, which building contains more than five (5) guestrooms and where entrance to the sleeping rooms or apartments is from a common entrance or lobby used primarily for lodging on a daily or weekly basis. For Density Formula purposes, two (2) such guestrooms may be counted as one (1) dwelling unit.

HOTEL (APARTMENT) - A building or group of buildings containing a number of independent suites of rooms for dwelling purposes and in which at least one (1) common dining room is provided. For Density Formula purposes, each two (2) guestrooms may be counted as one (1) dwelling unit.

INSPECTOR - See Code Enforcement Officer .

INTERIOR LOT - See LOT.

JUNK YARD - See YARD.

KEY LOT - See LOT.

KINDERGARTEN - Same as Nursery School except when operated in conjunction with a school of general instruction and having accredited instruction.

LAUNDRY (SELF-HELP) - A building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their own laundry.

LODGING – The rental, lease or sale of a dwelling unit on a daily or weekly basis or any other basis for less than thirty (30) consecutive days.

LOT - A parcel of land, or two (2) or more parcels, to be used as a unit and having its principal frontage on a dedicated street or street easement. Where a half-street has been dedicated from such parcel, such shall be qualification for street frontage.

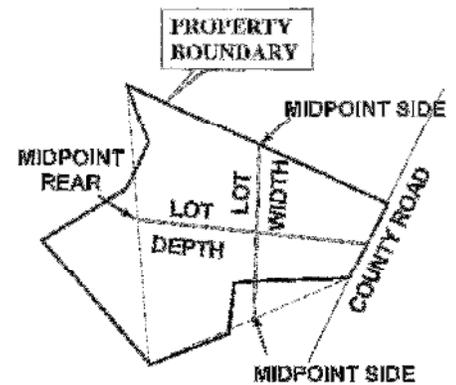
LOT (CORNER) - A lot abutting on two (2) or more intersecting or intercepting streets where the angle of intersection does not exceed one hundred thirty-five degrees (135°). A corner lot shall be considered to be in that block on which the lot fronts.

LOT DEPTH – The shortest distance between the mid-point of each of the front and rear lot lines. Width determined similarly. (See Example)

LOT (INTERIOR) - Lots having no side lot line abutting on a street.

LOT (KEY) - An interior lot contiguous to the rear line of a corner lot and fronting on the side street of such corner lot.

LOT LINE (FRONT) - That part abutting a street. The front line of a corner lot shall be the shorter of the two street lines as originally platted, or if such are equal, the most obvious front by reason of usage by adjacent lots. The front line of a through lot shall be that line which is obviously the front by reason of usage by adjacent lots. Such a lot exceeding one hundred eighty-eight feet (188') in depth may be considered as having two (2) front lines.



LOT LINE (REAR) - That lot line opposite the front line. Where the side lines of the lot meet in a point, the rear line shall be considered parallel to the front line or a tangent of the mid-point of a curved front line and lying ten feet (10') within the lot.

LOT LINE (SIDE) - Those property lines connecting the front and rear property lines.

LOT (THROUGH) - A lot in which both the front and rear line abut on a street.

MAINTAIN - The replacing or renovating of a part (or parts) of a structure, which has been made unusable by ordinary wear or tear, or by the weather.

MANUFACTURED HOME - A structure 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 on-site, 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. Calculations used to determine the number of square feet in a manufactured home will be based on the exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows. The term "Manufactured Home" does not include recreational vehicles, travel trailers, factory built buildings, multi-sectional manufactured homes or mobile homes.

MANUFACTURED HOME, MULTI SECTIONAL - A multi-sectional manufactured home not exceeding two (2) stories in height and manufactured after June 15, 1976, to standards established by the U.S. Department of Housing and Urban Development (HUD) that when

joined forms a residence for human occupancy that measures sixteen feet by forty feet (16'x40') or larger and which is designed and required to be placed on a permanent foundation system when located on an individual lot of record. A multi-sectional manufactured home shall have roofing and siding materials similar in appearance and kind to those used in site built homes and be connected to the required utilities, including the typical plumbing, heating, air conditioning electrical systems and adequate sewage disposal systems approved, installed and operational. The term "Multi-Sectional Manufactured Home" does not include manufactured homes, mobile homes, recreational vehicles, factory built buildings or travel trailers.

MEMORIAL PARK CEMETERY - See CEMETERY.

MOBILE HOME - A dwelling unit 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 and placed within applicable zoning use districts 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, multi-sectional manufactured homes or factory built buildings. Mobile Homes can no longer be installed in the Town of Dewey-Humboldt except in Mobile Home Parks.

MOBILE HOME (MANUFACTURED HOME) COURT - A parcel of land used (or designed) for the location of more than one (1) mobile home or manufactured home for the purposes of rental or multiple family usage. Installation/units to comply with A.R.S. §41-2154, 2155.

MOTEL - A building or group of buildings containing guestrooms or dwelling units, each of which maintains a separate outside entrance used primarily for lodging on a daily or weekly basis for the accommodation of automobile travelers and providing automobile parking space on the premises. For Density Formula purposes, two (2) such guestrooms may be counted as one (1) dwelling unit.

MULTIPLE DWELLING - See DWELLING.

NEWSPAPER OF GENERAL CIRCULATION - Shall be deemed to mean a daily newspaper (if one is published) or, if no daily newspaper is published, a weekly newspaper may be used.

NON-CONFORMING USE - See USE.

NURSERY SCHOOL - See SCHOOL.

PETS (HOUSEHOLD) – Dogs, cats, rabbits, birds, POT-BELLY PIG, etc. (and other small animals under one hundred (100) pounds), for family use only (noncommercial) with cages, pens, etc.

PORCH (OPEN) - A porch in which any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than fifty-four inches (54") above

the natural grade line adjacent thereto; which porch is to be used solely for ingress and egress and not for occupancy as a sleeping porch or wash room.

PRINCIPAL BUILDING - See BUILDING.

PRIVATE GARAGE - See GARAGE.

PRIVATE USE - See USE.

PROFESSIONAL USE - See USE.

PUBLIC GARAGE - See GARAGE.

PUBLIC USE - See USE.

RESIDENTIAL USE - See USE.

RESTAURANT - An establishment (other than a boarding house) where meals that may be procured by the public are prepared.

REST HOME - Same as HOSPITAL.

ROOMING HOUSE - A dwelling, otherwise permitted in the District in which it is situated, containing five (5) or fewer guestrooms and in which food may or may not be served to the occupants thereof. Any dwelling in which more than five (5) rooms are occupied as guestrooms shall be deemed to be a hotel.

SALES OFFICE, TEMPORARY - Real estate sales facility for on-site sales only within an approved subdivision.

SCHOOL (NURSERY) - An institution intended primarily for the daytime care of children of pre-school age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "School" within the meaning of this Ordinance.

SELF-HELP LAUNDRY - See LAUNDRY.

SELF-SERVICE STORAGE FACILITIES - Any multi-unit facility designated or used for the purpose of providing individual, compartmentalized and controlled access stalls or lockers for the dead storage of customers' goods and wares as specified in Section 573 (Standards for Self-Storage Facilities).

SIGN - Any identification, description, illustration, symbol, or device which is affixed directly or indirectly upon a building, vehicle, structure, or land and which conveys information identifying or directing attention to or advertising a product, place, activity, person, institution, or business.

SLEEPING ROOM - A room, other than a guestroom, in which no cooking facilities are provided.

STEEL STORAGE CONTAINER - A steel structure sometimes referred to as a cargo container, which is independent of any trailer or axles, and is commercially produced and designed for the

purposes of storage of personal or commercial belongings/products. Does not include tractor-trailers, boxcars, freight containers or commercial trailers.

STORY - That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, the ceiling of which is less than four feet six inches (4'6") above the natural grade level, shall not be considered a floor. A mezzanine floor shall be considered a story if it exceeds an area of forty percent (40%) of the area of the floor next below it.

STREET - A public passageway that affords a principal means of access to abutting property.

STRUCTURE - The result of arranging materials and parts together and attached to a lot (such as buildings, tanks and fences), but not including tents or vehicles.

TIMESHARE - A project or use where a purchaser receives the right in perpetuity, for life or a term of years to the recurrent, exclusive use or occupancy of a lot, parcel unit or segment or property, annually or on some periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

TOWN COUNCIL - Council of the Town of Dewey-Humboldt.

TRAILER PARK - Same as MOBILE HOME COURT.

TRAILER (PARK MODEL) - A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers. Allowed in mobile home/manufactured home and RV parks.

TRAILER (TRAVEL) - A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than three hundred twenty (320) square feet. This definition includes fifth wheel trailers and other like recreational vehicles. (See also VEHICLE (RECREATIONAL))

USE - The purpose for which a building, or lot, or structure, is arranged, designed, occupied or maintained.

USE (ACCESSORY) - A use incidental to the principal or primary use on the same lot.

USE (LEGAL NON-CONFORMING) - A use that lawfully occupied a building or land at the time this Code or amendments thereto became effective, which has been lawfully continued and which does not now conform with the use regulations.

USE (PERMITTED) - A use in a District, which is allowed by reason of being listed among the "Permitted Uses" in the District.

USE (PRIMARY) - A use that is conducted as the principal use of the lot on which it is situated. For example a single-family dwelling unit shall be deemed to be the primary use on a residentially zoned parcel or lot on which the unit is situated.

USE (PRIVATE) - A use restricted to the occupants of a lot or building together with their guests, where compensation is not received and where no commercial activity is associated with same.

USE (PROFESSIONAL) - The rendering of services of a professional nature by: members of the professions licensed by competent authority; teachers in a school of general instruction; artists practicing the fine arts; consultants recognized by organizations of licensed professions.

USE (PUBLIC) - A use (or building) located on public land to serve public benefits (but not necessarily available to the public admission).

USE (RESIDENTIAL) - Shall be deemed to include single and multiple dwelling units, guestrooms, rooming and boarding houses, fraternity and sorority houses, convents, homes for the aged and similar.

VEHICLE - The result of arranging materials and parts together for conveyance over roads (whether or not self propelled). Such is not deemed a structure in qualifying for a building permit, but as being accessory to the principal use on a lot (except in connection with vehicular rental or sales agencies and mobile home courts).

VEHICLE (JUNK) – A vehicle that is in such a state of deterioration that it cannot be profitably dismantled or salvaged for parts and cannot be profitably restored (from A.R.S. §28-4881).

VEHICLE (RECREATIONAL) - Means a motor vehicle that is designed and customarily used for private pleasure, including vehicles commonly called motor homes, pickup trucks with campers and pickup trucks with a fifth wheel trailing device. (See also TRAILER (TRAVEL)).

WALL - A barrier constructed of materials such as solid block, native stone and rock or wood stucco. Barriers constructed with materials not designed for walls are not included in this definition of a wall.

WRECKING YARD - See YARD (WRECKING).

YARD - A required space of uniform width adjacent to the perimeter of a lot, the interior boundary of which is measured as a minimum horizontal distance to the required setback of a principal structure from a lot boundary; or from any future width line.

YARD (FRONT) - A yard abutting the front street.

YARD (JUNK) - An open-land area or portion thereof (exclusive of an area not exceeding the provisions of Section 564 (Outside Storage)) used for storage, keeping, sale or abandonment of junk (including scrap material, disabled vehicles or used vehicular parts).

YARD (REAR) - A yard abutting the rear lot line or alley.

YARD (SIDE) - A yard abutting a side street (exterior side yard) or a common side boundary (interior side yard), lying between required front and rear yards.

YARD (WRECKING) - An open-land area used for dismantling or demolition of motor vehicles, machinery, equipment or similar and usually the storage thereof.

ZONING AREA - The area within three hundred feet (300') of the proposed amendment or change.

ZONING CLEARANCE - The approval or authorization by the Land Use Specialist indicating that a proposed building, structure or use of land meets all the standards contained in this Ordinance.

ZONING DISTRICT - A zoned area in which the same zoning regulations apply throughout.

CHAPTER 4 USE DISTRICTS

SECTION 400 USE DISTRICTS

Those areas of the Town of Dewey-Humboldt subject to the provisions of this Ordinance are hereby divided into Use Districts that together with the General Provisions (where applicable) control the uses and structures, and their manner of installation and operation in the various Town areas. Any use or structure not specifically permitted by District Provisions (or analogous to a permitted use or structure) shall be deemed prohibited and unlawful (nor shall same be considered an accessory use or structure for the District). The following comprises the various Zoning Districts and their order (from higher to lower) in applying the change of use provisions of the Ordinance:

SECTION

- 410 R1L DISTRICT (Residential; Single Family Limited)
- 411 RMM DISTRICT (Residential; Multi-Sectional Manufactured Homes)
- 412 R1 DISTRICT (Residential; Single Family)
- 413 RCU DISTRICT (Residential; Rural)
- 414 R2 DISTRICT (Residential; Multi-Family)
- 415 RS DISTRICT (Residential and Services)
- 420 C1 DISTRICT (Commercial; Neighborhood Sales and Services)
- 421 C2 DISTRICT (Commercial; General Sales and Services)
- 422 C3 DISTRICT (Commercial and Minor Industrial)
- 430 PM DISTRICT (Performance Industrial)
- 431 M1 DISTRICT (Industrial; General Limited)
- 432 M2 DISTRICT (Industrial; Heavy)
- 440 PAD DISTRICT (Planned Area Development)
- 450 RCD DISTRICT (Residential Camping District)

460 OS DISTRICT (Open Space Resource Conservation Zone)

470 OVERLAY ZONES

SECTION 410 R1L DISTRICT

R1L DISTRICT (Residential; Single Family Limited to site built structures only) Permitted Uses:

Where no Zoning/Density District has been combined, then all provisions of Density District 10 shall prevail. (See Section 516 (Density Districts), most common ones shown in attached chart.)

- A. Dwelling unit (site built) for one (1) family on any one (1) lot.
- B. Religious institutions (in permanent site built buildings).
- C. Educational institutions (publicly funded) as defined in Section 301 (Definitions) (in site-built buildings).
- D. Community parks, playgrounds or centers when part of a community plan.
- E. Public utility facilities (but not business offices nor repair or storage facilities) when necessary for serving the surrounding territory on one (1) acre or less following Administrative Review with Comment Period.
- F. When in conjunction with an approved development plan, golf courses with accessory uses such as pro shops, shelters, restrooms, etc. (but not commercial driving ranges or miniature putting courses). Subject to the performance standards set out in Section 534 (Golf Course Standards).
- G. Accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures and including the following):
 - 1. Farm animals (except swine) on lots of no less than seventy thousand (70,000) square feet for the convenience and pleasure of the lot owner or occupant, not to exceed the number allowed as per the Allowed Animal Chart (Section 501 E.) Stables, barns, or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit.
 - 2. Swimming pools in other than the front yard primary use setback area in compliance with design guidelines in Section 579 (Swimming Pool Safety).
 - 3. Quarters for servants and/or non-paying guests attached to the dwelling (facilities for preparation of food are prohibited).

4. Temporary construction offices and construction sheds and yards incidental to a recorded subdivision development or other on-site construction project for a period not exceeding twenty-four (24) months from date of plat recordation or date of issuance of construction project permit with no permits (other than electrical permits) required to install same (prohibited closer to lot boundary than is allowed for a principal building in the District).
 5. Open land carnival and recreation facilities accessory to religious or educational institutions (confined to same lot).
 6. Temporary on-site sales (real estate) facility only as defined in Section 301 (Definitions) in compliance with the regulations and performance standards outlined under Section 570 (Real Estate Offices - Temporary).
 7. Household pets.
 8. Fences and free-standing walls.
 9. Parking facilities to meet no less than the minimum requirements as provided under Section 602 (Parking and Off-Street Loading).
 10. Educational institutions as defined in Section 301 (Definitions) but privately funded allowed as an accessory use to a religious institution.
- H. Occupancy of temporary housing, including travel trailers, recreational vehicles and single-wide manufactured homes during the construction of a permanent dwelling is allowed during the twenty-four (24) month period after the issuance of a building permit (and the building permit remains valid). A permit must be obtained prior to occupancy of the temporary housing. One (1) extension of time for use of a recreational vehicle, travel trailer or single-wide manufactured home as temporary housing may be granted at the discretion of the Development Services Director for a period not to exceed twelve (12) months. Further extensions will require a Use Permit.
- I. Bed & Breakfast Homestays as defined under Section 301 (Definitions), subject to performance standards set out in Section 507 (Bed and Breakfasts) for Homestays with Administrative Review with Comment Period.
- J. Guest Homes as defined under Section 301 (Definitions), subject to the performance standards set out in Section 537 (Guest Home), with a minimum parcel size of seventy thousand (70,000) square feet.

- K. Home Occupations as defined under Section 301 (Definitions), subject to approval by the Development Services Director; home occupation shall comply with the regulations and standards set out in Section 543 (Home Occupation).

Zoning/Density Regulations (in feet unless otherwise noted)

Dist.	Min Lot Size in Sq. Ft. per dwelling	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height		Max Lot Coverage Percent
			Min Building Spacing is 10 Feet all classes				Stories / feet		
			Front	Rear	Interior	Exterior			
7.5	7,500	75	20	25	7	10	2	30	50
10	10,000	80	20	25	7	10	2	30	40
12	12,000	90	20	25	7	10	2	30	40
18	18,000	100	30	30	10	15	2	30	25
25	25,000	130	30	30	10	15	2	30	20
35	35,000	145	40	40	20	20	2	30	15
70	70,000	200	50	50	25	30	2	30	15
2A	87,120	225	50	50	25	30	2	30	10
175	175,000	300	50	50	30	50	2	30	10
5A	217,800	325	50	50	40	50	2	30	10
10A	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	500	50	50	50	50	2	30	5

SECTION 411 RMM DISTRICT

RMM (Residential; Single Family; site built, factory built and Multi-Sectional Manufactured Homes, no single-wide manufactured homes or mobile homes) Permitted Uses:

Where no Zoning/Density District has been combined, then all provisions of Density District 10 shall prevail. (See Section 516 (Density Districts), most common ones shown in attached chart.)

- A. All principal and accessory uses and structures permitted in the R1L Zoning District.
- B. Multi-Sectional Manufactured Homes, as defined under Section 301 (Definitions). To be permitted, Multi-Sectional Manufactured Homes must conform to all provisions set out in Section 301 (Definitions) and Section 552 (Mobile Homes/Manufactured Housing/Multi-Sectional Manufactured Housing Standards).
- C. Factory Built dwelling as defined under Section 301 (Definitions).
- D. Steel storage containers to meet the minimum requirements as provided under Section 564 (Outside Storage).

- E. Educational institutions (publicly funded) as defined in Section 301 (Definitions) (in any permitted buildings).

Zoning/Density Regulations (in feet unless otherwise noted)

Dist.	Min Lot Size in Sq. Ft. per dwelling	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height		Max Lot Coverage Percent
			Min Building Spacing is 10 Feet all classes				Stories / feet		
			Front	Rear	Interior	Exterior			
7.5	7,500	75	20	25	7	10	2	30	50
10	10,000	80	20	25	7	10	2	30	40
12	12,000	90	20	25	7	10	2	30	40
18	18,000	100	30	30	10	15	2	30	25
25	25,000	130	30	30	10	15	2	30	20
35	35,000	145	40	40	20	20	2	30	15
70	70,000	200	50	50	25	30	2	30	15
2A	87,120	225	50	50	25	30	2	30	10
175	175,000	300	50	50	30	50	2	30	10
5A	217,800	325	50	50	40	50	2	30	10
10A	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	500	50	50	50	50	2	30	5

SECTION 412 R1 DISTRICT

R1 DISTRICT (Residential; Single Family; site built, multi-sectional and manufactured) Permitted Uses:

Where no Zoning/ Density District has been combined, then all provisions of Density District 10 shall prevail. (See Section 516 (Density Districts), most common ones shown in attached chart.)

- A. All principal and accessory uses and structures permitted in the R1L and RMM Districts. Manufactured housing and Mobile Homes as set forth under Section 552 (Mobile Homes/Manufactured Housing/Multi-Sectional Manufactured Housing Standards).
- B. Manufactured Homes are permitted as a dwelling unit for a single family on an individual lot or parcel as set forth in Section 301 (Definitions) and subject to Section 552.
- C. Additional accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures and including the following):
 - 1. Roomers or boarders, not to exceed two (2) for any one (1) dwelling unit.
 - 2. Farm animals (except swine) on lots of no less than thirty-five thousand (35,000) square feet for the convenience and pleasure of the lot occupants, not to exceed

the number allowed as per the Allowed Animal Chart (Section 501 E.) Stables, barns or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit.

Zoning/Density Regulations (in feet unless otherwise noted)

Dist.	Min Lot Size in Sq. Ft. per dwelling	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height		Max Lot Coverage Percent
			Min Building Spacing is 10 Feet all classes				Stories / feet		
			Front	Rear	Interior	Exterior			
7.5	7,500	75	20	25	7	10	2	30	50
10	10,000	80	20	25	7	10	2	30	40
12	12,000	90	20	25	7	10	2	30	40
18	18,000	100	30	30	10	15	2	30	25
25	25,000	130	30	30	10	15	2	30	20
35	35,000	145	40	40	20	20	2	30	15
70	70,000	200	50	50	25	30	2	30	15
2A	87,120	225	50	50	25	30	2	30	10
175	175,000	300	50	50	30	50	2	30	10
5A	217,800	325	50	50	40	50	2	30	10
10A	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	500	50	50	50	50	2	30	5

SECTION 413 RCU DISTRICT

RCU DISTRICT (Residential; Single-Family; Rural) Permitted Uses:

This RCU District is intended to provide a zoning classification for all areas of the Town not presently characterized by urban uses. Notwithstanding any other provision of this Ordinance, including any density designation, no lot or parcel zoned RCU shall have a density less than two (2) acres.

- A. All Uses allowed in the R1L, RMM and R1 Districts.

Zoning/Density Regulations (in feet unless otherwise noted)

Dist.	Min Lot Size in Sq. Ft. per dwelling	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height		Max Lot Coverage Percent
			Min Building Spacing is 10 Feet all classes				Stories / feet		
			Front	Rear	Interior	Exterior			
2A	87,120	225	50	50	25	30	2	30	10
175	175,000	300	50	50	30	50	2	30	10
5A	217,800	325	50	50	40	50	2	30	10
10A	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	500	50	50	50	50	2	30	5

SECTION 414 R2 DISTRICT

R2 DISTRICT (Residential; Multi-Family) Permitted Uses:

Where no Zoning/Density District has been combined, then all provisions of Density District 3 shall prevail. (See Section 516 (Density Districts), most common ones shown in attached chart.)

- A. All principal and accessory uses and structures permitted in the RCU District.
- B. Multi-family dwelling units and apartment hotels (site-built buildings only) in conformity with the Density Formula for the District.
- C. Lots abutting an arterial highway permit the following:
 - 1. Rooming and boarding houses.
 - 2. Fraternity and sorority houses.
 - 3. Orphanages and homes for the aged.
- D. Bed & Breakfast Homestays as defined under Section 301 (Definitions).
- E. Bed & Breakfast Inns as defined under Section 301 (Definitions), subject to the regulations and performance standards set out in Section 507 (Bed and Breakfasts) subject to Administrative Review with Comment Period.

Zoning/Density Regulations (in feet unless otherwise noted)

Dist.	Min Lot Size in Sq. Ft.	Min Area per dwelling unit	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height		Max Lot Coverage Percent
				Min Building Spacing is 10 Feet all classes				Stories / feet		
				Front	Rear	Interior	Exterior			
1	7,500	1,000	75	20	25	7	10	4	50	50
2	7,500	2,000	75	20	25	7	10	3	40	50
3	7,500	3,000	75	20	25	7	10	2	30	50
4	7,500	4,000	75	20	25	7	10	2	30	50
5	7,500	5,000	75	20	25	7	10	2	30	50
7.5	7,500	7,500	75	20	25	7	10	2	30	50
10	10,000	10,000	80	20	25	7	10	2	30	40
12	12,000	12,000	90	20	25	7	10	2	30	40

SECTION 415 RS DISTRICT

RS DISTRICT (Residential and Services) Permitted Uses:

Where no Zoning/Density District has been combined, then all provisions of Density District 3 shall prevail. (See Section 516 (Density Districts), most common ones shown in attached chart.)

- A. All principal and accessory uses and structures permitted in any more restrictive Zoning District. Where the lot is contiguous to a less restrictive Zoning District, requirement for securing an Administrative Review is waived (unless otherwise provided for).
- B. Offering of personal services within enclosed buildings (such as, but not limited to beauty and barber, massage, photography, group instruction, tailoring and small appliance repair). Such operations shall not include the offering of materials or equipment for sale. Small appliance repair not to include small gas engines. Subject to Administrative Review with Comment Period.
- C. Hospitals, clinics, sanitariums and nursing homes for the care of humans on a minimum one-half (½) acre parcel excluding road right-of-way.
- D. Offices in which only professional, administrative, clerical or sales services are conducted.
- E. Private clubs and lodges operated solely for the benefit of bona fide members, including outdoor recreation or assembly facilities on two (2) acres or less. Subject to Administrative Review with Comment period.
- F. Nursery schools on minimum one-half (½) acre parcel.
- G. Revival tents and similar temporary operations.
- H. Educational institutions (privately funded) as defined in Section 301 (Definitions) (provided they offer a curriculum of general instruction comparable to similar publicly funded educational institutions).

Zoning/Density Regulations (in feet unless otherwise noted)

Dist.	Min Lot Size in Sq. Ft.	Min Area per dwelling unit	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height	Max Lot Coverage Percent
				Min Building Spacing is 10 Feet all classes					
				Front	Rear	Interior	Exterior	Stories / feet	
1	7,500	1,000	75	20	25	7	10	4	50
2	7,500	2,000	75	20	25	7	10	3	40
3	7,500	3,000	75	20	25	7	10	2	30
4	7,500	4,000	75	20	25	7	10	2	30
5	7,500	5,000	75	20	25	7	10	2	30
7.5	7,500	7,500	75	20	25	7	10	2	30
10	10,000	10,000	80	20	25	7	10	2	30
12	12,000	12,000	90	20	25	7	10	2	30
18	18,000	18,000	100	30	30	10	15	2	30

Dist.	Min Lot Size in Sq. Ft.	Min Area per dwelling unit	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height		Max Lot Coverage Percent
				Min Building Spacing is 10 Feet all classes				Stories / feet		
				Front	Rear	Interior	Exterior			
25	25,000	25,000	130	30	30	10	15	2	30	20
35	35,000	35,000	145	40	40	20	20	2	30	15
70	70,000	70,000	200	50	50	25	30	2	30	15
2A	87,120	87,120	225	50	50	25	30	2	30	10
175	175,000	175,000	300	50	50	30	50	2	30	10
5A	217,800	217,800	325	50	50	40	50	2	30	10
10A	435,600	435,600	500	50	50	50	50	2	30	5
36A	1,568,160	1,568,160	500	50	50	50	50	2	30	5

SECTION 420 C1 DISTRICT

C1 DISTRICT (Commercial; Neighborhood Sales and Services) Permitted Uses:

Permitted uses and structures shall be compatible with the neighborhood development. Storage of materials and supplies, displays (other than signs) and other non-residential uses are restricted to buildings closed on all sides (except as may otherwise be permitted). Intoxicating beverage sale restricted to that of off-site consumption only.

Where no Density District has been combined, then the provisions of Density District 2 shall prevail for dwelling units, hotels and motels. (See Section 516 (Density Districts), most common ones shown in attached chart.)

- A. All principal and accessory uses permitted in any more restrictive Zoning District and providing further that unless specifically provided to the contrary the requirements for an Administrative Review (except for lots contiguous to Residential Districts) are waived.
- B. Mobile home courts. Subject to Administrative Review with Comment Period.
- C. Retail sales, restricted to on-site sales only.
- D. Commercial art galleries.
- E. Restaurants and cafes, but prohibiting vending from openings in buildings (no drive-through windows).
- F. Business offices, banks and similar.
- G. Custom service and craft shops as follows, limited to three thousand (3,000) square feet of shop floor area: barber, beauty, massage, tailor and cleaning pickup, key and gun,

photographic, fixit (home appliance, saw, mower, clock, radio, TV and similar) precision and musical instrument, optical.

- H. Launderettes, limited to machines not exceeding twenty-five (25) pound capacity according to manufacturer’s rating.
- I. Dancing, art, music and business schools (prohibiting public recitals, concerts or dances).
- J. Automotive Service Stations: See Section 531 (Fuel Storage Tanks).
- K. Parking facilities limited to no more than two (2) trucks for any one (1) commercial project.
- L. Signs: See Section 601 (Sign Code).
- M. Bed & Breakfast Country Inns - As defined under Section 301(Definitions).
- N. Hotel/Motel/Resorts.
- O. Retail Liquid Propane dispensing stations on the premises and as an accessory to an allowed retail commercial use subject to design and siting approval and inspection by the Office of the Arizona State Fire Marshal and/or the applicable Fire District. See performance criteria in Section 549 (Liquid Propane Dispensing – Retail)
- P. Lodging and Timeshares.

Yard Requirements: As provided under Section 500 (General District Provisions).

Building Heights: In accordance with Section 516 (Density Districts).

Building Density: In accordance with Section 516 (Density Districts).

Zoning/Density Regulations (in feet unless otherwise noted)

Dist.	Min Lot Size in Sq. Ft.	Min Area per dwelling unit	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height		Max Lot Coverage Percent
				Min Building Spacing is 10 Feet all classes				Stories / feet		
				Front	Rear	Interior	Exterior			
1	7,500	1,000	75	20	25	7	10	4	50	50
2	7,500	2,000	75	20	25	7	10	3	40	50
3	7,500	3,000	75	20	25	7	10	2	30	50
4	7,500	4,000	75	20	25	7	10	2	30	50
5	7,500	5,000	75	20	25	7	10	2	30	50

SECTION 421 C2 DISTRICT

C2 DISTRICT (Commercial; General Sales and Services) Permitted Uses:

Storage of materials and supplies, displays (other than signs), and other non-residential uses are restricted to buildings closed on sides facing lot perimeter (i.e. no service entries/bays facing street or readily visible from adjacent residential) (except as may otherwise be permitted).

Where no Density District has been combined, then the provisions of Density District 1 shall prevail for dwelling units, hotels and motels. (See Section 516 (Density Districts), most common ones shown in attached chart.)

- A. All principal and accessory uses permitted in any more restrictive Zoning District; and providing further that unless specifically provided to the contrary the following are waived:
 - 1. Requirements for Use Permits/Administrative Reviews (except for lots contiguous to Residential Districts).
 - 2. Area limitations for uses and buildings.
 - 3. Limitations on hours of operation.
- B. Sales (retail and wholesale) and rentals.
- C. Commercial parking facilities.
- D. Bars, tap rooms and nightclubs.
- E. Theaters, auditoriums, banquet and dance halls.
- F. Dancing, art, music, business and trade schools (including permission for public recitals, concerts and dances).
- G. Commercial bath and massage.
- H. Frozen food lockers.
- I. Custom craft and service shops, limited to five thousand (5,000) square feet of shop floor area. Cleaning and dyeing limited to closed unit machines with self-contained transmission and using solvents, shampoos, detergents and other agents of chlorinated solvent type and having a rating of five (5) or under by Underwriters Laboratories Inc.
- J. Bowling alleys and poolrooms.

- K. Water distillation and bottling for retail sales only, limited to five thousand (5,000) square feet of shop floor area.
- L. Mortuaries (loading, unloading and automobile stacking for processions confined to mortuary premises).
- M. Vending for on or off-site consumption of foods, confections, non-intoxicating drinks (and other refreshments) through openings in buildings (no such vending allowed within three hundred feet (300') of a public or parochial grade or high school).
- N. General repair of automobiles, light trucks, recreational vehicles, cycles, and small stationary or portable machinery entirely within enclosed buildings or attached enclosures of solid material at least six feet (6') in height: subject to performance criteria set out in Section 585 (Vehicle & Portable Machinery Repair).
- O. General sales of new and used automobiles, light trucks, recreational vehicles, travel trailers, mobile homes, boats, boat trailers, utility trailers, motorcycles, ATV's (All Terrain Vehicles), bicycles and small stationary or portable machinery within enclosed buildings. Outside display of such vehicles or similar merchandise shall be permitted subject to performance criteria set out in Section 561 (Outside Display - Commercial)
- P. Veterinary clinics and hospitals for the diagnosis and treatment of household pets and other small animals under one hundred (100) pounds, entirely within an enclosed building not exceeding three thousand (3,000) square feet. Boarding of animals incidental to their diagnosis or treatment shall be permitted provided that:
 - 1. The boarding area is entirely within the same building as the clinic or hospital and does not exceed fifty percent (50%) of the total floor area; and,
 - 2. The boarding area is either completely soundproofed or is no closer than three hundred feet (300') to any contiguous parcel of property. No on-site incineration shall be permitted.
- Q. Pet shops within enclosed buildings not exceeding one thousand five hundred (1,500) square feet for the display and sale of household pets and other small animals, under one hundred (100) pounds, provided that:
 - 1. The pet shop is either completely soundproofed or is no closer than three hundred feet (300') to any contiguous parcel of residential property zoned or used for residential purposes.
 - 2. No on-site incineration shall be permitted.
- R. Signs: See Section 601 (Sign Code).

S. Self-Service Storage Facilities: See Section 573 (Self-Service Storage Facilities).

Yard Requirements: Same as for C1 District.

Building Heights: In accordance with Section 516 (Density Districts).

Building Density: In accordance with Section 516 (Density Districts).

Zoning/Density Regulations (in feet unless otherwise noted)

Dist.	Min Lot Size in Sq. Ft.	Min Area per dwelling unit	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height		Max Lot Coverage Percent
				Min Building Spacing is 10 Feet all classes				Stories / feet		
				Front	Rear	Interior	Exterior			
1	7,500	1,000	75	20	25	7	10	4	50	50
2	7,500	2,000	75	20	25	7	10	3	40	50
3	7,500	3,000	75	20	25	7	10	2	30	50
4	7,500	4,000	75	20	25	7	10	2	30	50
5	7,500	5,000	75	20	25	7	10	2	30	50

SECTION 422 C3 DISTRICT

C3 DISTRICT (Commercial and Minor Industrial) Permitted Uses:

The front fifty feet (50') depth of a lot shall not be used for open-land storage of material or equipment, work yard or display (except display for sale or rental as may be granted under a Use Permit); such open-land storage or work areas on any other portion of the lot shall be secured by a solid wall, fence or hedge so as not to be visible from any higher ranking Zoning District (nor shall any materials or equipment extend higher than such screening).

Where no Density District has been combined, then the provisions of Density District 1 shall prevail for hotels and motels. (See Section 516 (Density Districts), most common ones shown in attached chart).

A. All principal and accessory uses permitted in any more restrictive Zoning District (except dwelling units and mobile home courts) and providing further that unless specifically provided to the contrary the following are waived:

1. Requirements for Use Permits/Administrative Reviews (except for lots contiguous to Residential Districts).
2. Area limitations for uses and buildings.
3. Limitations on hours of operation.
4. Confining of uses to closed or partially closed buildings.

- B. Sales facilities, retail and wholesale.
- C. Lumber yards (prohibiting milling and planing operations).
- D. Custom warehouses within closed buildings and not including animals, limited to fifteen thousand (15,000) square feet of floor area.
- E. Craft shops and work, storage and equipment yards in connection therewith, limited to fifteen thousand (15,000) square feet of floor area.
- F. Cemeteries for human or animal internment. Subject to Administrative Review with Comment Period.
- G. Pet shops within closed buildings.
- H. Small animal hospitals for diagnosis, treatment or boarding, limited to five thousand (5,000) square feet of floor area entirely within a closed building. Outdoor runs, pens and cages and/or larger buildings, no less than one hundred feet (100') from any Residential District for such outdoor use, with special consideration to the neighborhood reaction to the administrative review application, type and number of day and night animal guests, whether to restrict to diagnosis and treatment or to permit boarding, the extent of outdoor activity; total lot and use area, and limitations on permit duration. Subject to Administrative Review with Comment Period.
- I. Transportation terminal and transfer facilities within closed buildings, limited to fifteen thousand (15,000) square feet of floor area.
- J. Cleaning and dyeing plants within closed buildings, limited to fifteen thousand (15,000) square feet of floor area.
- K. Body and fender shops within closed buildings.
- L. Commercial ballrooms, arenas, gymnasiums, rinks, pools and indoor shooting galleries.
- M. Public auction within closed buildings, livestock sales prohibited.
- N. Bottling plants confined to closed buildings, limited to fifteen thousand (15,000) square feet of floor area.
- O. Custom tire recapping.
- P. Signs: See Section 601 (Sign Code).

Yards Required: Same as for C1 and C2 Districts.

Building Heights: In accordance with Section 516 (Density Districts).

Building Density: No requirements.

Zoning/Density Regulations (in feet unless otherwise noted)

Dist.	Min Lot Size in Sq. Ft.	Min Area per dwelling unit	Min Lot Width and Depth	Min Yard Setbacks				Max Building Height		Max Lot Coverage Percent
				Min Building Spacing is 10 Feet all classes				Stories / feet		
				Front	Rear	Interior	Exterior			
1	7,500	1,000	75	20	25	7	10	4	50	50
2	7,500	2,000	75	20	25	7	10	3	40	50
3	7,500	3,000	75	20	25	7	10	2	30	50
4	7,500	4,000	75	20	25	7	10	2	30	50
5	7,500	5,000	75	20	25	7	10	2	30	50

SECTION 430 PM DISTRICT

PM DISTRICT (Performance Industrial) Permitted Uses:

Intended to promote the development and operation of certain uses, such as, but not limited to, laboratories, light manufacturing and assembly, in such a restricted and limited manner that, because of the limitations on type of structures and uses, control on height and density, prohibitions against open land facilities, prohibitions against emission of such nuisances as fumes, odors, noise, glare and vibration, prohibition of general retail sales and service or other uses that cater to the general public, and the landscaping requirements, so as to protect and foster residential desirability adjacent to such industries. The prohibition of residential uses is intended to preserve the PM zoned land for the industrial development.

Residential uses prohibited (including dwelling units, mobile home courts, motels, hotels and similar). General retail sales and service or other uses that cater to the public are prohibited. All uses as allowed confined to closed buildings (except parking, loading and unloading). Space for parking shall always be kept available to provide no less than two (2) square feet of land area for each square foot of building area. All development must progress in accordance with a general layout, architectural and landscape plans to assure a development compatible with the intent of the Zoning District. Such layout shall provide a landscaped area fifty feet (50') in depth adjacent to any street and may not contain any other uses or structures except for walks, drives, signs and lighting.

- A. All principal and accessory uses permitted in any more restrictive District, except those prohibited under these District Stipulations.

- B. Manufacturing, machining, tooling, assembly, fabrication, processing, compounding, packaging, mixing, molding; equipping and decorating, glazing, repairing, servicing, cleaning, winding, printing and publishing, binding, weaving, knitting, sewing, baking, cooking, roasting, pickling, brewing, distilling, plating, polishing.
- C. Warehouses.
- D. Motion picture productions, radio and television studios.
- E. In-plant restaurants as an appurtenant use, and including roof or landscaped patio dining facilities.
- F. Signs: same as C1 District.

Lot Area and Dimensions: No lot shall be established smaller than a one hundred foot (100') width, three hundred foot (300') depth and seventy thousand (70,000) square foot area, nor to exceed a depth of six hundred fifty feet (650') unless it can be shown that a greater depth will not block projected streets or alleys.

Yards Required: Fifty feet (50') adjacent to any street or alley; fifty feet (50') adjacent to any Residential Zoned lot and twenty-five feet (25') adjacent to any other lot.

Building Heights: Maximum thirty feet (30') plus one foot (1') additional for each ten feet (10') of setback beyond all required yards.

Building Density: The total area of all buildings shall not exceed thirty percent (30%) of the total area of the lot.

Building Spacing: No building shall be closer to any other building than thirty feet (30').

SECTION 431 M1 DISTRICT

M1 DISTRICT (Industrial; General Limited) Permitted Uses:

Intended to provide the type of industrial facilities, which while not necessarily attractive in operational appearances, are installed and operated in a manner so as not to cause inconvenience to other uses in the Zoning District (or to adjacent Zoning Districts).

Where uncertainty exists as to compliance with the intent of this District, in differentiating between the light and heavy character of the proposed use, the Adjustment Board shall determine.

- A. All principal and accessory uses permitted in any more restrictive Zoning District, except dwelling units, mobile home courts, hotels, motels, rooming and boarding houses and

similar, and provided further that unless specifically provided to the contrary, the following are waived:

1. Requirements for Use Permits, except for lots contiguous to Residential Districts.
 2. Area limitations for uses and buildings.
 3. Limitations on hours of operations.
 4. Confining uses to closed (or partially closed) buildings.
 5. Prohibitions against livestock and other animals.
- B. Dispensing of gasoline and similar petroleum products from exposed storage tanks (subject to requirements of Underwriters Laboratories Inc. or similar), provided no such tank shall be located closer than twenty-five feet (25') to the lot boundaries.
- C. Manufacturing, machining, tooling, assembly, fabrication, welding, milling, molding, equipping, decorating, glazing, repairing, servicing, cleaning, winding, printing, publishing, pickling, brewing, distilling, salvage (but not wrecking), equipment, material and dead storage yards, plating and polishing, meat packing (no slaughtering except rabbits and poultry), animal treating, boarding, breeding and sales, warehousing (including elevators), freight yards, circuses and carnivals, race tracks, and stadiums.
- D. Signs: See Section 601 (Sign Code).

Yards Required: Same as for Commercial Districts.

Building Heights: Use Permit required to exceed thirty feet (30') or two (2) stories.

Building Density: No requirements.

SECTION 432 M2 DISTRICT

M2 DISTRICT (Industrial; Heavy) Permitted Uses:

Intended for all types of industrial uses except hazards to health and property; with controls of air and stream pollution, radiation, fire and explosion dangers.

The Zoning Administrator must deny any proposed use or structure where uncertainty exists as to compliance with intent of the District; or where he finds such use will exhaust or emit air or stream pollutants, and may accept an application for a Use Permit to operate in some modified manner.

- A. All principal and accessory uses permitted in any more restrictive Zoning District, except dwelling units, mobile home courts, hotels, motels, rooming and boarding houses and

similar, and provided further that, unless specifically provided to the contrary, the following are waived:

1. Requirements for Use Permits, except for lots contiguous to Residential Districts.
 2. Area limitations for uses and buildings.
 3. Limitations on hours of operation.
 4. Confining of uses to closed or partially closed buildings.
 5. Prohibitions against livestock and other animals.
- B. All other legal uses except as may pollute the air or streams, or present latent radiation, explosion, or fire danger (except as may be permitted under a Use Permit in a modified manner).

Yards Required: Same as for Commercial and M1 Districts

Building Heights: No requirements.

Building Density: No requirements.

Section 440 PAD Overlay

PLANNED AREA DEVELOPMENTS

- A. Purpose: A Planned Area Development (PAD) Overlay is intended:
1. To provide for various types and combinations of land uses (such as single and multi-family housing, golf course developments, and public spaces) through the adoption of a development plan.
 2. To establish planning and development control parameters while allowing sufficient flexibility to permit final detailed planning at the time of actual development, and to permit flexibility in design, placement of buildings, use of open spaces, etc.
 3. To encourage and permit unified planning to achieve a compatible mixture and variety of land uses within the PAD Overlay and with the existing and anticipated development in the surrounding area.
 4. To accomplish the purpose of zoning and other regulations to an equivalent or higher degree than where such regulations are designed to control development on individual lots.
 5. To promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety, creative design, and a better environment.

PAD Overlays may be established where tracts suitable in location, area, and character for the uses and structures proposed will be planned and developed on a unified basis. Suitability of tracts for the development proposed shall be determined with reference to the General Plan and to the existing and prospective character of surrounding development.

B. Scope:

1. A PAD may proceed by increments to be called "development units."
2. The PAD Overlay is intended to be overlaid onto any combination of the specified Zoning Districts included within the Town Planning and Zoning Ordinance, and the PAD designation shall control the land use regulations otherwise permitted within the Districts, as set forth herein. The permitted uses allowed, the yard, height, and area requirements, and other requirements within the Overlay shall be those permitted or required within the appropriate Zoning District with which the PAD Overlay is combined, except where modified. For example, if the PAD allows for multiple family dwellings then yards, fences, storage, etc. shall follow the regulations of the applicable Zoning District, which is R2. In another example, if a developer wishes to increase density and use the PAD Overlay, the developer would first process the zoning change for the underlying zoning density, and then bring the PAD Overlay application. Where there are conflicts between special PAD regulations and the general zoning or other regulations, these PAD regulations shall apply in the PAD Overlay unless the Commission shall find, in the particular case, at the time of rezoning application, that these provisions do not serve the public to a degree at least equivalent to such general zoning, or other regulations.
3. Where actions, designs or solutions are not literally in accord with applicable PAD or general regulations, but the Commission makes a finding in the particular case that the public is served to an equivalent or greater degree, the Commission may recommend specific modification of the regulations.

C. Planned Area Development Defined: For the purpose of this Ordinance, a PAD shall:

1. Be a single development operation or a definitely programmed series of development operations which can be one type of land use or a mixture of land uses.
2. Be developed according to comprehensive and detailed plans that include the locations of streets, utilities, lots, building sites and other uses; also site plans and floor plans for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings.

D. Uses Permitted:

1. Single-family dwellings, two-family, multi-family; detached, semi-detached, and attached and accessory uses.
2. Community facilities, such as schools, parks, and playgrounds.
3. Clubs not operated primarily for commercial purposes.
4. Golf courses in accordance with performance standards as set out in Section 534.
5. Manufactured home parks and subdivisions in accordance with the provisions of this Ordinance and any additional requirements the Commission or Council may deem necessary to fulfill the intent of these requirements.
6. Home occupations when indicated as part of the development plan or when in accordance with the provisions of this Code.
7. Accessory uses and structures; such uses and structures may be located in the front one-half (1/2) of a lot, provided they are not nearer the front lot line than the main building or buildings.
8. Public utility installations.
9. Signs when submitted as part of the development plan or when in accordance with this Code.

In considering a proposed PAD, the Commission may approve modifications of these requirements to the Town Council. Justification for such modification shall be supplied by the applicant in written form as part of the hearing application procedure.

E. General Provisions: General provisions standards, requirements, regulations, and changes to densities are intended to ensure compatibility. The Commission may recommend to the Town Council modification of such standards, requirements, regulations, and changes to densities. The layout and design shall be subject to the following limitations:

1. Maximum Lot Coverage: A combination of all of the proposed uses shall not exceed a maximum building coverage of fifty percent (50%) of the total area, except in the case of a PAD located within or abutting another Zoning District which allows a greater coverage, then the greater coverage allowances may apply.
2. Open Space:
 - a. A minimum of twenty-five percent (25%) of the total gross site area, that is intended to provide light and air, and is designated and designed for resource protection, buffers, drainage ways, environmental, scenic, or recreational purposes. Common open space lands shall be clearly designated on the plan to include the character of use and development,

and may be public or private or some combination of both, and shall not include private residences/structures, required yards, driveways, parking lots, streets, alleys, public rights-of-way or other surfaces intended or designed for vehicles. Decorative lakes (including those that contain treated effluent) may be included in the calculation for open space.

b. Whether private or dedicated to the public, it shall be the responsibility of the developer to ensure that the open space is protected in perpetuity by legal arrangements, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants or other legal arrangements shall specify ownership of the open space, method of maintenance; maintenance taxes and insurance; compulsory membership and compulsory assessment provisions and any other specifications deemed necessary by the Commission and Town Council.

3. Zero lot line setbacks may be allowed under the following circumstances:

a. The lot adjacent to the zero-setback side yard must be under the same ownership at the time of initial construction (ensuring that a developer does not infringe on the property rights of owners of adjacent tracts).

b. The setback on the adjacent lot must be either zero feet or greater than ten feet (10').

c. The opposite side yard of not less than ten feet (10') must be kept perpetually free of permanent obstructions (such as a storage shed or a fence without a gate).

d. Similar zero lot line exceptions can be made for the rear yard, but not for both the side and rear yards of the same lot.

e. A five foot (5') maintenance easement along the boundary of the zero lot line must be identified on the site plan.

4. Non-motorized trails shall be considered and may be incorporated into the design of vehicular and pedestrian traffic ways where possible, and connect to off-site non-motorized trails.

5. All public streets within or abutting the proposed PAD shall be dedicated and improved to Town specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, these streets shall be constructed to Town standards, permanently reserved and maintained for their intended purpose by means acceptable to the Town Engineer. Other forms of access, such as, pedestrian ways, courts, plazas, driveways or open parking lots shall not be offered for dedication.

6. PADs shall relate harmoniously to the topography of the site, shall make suitable provision for the preservation of watercourses, drainage areas, wooded areas,

rough terrain and similar natural features and areas and shall be designed to use and retain these natural features and amenities to the best advantage.

7. All utilities within a PAD shall be placed underground.

a. A common central television antenna or receiver may be provided with underground cable service to all dwelling units.

b. For the purposes of this Section, appurtenances and associated equipment such as, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed conduit in an underground system may be placed above ground.

F. Other Requirements: The Commission and/or Town Council shall insure that the public welfare and safety is preserved, and that provision is made for harmonious and appropriate development of the land by requiring as needed:

1. Declaration of public use space for parks, schools, recreation areas, etc.

2. Coordination of street layout with existing or planned streets.

3. Preservation of natural features, such as trees, hilltops, watercourses, and archeological sites.

4. Architectural plans of building design in addition to a comprehensive plan for the development.

5. Proof of adequate sanitary sewage and water systems.

6. Adequate fire protection.

7. Schedule of plan implementation.

8. Additional issues of public interest.

9. Proof of adequate water entitlement and sustainable availability.

G. PAD Amendments: The following procedures shall be followed for any amendment to a PAD including amendments to the Development Phasing Schedule.

1. Major Amendments:

a. A PAD Overlay applicant or his successors in interest may file a request for a major amendment with the Community Development Department.

b. The change will be deemed major if it involves any one (1) of the following:

(1) An increase in the approved totals of dwelling units or gross leasable area for the PAD Overlay.

(2) A significant change in zoning boundaries as determined by the Town Manager or designee from those approved for the PAD Overlay.

(3) Any change which could have significant impact on areas adjoining the PAD as determined by the Town Manager or designee.

(4) Any change which could have a significant traffic impact on roadways adjacent or external to the PAD as determined by the Town Manager or designee.

c. The Community Development Department will bring the major amendment before the Commission and Town Council and will submit background material relevant to the request.

2. Minor Amendments:

a. A PAD Overlay applicant or his successors in interest may file a request for a minor amendment with the Community Development Department if the Town Manager or designee determines that the request is not major, as defined above.

b. The request will be routed for comment to any affected Town departments or other agencies for comment.

c. Upon receipt of comments or no later than ten (10) working days, the Town Manager or designee will determine whether to approve or deny the requested change.

d. If the requested change is approved, a Approval Letter will be mailed to the applicant with a copy filed for public record.

3. Interpretations: In the event that it becomes necessary to interpret stipulations within the PAD Overlay, the Commission and Town Council shall hold a hearing and make such interpretations.

H. Procedures: Every PAD Overlay approved under the provisions of this Section shall follow the procedure for a Zoning Map Change as set out in the Town Planning and Zoning Ordinance and shall comply with the requirements of this Section.

1. Application: An application to establish a PAD project shall be filed by the owner or owners having title to all of the property in the area proposed for the PAD, the agent for the owner having appropriate authorization, or the Town. Every application shall be accompanied by a fee as required.

2. Master Plan:

a. In establishing a PAD, a master plan of the entire area to be developed shall be required as part of the rezoning application. In addition to the requirements of a Zoning

Map Change, the submittal requirements of the master plan shall conform to the submittal requirements of a Sketch Plan (Subdivision Code **§§ 4.B.5** and following).

b. If a PAD is to be developed in phases or development units, separate hearings for the platting process shall be held to review each phase according to the standards set out for plats in the Town Subdivision Regulations.

c. Each phase/plat must be in substantial conformance to the approved master plan and Sketch Plan/Zoning Map Change.

d. An approved site plan shall be binding upon applicants and their successors or assignees. No building permit shall be issued for any building, structures or use, not in accordance with the site plan, except that temporary construction facilities shall be permitted.

3. Application Submittal Requirements for a Minor Amendment to a PAD:

a. A site plan depicting the existing conditions of the PAD and proposed amendment.

b. A letter of intent, explaining the proposed amendment, along with justification as to why the request is reasonable and meets the intent of the Ordinance.

c. Written support from the Home Owners Association, Property Owners Association, Architectural Review Committee and affected property owners for the proposed amendment.

d. Submittal of a filing fee.

4. Adoption of the PAD: The development plan and supporting statements and documents submitted with the application for a Planned Area Development shall be approved and adopted by the Council and included in the ordinance establishing the PAD Overlay. All development within the PAD Overlay shall comply with the sketch plans as approved and adopted by the Council.

a. Action by the Commission. Upon completing its public hearing on the PAD application and sketch plan, the Commission shall transmit its recommendation to the Council.

(1) The recommendation of the Commission shall include the reasons for approval or disapproval of the application, and if recommended for approval shall give specific evidence and facts showing that the application meets with the following:

a. That the development at the location proposed is generally consistent with the goals, objectives, densities and policies of the General Plan or specific plan for the area.

b. That the development at the location proposed and the development standards to be followed or maintained will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

c. That the development will promote or preserve environmental quality and conserve energy usage and energy resources, including the protection of adequate sunlight for use of solar energy systems.

(2) The recommendations of the Commission may include reasonable additional conditions and/or modifications to established property development standards as deemed necessary to promote the purpose of this Overlay and this Code.

b. Action by the Town Council. Following conclusion of its public hearing, the Council may approve the PAD and sketch plan as recommended by the Commission or in a modified form, stipulating those conditions it deems necessary to carry out the purpose of this Overlay and this Code. If the PAD and sketch plan is approved, it shall be incorporated as part of the Zoning Map. The Council shall include the reasons for approval or disapproval of the application and shall give specific evidence and facts showing that the application meets with the following:

(1) That the development at the location proposed is generally consistent with the goals, objectives, densities and policies of the General Plan or specific plan for the area.

(2) That the development at the location proposed and the development standards to be followed or maintained will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

(3) That the development will promote or preserve environmental quality and conserve energy usage and energy resources, including the protection of adequate sunlight for use of solar energy systems.

I. Enforceability:

1. The PAD Program shall continue to be implemented and maintained for the total acreage of the PAD Overlay, even though ownership may subsequently be transferred in whole or in part.

a. It is the responsibility of the owner to notify all prospective purchasers of all or part of the property within the Overlay of the existence of the PAD Overlay amendment and the PAD Program contained therein.

b. Conformance with the PAD shall be enforced by recordation of the appropriate deed restrictions for each parcel of property within the Overlay, prior to the issuance of building permits, for each development unit.

c. Notification and recordation as provided above shall be required in order to retain the unitary aspect of the Overlay.

2. Application for approval of the first development unit shall be made, and required infrastructure development shall have commenced, within four (4) years of the date upon which the PAD Overlay amendment was approved. Each development unit must contain open space proportional to the size of the development unit. Applications for approval of subsequent units shall be made in accordance with the development-phasing schedule contained in the PAD Program. If a written request for additional time is received from the applicant/agent within thirty (30) days of notification, providing justification why an extension may be warranted, a one (1) year extension of time may be administratively approved by the Town Manager or designee for the first extension.

3. If the applicant requests additional extensions of time beyond a one (1) year administratively approved extension, staff shall notice a hearing to determine the cause of the delay.

a. The hearing shall be held within sixty (60) days of the date of the written notice, and shall follow Town Council procedures for hearings.

b. The Town Council may determine good cause for such deficiency/extension of time and may, in conjunction therewith, entertain an application to amend the development-phasing schedule.

4. Failure to commence required infrastructure development within the required time period shall cause the PAD Overlay classification to become null and void, and any property rezoned in conformance with the PAD Overlay amendment and the PAD Program to revert to its former zoning classification by action of the Town Council.

5. At such time that the Town Manager or designee shall determine that the applicant is not proceeding to develop in accordance with the PAD Program, it shall notify the applicant in writing of such deficiency and shall, simultaneously, notice a hearing to determine the cause of the delay.

a. The hearing shall be held within thirty (30) days of the date of the written notice, and shall follow Town Council procedures for hearings.

b. The Town Council may determine good cause for such deficiency and may, in conjunction therewith, entertain an application to amend the development-phasing schedule.

c. The Town Council may determine that there is not good cause for such deficiency, and in such event may impose additional restrictions on the applicant to ensure future compliance with the PAD Program including, but not limited to, the filing of such periodic reports as the Council shall require to enforce this provision.

J. At such time that the Town Council shall determine that the current owner of any portion of the PAD Overlay is not in compliance with a provision of the PAD Program or the public dedication or improvement schedules no further vesting of zoning or approval of final site plan or subdivision plats shall occur for that portion. Such determination of noncompliance shall be at a public hearing. The applicant and current owner(s) shall receive written notice of hearing.

SECTION 450 RCD DISTRICT

RCD DISTRICT (Residential Camping District) Permitted Uses:

This District is intended to cover the operation of resident camps that are either private, public, religious, organizational or agency camps. Resident camps are not restricted from operating trip camps, schools, travel, outpost, over-night or day camping programs.

DEFINITIONS: Resident Camping: a sustained experience which provides a creative, recreational, educational or religious opportunity in group living in the out-of-doors in which campers live at a site for one (1) or more consecutive nights, not to exceed ninety (90) days; **Resident Camp Sleeping Units:** a building or group of buildings containing guestrooms or dwelling units. For Density Formula purposes, two (2) such guestrooms, RV's or tents may be counted as one (1) dwelling unit. Each four (4) beds shall be counted as one (1) guestroom.

- A. All principal and accessory uses and structures permitted in R1L.
- B. Up to ten percent (10%) of all allowable units may be recreational vehicles spaces.
- C. Meeting, dining and other structures and services required to provide for residents of the camping programs.
- D. Resident camp sleeping or dorm facilities.

Land coverage shall not exceed twenty percent (20%).

All provisions of Density District 25 shall prevail. (See Section 516)

Space between buildings shall not be less than twenty feet (20').

Peripheral setback requirements shall be sixty feet (60') of maintained open space, not to allow parking and storage.

Building Heights: A maximum of thirty feet (30').

Non-conforming Uses:

- (1) One hundred percent (100%) expansion of the number of bed units allowed under an existing non-conforming use within original camp boundary.
- (2) Where dwelling units are combined with non-residential uses or structures on a conforming lot, then each eight hundred (800) square feet, or fraction thereof, of area occupied by such shall be deducted from the total Density Formula area in determining the number of units allowed.
- (3) Existing camps may be exempted from the requirements of this Ordinance, except in the expansion of said camps, thereby areas of expansion shall be in conformance with the requirements of this Ordinance.
- (4) Cumulative expansion of fifty percent (50%) or more shall result in the full compliance, except existing buildings, of the existing camp with the terms of this Ordinance. Such expansion shall be within original camp boundaries.

SECTION 460 OS DISTRICT

OS DISTRICT (Open Space Resource Conservation Zone) Permitted Uses:

This District is intended to preserve scenic and recreational areas for public and/or private use.

- A. Agriculture and cultivation.
- B. Flood control facilities.
- C. Historical landmarks.
- D. Other outdoor recreational facilities.
- E. Public Utility installation and facilities on one (1) acre or less following Administrative Review with Comment Period.
- F. Change of Use: Any change in the status of use shall be approved by the Planning and Zoning Commission.

Yard Requirements: Building height and building density shall be in accordance with the provisions of the Density District.

Two (2) signs, each sign not to exceed six (6) square feet of panel area, may be permitted. Signs may utilize indirect illumination.

SECTION 470 OVERLAY ZONES

- A. INTRODUCTION: The following Section shall be known and cited as the Town of Dewey-Humboldt Overlay Zone Ordinance, and shall be incorporated by reference into the Zoning Ordinance of the Town of Dewey-Humboldt, providing the enabling Ordinance for the creation of zones which are to be "overlaid" or superimposed on the General Provisions and the Use Districts for the purposes specified herein
- B. DESIGN REVIEW OVERLAY ("DRO") ZONES:
 - 1. Purpose: A Design Review Overlay (DRO) Zone enables the establishment of additional design and development-related requirements or guidelines which would "overlay" or be superimposed upon the regulations for the existing zoning districts and General Provisions applicable to a specific geographic area. The creation and administration of a specific geographic area DRO zone is authorized for the purpose of enriching the lives of the population residing, working, and visiting in the area by promoting harmonious, safe, attractive, desirable, and compatible growth and development of the area. Each DRO zone is thus intended to improve the public health, safety, and welfare by pursuing objectives including but not limited to the following:

- a. To ensure that the design and construction of all developments and structures within the DRO zone support or enhance the community character or value of the area within the zone.
 - b. To ensure that all structures and developments within the DRO zone conform with the aesthetic character of their surroundings by properly relating to their site or sites.
 - c. To ensure that the design and development of all structures, projects, roads, plantings, drainage ways, and service facilities within the DRO zone protect and enhance the environmental qualities such as air, water, natural vegetation, scenic-vistas, and topography.
 - d. To ensure the proper provision for design for proposed open spaces, parking areas, landscaping, signing and screening of non-compatible uses.
 - e. To ensure the protection and enhancement of economic values, natural attractiveness, personal health and safety, and desirable relationships with the surrounding community.
 - f. To ensure compliance with other requirements of this Ordinance, the Town General Plan and any specific area plans relating to the DRO zone.
2. Scope:
- a. A DRO zone may be created to apply to the design and construction of any structure within the geographic boundaries of the zone, which requires a building permit (including sign permit) within the scope and jurisdiction of the Town of Dewey-Humboldt Planning and Zoning Ordinance. A DRO zone may also be created to apply to the design and development of non-structural features which do not in and of themselves require a building permit, but which pertain to the purposes of the DRO zone and the Planning and Zoning Ordinance.
 - b. A DRO zone may be created to apply to any or all Use Districts within its zone and to any or all uses within the Use District including, but not limited to the following: single-family residential, multi-family residential, recreational, commercial, industrial, and semi-public uses.
 - c. A DRO zone may establish guidelines or requirements in addition to the general provisions and Use Districts on which it is overlaid. Design guidelines or requirements for a DRO zone may include, but are not limited to architectural style, landscaping, facades and theme treatments, historic preservation considerations; building colors and materials, scenic areas, public facilities, and utilities.

- d. The content of the design guidelines and requirements (along with other particulars herein described) shall be determined by the owners' of private property within the area proposed for a DRO zone.
 - e. A DRO zone shall include private properties owned by a minimum of three (3) separate owners of record of three (3) separate properties and shall have a minimum size of twenty (20) contiguous acres or shall contain a minimum of twenty (20) legal lots or parcels.
 - f. The geographic area of a DRO zone shall fall entirely within the incorporated area of the Town of Dewey-Humboldt and shall constitute one (1) contiguous area.
 - g. A DRO zone shall not geographically overlap any other DRO zone, nor shall there be permitted any "islands" of non-DRO area completely surrounded by a DRO zone. However, a DRO zone may be surrounded by a subsequent DRO zone.
 - h. Public land may be included in the area of a DRO zone, however, the DRO provisions shall not apply to the design, construction, or development of publicly owned and operated facilities. Public agencies are encouraged to voluntarily comply with the guidelines of the DRO zone within which they are developing. Whenever public land is included in the geographic area of a DRO zone, signatures representing public land shall not be counted nor shall the acreage of the public land be included in any calculations of required area. However, wherever public land is included in a DRO zone, and such public land forms the perimeter of the DRO zone, the private land outside the DRO zone within three hundred feet (300') of the perimeter shall be included for purposes of the "external petitions" required in Subsection 4.e. Whenever public land included in a DRO zone is used for private purposes and/or whenever such land comes into private ownership, the guidelines and requirements of the DRO zone shall become applicable.
3. Nomination Process:
- a. Nomination: Any group of three (3) or more separate owners of record of three (3) separate properties within the Town of Dewey-Humboldt may delineate an area containing their properties (and perhaps others) and nominate that area for a possible DRO zone. Nomination of a DRO zone shall be by letter to the Planning and Zoning Commission describing the geographic extent and proposed content of the DRO zone, together with signatures of supporting property owners as well as any local community groups wishing to express support of the DRO zone.

- b. Staff Consultation: Upon receipt of the nomination letter, the Zoning Administrator shall arrange and hold a consultation with one (1) or more representatives of the nominating group to discuss the procedure, regulations, plans, fees and other matters relating to the creation and administration of a DRO zone. When the Zoning Administrators satisfied as to the state of preparation of the nominating group, the Zoning Administrator shall recommend to the Planning and Zoning Commission that the nomination for a DRO zone be discussed in a public hearing.
 - c. Public Discussion: The members of the Planning and Zoning Commission shall form a hearing committee and hold a public hearing within (or as near as practicable to) the proposed DRO zone area after due public notice, publication, and posting within the area. The minimum hearing fee shall be paid by the nominating group for the application for public discussion.
 - d. Invitation to Apply: After discussion, the Planning and Zoning Commission may invite the nominating group to develop and submit a formal DRO zone application. No more than one (1) DRO nomination will be accepted for formal application for any one (1) area (i.e.: no duplication or overlaps) at any one (1) time. If several DRO zone applications are known to be in preparation for the same or adjacent general areas, the Planning and Zoning Commission may delay one (1) or more applications to foster integration, consistency, compatibility, or feasibility for the welfare of the larger community.
4. Application Process:
- a. Preparation: The nominating group shall prepare a full DRO zone application meeting the content requirements below. Upon completion, the nominating group shall submit the application to the Zoning Administrator For an advisory review of content and completeness.
 - b. Filing: When advised of the completeness of the application, the nominating group shall file the application, along with an application fee, with the Zoning Administrator. Additional copies of the application shall be placed at points of local availability for review by local property owners in such locations as may be approved by the Zoning Administrator. Any change in the geographic area, content, or other material change in the proposed DRO zone shall constitute a new application and shall require a complete new recording or an amendment to the original master form stating the specific portion or portions to be changed or deleted by reference to page and paragraph.

- c. Owners of Record: The nominating group shall prepare and submit a certified list of the names, addresses, Assessor's parcel numbers, and acreage of parcels of every owner of record of every parcel (as of the date of recording of the draft DRO zone) within the proposed DRO zone. The nominating group shall pay the cost (if any) of copying and/or computer services necessary to produce and certify such list.
 - d. Support Petitions from within the DRO zone: Within twelve (12) months of the date of recording of the filed application, the nominating group shall obtain and submit to the Zoning Administrator the signatures, indicating support, of fifty-seven percent (57%) by area and by number of the owners of record of properties within the defined DRO zone, on a petition which specifies the geographic area and the content of the DRO zone together with a citation of the recording of the full formal application.
 - e. The nominating group shall also prepare and submit a certified list of the names, addresses, and Assessor's parcel numbers of every owner of record of every parcel (as of the date of recording of the draft DRO zone) within three hundred feet (300') of the perimeter of the proposed DRO zone.
 - f. Time Limit: Failure to obtain the required percentage of valid signatures for the internal area of the DRO within twelve (12) months of the recording of the application shall constitute a failure of the application. New updated application together with new petition signatures shall be required to proceed after a failed application.
5. Application Content Requirements: The filed application shall include the following minimum information:
- a. A proposed name for the DRO zone.
 - b. A reproducible map showing the proposed geographic coverage of the DRO zone.
 - c. A letter from the Planning and Zoning Commission Staff attesting to the completeness of the application.
 - d. A cover letter generally describing the area, purpose and content of the DRO zone signed by a representative of the nominating group.
 - e. A list of the names and addresses of the nominating group.
 - f. The name, address and telephone number of one (1) or more persons willing to serve as speakers and sources of public information concerning the DRO zone nomination.

- g. A legal description specifying the outer boundaries of the proposed geographic area of the DRO zone.
 - h. A citation of the portions of the Town of Dewey-Humboldt General Plan and any area plans which relate to the geographic scope of the proposed DRO zone.
 - i. A citation of the zoning maps (by Assessor's parcel map system number) for all areas covered by and within three hundred feet (300') of the perimeter of the DRO zone.
 - j. The proposed development scope or content proposed to be regulated by guidelines or requirements within the DRO zone.
 - k. A detailed sample of the proposed criteria list, charts, guidelines or other specifications to be provided to each applicant requesting review and the standards against which each application will be reviewed.
 - l. A schedule of proposed application review fees to be charged for local design review overlay applicants, if any.
 - m. All other information which the Planning and Zoning Commission, serving as the DRO Commissioner, Zoning Administrator, or Town Council may deem necessary.
6. DRO Zone Adoption Process:
- a. Certification: Upon receipt of the lists of owners of record and the petitions containing the required signatures on both the internal approval and external consent petitions together with such hearing fees as may be adopted, the Zoning Administrator shall certify the validity of the signatures on both petitions.
 - b. Area Hearings: Upon certification of the petitions, the Planning and Zoning Commission shall appoint a committee from among its' members to hold at least one (1) public hearing within the area of the proposed DRO zone. The hearing committee of the Planning and Zoning Commission shall report to the full Planning and Zoning Commission its recommendation as to the readiness of the DRO zone for full public hearings. The Planning and Zoning Commission may move to direct the hearing committee to hold additional hearings in the area as may be necessary to ensure adequate public information.
 - c. Planning and Zoning Commission Hearings:

- (1) All hearings by the Planning and Zoning Commission and Town Council shall follow procedural requirements of the A.R.S. and the Planning and Zoning Ordinance of the Town of Dewey-Humboldt. After the area public hearings, the Planning and Zoning Commission shall then advertise and hold a public hearing in a regular Planning and Zoning Commission meeting and formulate a recommendation to the Town Council as to the general advisability and particulars of the proposed DRO zone.
 - (2) Town Council Hearings: Subsequently, the Town Council shall hold a public hearing to consider the adoption of the DRO zone as proposed and/or amended. The Town Council shall hear the DRO application as recorded together with the Planning and Zoning Commission's recommendations and public input. At the first Town Council hearing, the Council may only approve or deny the DRO application as recorded or move to hold in abeyance or move to amend and re-hear (with re-advertisement calling attention to the content of the proposed amendment(s)). At the second and subsequent Town Council public hearings, the Council may approve duly advertised amendments.
7. Amendments to the DRO Zone:
 - a. Amendment: After adoption, any amendment to a DRO Zone which in the determination of the Zoning Administrator materially alters the area coverage and/or the content of the design guidelines or requirements or their applicability shall follow the same procedural and content requirements specified for the original nomination, application, and adoption of a DRO zone.
 - b. Rescission: The rescission of a DRO zone shall follow the same procedure and requirements as any amendment, except as provided below for abandonment.
 - c. Abandonment: A DRO zone may be abandoned upon the initiation of the Planning and Zoning Commission according to the following procedures:
 - (1) The Planning and Zoning Commission in discussion moves to initiate a public hearing to consider a finding of fact.
 - (2) The Planning and Zoning Commission, in public hearing, adopts a finding of fact of extraordinary circumstances (including but not limited to substantial unworkability of the DRO zone; de-facto

abandonment of the DRO zone by the property owners; nonfeasance, misfeasance, and/or malfeasance by the DRO Commission; impending public turmoil or other threat to the public welfare) and upon the basis of such finding initiate a second public hearing to consider the abandonment of the DRO zone.

(3) The Planning and Zoning Commission, in public hearing, adopts a recommendation to the Town Council to abandon the DRO zone.

(4) The Town Council, in public hearing:

(a) Concurs in the finding of fact of extraordinary circumstances.

(b) Adopts the Planning and Zoning Commission recommendation to abandon the DRO zone.

8. DRO Commission. The Planning and Zoning Commission shall serve as the DRO (Local DRO Zone Review) Commission.

9. Implementation:

a. A DRO zone shall be created and its guidelines and requirements shall become effective thirty (30) days after its adoption as a zone by the Town Council. The adopted DRO zone and its contents and geographic scope shall be on file in the Zoning Administrator. Each DRO zone shall be numbered and its geographic scope depicted on the official zoning maps of the Town of Dewey-Humboldt in the Development Services Department.

b. Upon adoption and after the effective date of a DRO zone, any person intending to construct any structure within the jurisdiction of the Town of Dewey-Humboldt Planning and Zoning Ordinance, before applying for a building permit from the Zoning Administrator, shall first submit an application to the DRO Commission, who shall schedule and hold a review in public hearing.

c. The Zoning Administrator shall withhold the issuance of the building permit in a DRO zone for a period sufficient to permit adequate public notice, the holding of hearing by the DRO Commission and a ten (10) working day response period following the decision of the DRO Commission.

d. The DRO Commission shall forward its recommendation to the Zoning Administrator. Giving due consideration to the recommendation of the DRO Commission, the Zoning Administrator or Building Official shall issue or

withhold the requested building permit, notifying both the applicant and the DRO Commission. The withholding of a building permit on grounds relating to the recommendation of the DRO Review Commission shall be in the form of a letter to the applicant and to the DRO Commission citing the reasons for the refusal.

10. Appeals: Any applicant for a building permit who is refused a building permit on grounds relating to the recommendation of the DRO Commission, or the DRO Commission itself, or any affected party, including any owner of property within the DRO zone may appeal the decision of the Zoning Administrator to the Board of Adjustments . The appeal must be made within thirty (30) days of the issuance of the building permit or its refusal, pursuant to Section 207 (Adjustment Board).
 11. Compliance: The failure to construct any structure within the DRO zone in a manner consistent with the content of the building permit and the application as approved by the DRO Commission shall constitute a violation of the Planning and Zoning Ordinance. Citation of a violation of the DRO zone requirements and guidelines shall be initiated by either the Zoning Administrator or by a signed complaint from the DRO Commission adopted and forwarded to the Zoning Administrator.
 12. Authority: The Town of Dewey-Humboldt Town Council hereby authorizes the creation and administration of Design Review Overlay Zones adopted consistent with this enabling Ordinance and the Town of Dewey-Humboldt Planning and Zoning Ordinance of which this is a part.
- C. [RESERVED FOR ADDITIONAL TYPES OF OVERLAY ZONES ENABLING SECTIONS TO BE ADOPTED IN THE FUTURE TO ADDRESS, FOR EXAMPLE, FLOOD ZONES, HILLSIDE PRESERVATION, CRITICAL SOILS AND WATERS, ETC.]

CHAPTER 5 GENERAL PROVISIONS

SECTION 500 GENERAL PROVISIONS

The following provisions shall apply to all Districts, except as may be modified, supplemented or supplanted under the provisions of any particular District.

SECTION 501 ACCESSORY USES AND STRUCTURES

- A. ACCESSORY USES (including facilities and equipment) are permitted in conjunction with any principal use, provided same is compatible and common to the district in which it is located therewith and does not alter the character of the premises; any reference to a permitted use shall be deemed to include such accessory use.
- B. ACCESSORY BUILDINGS may be attached to or detached from the principal building, except that no accessory building housing fowl or animals (other than domestic pets) may be attached to any dwelling unit.
- C. AMATEUR RADIO TOWERS AND ANTENNAS are permitted in all residential districts, with a use permit, provided:
 - 1. Such structures shall not be located in the required front yard, or required street-side side-yard, or in front of the front line of the dwelling or principal building;
 - 2. Such structure shall in no case be located nearer than five (5) feet to any side or rear property line;
 - 3. Such structures does not exceed a height of fifteen (15) feet within a required side or rear yard;
 - 4. Such structures does not exceed the maximum building height of the zoning district in which such structure is located;
 - 5. Not more than two (2) such structure shall be erected per lot or parcel; and
 - 6. The tower and antenna shall be retractable.
- D. ACCESSORY USES OR STRUCTURES are allowed prior to installation of the principal structure only when a construction permit is issued for the principal structure and construction of same is commenced within six (6) months.
- E. ANIMAL HUSBANDRY Activities or Projects, i.e., Future Farmers of America, 4-H, or any agricultural or large livestock activity/project conducted primarily for educational purposes or school credits, are permitted in any Zoning District. The following criteria shall be met:
 - 1. Active membership must be maintained and verification of such may be required upon request.

2. The keeping of all animals shall be subject to the regulations of the Yavapai County Environmental Unit and the Health Department.
3. A sign designating a 4-H member in residence must be posted on the property at all times any such project or activity is in progress.

Under the 4-H exemption, the setback requirements and number of animals allowed per acre do not apply for animals utilized in 4-H projects, with the exception of equine and breeding projects.

F. ALLOWED ANIMAL CHART

TYPE	ANIMALS ALLOWED
CATEGORY A - Dairy Cow, Bison, Steer/Heifer, Horse or other similar size/weight.	2 per acre*
CATEGORY B - Ostrich, Miniature Horse, Llama, Alpaca, Sheep, Goat, Emu or other of similar size/weight.	5 per acre*
CATEGORY C - Turkeys, Peacocks, Geese, Pheasants, Ducks, Pigeons, Chinchilla, Rabbits, Chickens or other similar size/weight toward the total. After one year of age, animal off-spring count as adult animals.	8 per acre*

*and proportionately greater for larger properties.

SECTION 504 ADMINISTRATIVE REVIEW WITH COMMENT PERIOD

Those uses subject to Administrative Review with Comment Period must go through the following process. The applicant will submit a to-scale site plan illustrating the proposed use for review. The administrative review would include review by all affected agencies such as but not necessarily limited to, Planning and Zoning Department, Building Safety and the Fire District with jurisdiction. Surrounding property owners within three hundred feet (300') of the subject property and affected community organizations shall be notified by mail (mailing list and addressed envelopes provided by applicant) and posted on the property and given twenty-one (21) days from the date of mailing of notice to file written protest with the Zoning Administrator. If an Administrative Review with Comment Period application is denied by the Zoning Administrator, the applicant may then apply for a Use Permit, and appeal the decision before the Planning and Zoning Commission and Town Council, if desired. If the application for Administrative Review with Comment Period is found acceptable by the reviewing agencies with no written protest received from the noticed public, the Zoning Administrator will accept and issue appropriate or needed building permits and/or issue a letter approving the use subject to applicable standards. Application fees are as found in the adopted fee schedule.

SECTION 507 BED & BREAKFASTS

- A. Bed & Breakfast Homestays as defined under Section 301 (Definitions) subject to the following regulations and performance standards:
1. Homestays shall only be permitted on parcels exceeding thirty-five thousand (35,000) square feet in size.
 2. No employees.
 3. Facility shall be owner-occupied with no more than fifty percent (50%) of the floor area of the primary structure used for guest quarters or Bed & Breakfast purposes.
 4. Access to the guestrooms shall be allowed through the main entrance of the building only.
 5. State and County Health Department approval and permits are required.
 6. Change of Use or Occupancy and Zoning and Building Safety Clearance/Permit required prior to commencement of the use.
 7. No more than three (3) guest units shall be available for rental. A guest unit consisting of more than one (1) room shall not be constructed, converted, or modified so as to permit division into separate guest units.
 8. Maximum duration of stay of any one (1) guest shall be fourteen (14) days.
 9. In addition to the required parking for the owner of the Homestay, one (1) parking space per guest unit shall be provided on site in accordance with the parking standards in Section 602 (Parking).
 10. One (1) sign, for identification purposes, not exceeding four (4) square feet in size may be attached to the primary structure or placed in the front yard no higher than three feet (3') above grade.
- B. Bed & Breakfast Inns as defined under Section 301 (Definitions) subject to the following regulations and performance standards:
1. Facility shall be owner-occupied with no more than seventy-five percent (75%) of the total floor area or structural coverage used for guest quarters or Bed & Breakfast purposes.
 2. Change of Use or Occupancy and Zoning and Building Safety Clearance/Permit required prior to commencement of the use.

3. In addition to the required parking for the owner of the Inn, one (1) parking space per guest unit and employee shall be provided on site in accordance with the parking standards in Section 602 (Parking).
4. One (1) sign for identification purposes, not exceeding six (6) square feet in size may be attached to the primary structure or placed in the front yard no higher than three feet (3') above grade.

SECTION 510 RESERVED FOR FUTURE USE

SECTION 516 DENSITY DISTRICTS

- A. The following Density Districts and regulations are intended to be combined with the appropriate Use Districts. The density provisions in the accompanying chart, together with applicable General Provisions (Section 500) shall regulate building heights, yards, lot sizes, lot area per dwelling unit, lot coverage and distance between buildings as though the same had been fully described in this Section.
- B. Requirements of the Density Regulations.

Density Regulations:

A=Acres

Dist.	Min Lot Size in Sq. Ft.	Min Area per dwelling	Min Lot Width and Depth	Min (1) Yard Setbacks Front	Min (1,2) Yard Setbacks Rear	Min (1,2) Yard Setbacks Interior	Min (1) Yard Setbacks Exterior	Max Building Height Stories	Max Building Height Feet	Max Lot Coverage Percent	Min Building Spacing Feet
1	7,500	1,000	75	20	25	7	10	4(3)	50	50	10
2	7,500	2,000	75	20	25	7	10	3(3)	40	50	10
3	7,500	3,000	75	20	25	7	10	2	30	50	10
4	7,500	4,000	75	20	25	7	10	2	30	50	10
5	7,500	5,000	75	20	25	7	10	2	30	50	10
7.5	7,500	7,000	75	20	25	7	10	2	30	50	10
10	10,000	10,000	80	20	25	7	10	2	30	40	10
12	12,000	12,000	90	20	25	7	10	2	30	40	10
18	18,000	18,000	100	30	30	10	15	2	30	25	10
25	25,000	25,000	130	30	30	10	15	2	30	20	10
35	35,000	35,000	145	40	40	20	20	2	30	15	10
70	70,000	70,000	200	50	50	25	30	2	30	15	10
2A	87,120	87,120	225	50	50	25	30	2	30	10	10
175	175,000	175,000	300	50	50	30	50	2	30	10	10
5A	217,800	217,800	325	50	50	40	50	2	30	10	10
10A	435,600	435,600	500	50	50	50	50	2	30	5	10
36A	1,568,160	1,568,160	500	50	50	50	50	2	30	5	10

(1) See Section 588 (Yards and Courts) for exceptions, deviations, and encroachments from minimum yard (setback) requirements.

(2) For C1, C2, C3, M1, and M2 Districts: Minimum interior side and rear yard requirements are waived if the yard is contiguous to C1, C2, C3, M1 or M2 zoned property. A setback of twenty feet (20') shall be required whenever a lot zoned commercial or industrial abuts a lot zoned for residential purposes. Front and exterior side yard requirements shall be observed in all cases.

(3) Use Permit required to exceed two (2) stories.

PLEASE NOTE: DETACHED ACCESSORY STRUCTURES, OTHER THAN STRUCTURES HOUSING ANIMALS, MAY ENCROACH WITHIN FIVE FEET (5') TO REAR LOT LINE TO MAINTAIN A TEN FOOT (10') BUILDING SEPARATION. ALL OTHER SETBACKS AND BUILDING SPACING SEPARATIONS MUST BE ACHIEVED.

PLEASE NOTE: THE ABOVE IS GENERAL INFORMATION PERTINENT TO THE ZONING REQUIREMENTS IN THE CREATION OF A BUILDABLE PARCEL. IT DOES NOT DEAL WITH SPECIFIC QUESTIONS, SUCH AS BUILDING SAFETY, FLOODPLAIN UNIT, ENVIRONMENTAL UNIT OR ENGINEERING. THESE DEPARTMENTS SHOULD BE CONTACTED BEFORE ANY ACTUAL SPLITTING IS PURSUED.

SECTION 519 DENSITY FORMULAS

DENSITY FORMULAS are hereby established for each Density District for the purpose of determining (where applicable) the amount of lot area required for each dwelling unit, hotel or motel unit, or mobile home court space.

- A. In applying Density Formulas to determine the number of units allowed on a lot, credit shall be allowed for the area of any contiguous dedicated half street or half alley (or similar dedicated easements).
- B. Where dwelling units are combined with non-residential uses or structures on a conforming lot, then each eight hundred (800) square feet (or fraction thereof) of area occupied by such shall be deducted from the total Density Formula area in determining the number of units allowed.
- C. The Density may be reduced twenty percent (20%) for any units consisting of a combined bed-living room (commonly referred to as an efficiency apartment).

SECTION 522 DRAINAGE CRITERIA MANUAL

In all instances with the exception of single-family residential and accessory uses, a drainage report for storm water planning, analysis and design and construction in accordance with the Yavapai County Drainage Criteria Manual (Resolution #1151) shall be submitted. The Flood Control District Director may grant a waiver from the need to comply with certain sections of the Drainage Criteria Manual requirements in instances where it is determined that there are limited impacts from surface drainage and a detailed drainage report is not needed to achieve the objectives of the Drainage Criteria Manual or to protect property, or the health, safety and welfare of the citizens of the community with regard to flooding and drainage issues. All permitted uses shall be constructed in accordance with the construction requirements in the approved drainage plan.

SECTION 525 – RESERVED

SECTION 528 DWELLING PROHIBITION

DWELLING PROHIBITION in any District shall not be construed to prohibit from any lot the residential facilities to accommodate one (1) individual (and his family) acting in the capacity of manager, caretaker or watchman.

SECTION 531 FUEL STORAGE TANKS – AUTO SERVICE

FUEL STORAGE TANKS IN CONJUNCTION WITH AUTOMOTIVE SERVICE FACILITY

- A. As an open land-use (requiring underground storage tanks, with dispensing mechanism equal to or better than minimum requirements of Underwriters Laboratories, Inc.) or,
- B. As having aboveground fuel storage of less than forty thousand (40,000) cumulative gallons capacity where a Variance has been obtained from the Office of the State Fire Marshal from the prohibition of the Uniform Fire Code from dispensing motor vehicle fuel from aboveground fuel storage tank(s) per current Uniform Fire Code. Installation of aboveground tanks will require the granting of a Use Permit and shall include the following performance criteria/standards:
 - 1. The design of the proposed facility shall meet the standards of the Office of the State Fire Marshal.
 - 2. The parcel or lot shall be of sufficient size to meet all parking and automobile circulation requirements set out by this Ordinance. Above ground storage tank(s) shall not be permitted on lots or parcels not meeting current parking or circulation standards.
 - 3. Aboveground fuel storage tank(s) shall be spaced apart a minimum distance as set forth in the current Uniform Fire Code.
 - 4. Guard posts for protection from vehicular damage shall be provided per current Uniform Fire Code.
 - 5. A minimum setback or separation of one hundred feet (100') shall be maintained to the nearest residentially zoned parcel or "R" residential occupancy building as specified under the Uniform Building Code.

SECTION 534 GOLF COURSE DEVELOPMENT STANDARDS

- A. **PURPOSE:** To ensure that every golf course be developed and managed with consideration for the unique conditions of the ecosystem of which it is a part and specifically to minimize the use of groundwater for irrigation purposes and encourage

effluent or reuse. A Development Agreement with the Town of Dewey-Humboldt is required for the development of any golf course and shall include the use of effluent resulting from a wastewater treatment facility legally permitted by the Town of Dewey-Humboldt and the Arizona Department of Environmental Quality.

B. GENERAL REQUIREMENTS: The following requirements shall apply to the development and processing of golf courses in conjunction with a PAD proposal or any other golf course development:

1. Applicant will be required to submit plans that demonstrate that the proposed project meets the standards set by the Arizona Department of Water Resource (ADWR) for golf courses in the Active Management Areas (AMA) including limiting water usage to no more than four hundred fifty (450) acre-feet per year (325,851 gallons in one (1) acre-foot of water) and limiting the amount of turf area to no more than ninety (90) acres.
2. Applicant to obtain a report of physical availability of water from ADWR demonstrating an adequate water supply for the entire development including the golf course prior to recording the Final Plat/Final Site Plan and prior to construction of the golf course.
3. Applicant to demonstrate that the proposed development will be of an appropriate size and scale to generate sufficient effluent or re-use water to meet the entire irrigation needs of the golf course or demonstrate that an alternative supply of effluent will be available.
4. Applicant will be required to submit a water balance study and phasing program for conversion and reliance on effluent using the Town's format and standard assumptions and criteria as a guide in preparing the study. The Board may set a reasonable time for conversion from irrigating with groundwater to irrigating with a renewable water supply.
5. Applicant will be required to conduct a monitoring program as it pertains to surface water and groundwater quality and quantity. The monitoring program will be developed in concert with the appropriate approval authorities.
6. Applicant will be required to conduct monitoring program as it pertains to the performance of the wastewater treatment plant including effluent discharge quality and quantity for review and approval by the Development Services staff or other appropriate agencies.

C. DESIGN AND CONSTRUCTION STANDARDS. Applicant will be required to submit plans demonstrating that the golf course is designed, constructed and maintained in

accordance with environmental practices as set out in Environmental Principles for Golf Courses in the United States or United States Golf Course Association Guidelines or similar or better recognized national standards and which meet the following conditions:

1. Emphasis shall be placed upon the design of irrigation, drainage and retention systems that provide for the efficient use of water. Drainage and storm water retention systems should be incorporated to help provide for both the short and long-term irrigation needs of the maintained turf and the unmaintained areas of the course.
 2. The course shall be designed with sustainable maintenance in mind. The design shall incorporate resource conservation strategies that are environmentally responsible, efficient and cost effective.
- D. CONSTRUCTION DOCUMENTS. Conceptual grading, drainage, irrigation, clearing and landscaping plans will be required as part of the Final Site Plan application and in conjunction with a development plan. Plans must have sufficient detail to demonstrate that the design, construction and maintenance will incorporate environmental principles and meet the intent of the AMA standards for golf courses.

SECTION 537 –GUEST HOMES

GUEST HOMES, as defined under Section 301 (Definitions), are subject to the following requirements:

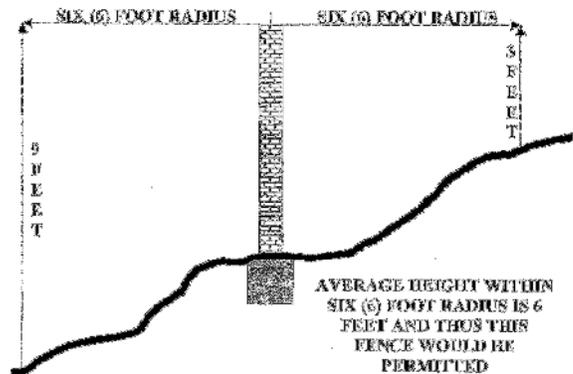
- A. A Guest Home is only allowed on a minimum parcel size of seventy thousand (70,000) square feet in size in the R1L Zoning District and a minimum parcel size of thirty-five thousand (35,000) square feet in the R1 Zoning District.
- B. The parcel or lot must meet or exceed the noted required area in size and the primary structure set-backs set out under the Density District are met.
- C. The Guest Home must be serviced and metered by the primary structure electric utility hookups. Individual Guest Home septic systems may be approved where necessary in order to reduce sewer line extensions as authorized by the County Environmental Unit.
- D. A common driveway or entrance must be shared by the primary and Guest Home structures.
- E. The Guest Home must not exceed seven hundred fifty (750) square feet or twenty-five percent (25%) of the total square footage of the primary structure living area under roof, whichever is greater.

- F. The Guest Home must be placed in order to meet separation requirements of the current adopted Building and Fire Code as well as the Planning and Zoning Ordinance.
- G. A kitchen facility is permitted in the Guest Home structure.
- H. Guest Home shall conform to construction requirements of the applicable Zoning District.

SECTION 540 HEIGHT LIMITS

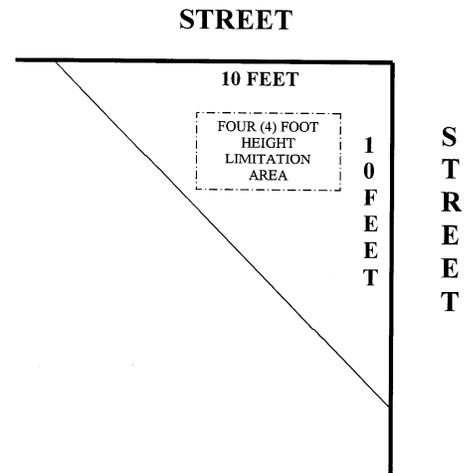
When designated in both stories and feet shall not exceed the foot dimensions.

- A. TOWERS, POLES, TANKS, ETC. The District height limitations may be exceeded by five feet (5') for spires, cupolas, chimneys, parapets, or similar structural additions integrated directly into the rooftop. The District height limitations for buildings are not applicable for flues, vents, poles, beacons, towers, or other similar non-habitable structure(s) extending above a room when same occupies no more than twenty-five percent (25%) of such roof area. Unless shown by design (proof of collapse safety), any such structure as enumerated above must be so located on a lot that its reclining length, in case of collapse, would be contained within the bounds thereof.



- B. FENCES AND FREE STANDING WALLS:
 - 1. Height shall be determined for fences and walls above the average elevation of the ground level within a six foot (6') radius of the point of measurement on the fence or wall. (See Example).
 - 2. Fences and free standing walls within the required yards/setbacks shall maintain the following maximum heights for that opaque or solid portion which obstructs the passage of air or light more than fifty percent (50%):
 - a. On any Residential Zoned lot (or that portion of other lots contiguous thereto): four feet (4') in front yard and six feet (6') in side or rear yards.
 - b. On Commercial and Industrial Zoned lots: eight feet (8').

- c. Four feet (4') on any portion of the rear third of a corner lot backing to a Key lot by a line joining required Key lot setback and the street right-of-way intersection.
- d. Three feet (3') within the triangular area formed by measuring ten feet (10') along the boundary of roadways and drives from the intersection thereof (including hedges and other plantings). Height may be increased not to exceed four feet (4') provided such height increase does not hamper visibility for traffic safety.
- e. Where a fence or wall is required as a screening or other protection to Residential Zoned lots, such shall comply to the height limits of such Residential Zoned lot.



- 3. Total height (solid plus any nonsolid portions) shall not exceed the stated opaque or solid maximums by more than fifty percent (50%) for residential lots or contiguous thereto and by more than twenty-five percent (25%) for commercial and industrial zoned lots.

C. BUILDINGS. No portion of any building exceeding a height of four feet (4') shall occupy the triangular area formed by measuring ten feet (10') along the right-of-way lines from the intersection thereof. (See Example). Buildings located on sloping lots equal or greater than twenty-six percent (26%) average slope are permitted an extra story on the downhill side, provided the building height does not exceed the maximum height in feet allowed in the District.

SECTION 543 HOME OCCUPATION

A. REVIEW CRITERIA:

- 1. INCIDENTAL: A home occupation shall be conducted in a primary dwelling or in an attached or detached accessory structure and shall be clearly incidental to the use of the primary structure as a dwelling or accessory structure as a garage, workshop, storage shed or barn.
- 2. APPEARANCE: In no way shall the appearance of the structure or premises be so altered or the conduct of the occupation within the structure be such that it can be recognized as serving a non-residential use (either by color, materials,

construction, lighting, signs, sounds or noises, vibrations, display of equipment, etc.)

3. NUISANCE: The home occupation shall not cause any sustained or unpleasant noises, vibrations, noxious fumes, dust odors or glare. The use shall not create any radio or television interference or cause any parking or additional traffic beyond what a normal single-family residence would generate in the immediate neighborhood.
4. EMPLOYEES: No one other than a resident of the dwelling shall be employed in the conduct of a home occupation.
5. STORAGE: No storage of materials and/or supplies, including vehicles or equipment used in the occupation, indoors or outdoors, shall be permitted which will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood. Outside storage shall be in keeping with outside storage requirements for a single-family residence per this Ordinance.
6. VEHICLES: The home occupation shall not utilize or rely upon delivery or service from large vehicles not customary in residential areas.
7. TRAFFIC: The use shall not generate pedestrian or vehicular traffic beyond that normal to the District in which it is located.
8. SIGNAGE: Signage shall be in keeping with Section 601 (Sign Code) regarding nameplate identification signage for a residence and shall not advertise the home occupation.

- B. ENFORCEMENT: Home Occupations, where permitted, shall be subject to issuance of a Home Occupation Permit and shall comply with the noted criteria. The Home Occupation application shall be subject to review by the Zoning Administrator at any time. Violation of any of the criteria for a home occupation as set out in this Ordinance shall be grounds for cancellation of the Home Occupation Permit. The Zoning Administrator shall have the authority to revoke the Home Occupation Permit if it has been demonstrated that the terms and conditions of the Home Occupation Ordinance have been violated.
- C. APPEAL: A decision of the Zoning Administrator approving, disapproving or imposing conditions, regarding the home occupation, may be appealed to the Town Council. Appeal is subject to an application for appeal being on file in the Zoning Administrator within thirty (30) days of notification of action taken on said home occupation.
- D. LOT DIMENSIONS AND AREA. No lot or parcel shall hereinafter be established so as to be smaller than the minimum dimensions and area, nor larger than the maximum depth, except if it is determined that a greater depth does not adversely affect projected street or alley alignments, provided under the regulations for the District of jurisdiction. Where no density has been established, then the regulations of the two (2) acre Density District (D2A District) shall control.
1. Substandard Lots, either as to dimensions or area, that were legally established when same came under the District jurisdiction shall be considered as legal lots in that District.
 2. Combined Lots, to the extent of crossing common boundaries with structures, shall be considered as one (1) lot, except that the front of the individual lots shall remain as the front of the combined lots.
 3. Wedge Shaped Lots shall be considered legal width lots when same (measured at the front required setback line) is not less than the required width for a lot having parallel sides; however, a deeper setback line may be shown on a recorded plat at which location the minimum lot width is acceptable and the required front yard shall thereafter be measured thereto.
 4. Block (group of lots bounded by streets) Shortage of not more than five percent (5%) of sufficient frontage to create an additional minimum width for the District, may be distributed in any suitable manner (which distribution may include corresponding shortages in lot areas).
- E. SUBDIVISION PLAT APPROVAL. Lands or property divided or proposed to be divided for the purpose of sale or lease which constitutes a subdivision as defined in the A.R.S. shall be contingent upon the recording of an approved subdivision plat, the design and

physical features of which shall conform to the provisions of this Ordinance (except as may provide minor deviations not adverse to the intent thereof). Such plat shall first be submitted to the Planning and Zoning Commission for review and recommendations; approval shall be withheld until acceptable corrections are made if determined not suitable due to such features as flooding or poor drainage, steep slopes, rock problems, sanitary deficiencies, poor design, improper access to public roadway, or other conditions likely to affect public health, safety, convenience and general welfare. Prior to such plat review, notice of hearing shall be given in a manner similar to that required for Board of Adjustment applications.

SECTION 547 LANDSCAPING AND SCREENING

- A. **PURPOSE.** This article provides standards for the installation and maintenance of landscaping, walls and screening devices in order to preserve and enhance the natural environment and beauty of the town, to minimize the adverse effects of development, and to promote the general welfare of the citizens of Dewey-Humboldt. Landscaping materials, including ground cover, shrubs, and trees facilitate the control of erosion and the reduction of glare and dust, and soften the visual impact of building masses. Walls and screening devices allow the separation of potentially incompatible uses and the buffering of road noise and intensive activities. Landscaping, walls and screening devices together, help to effectuate privacy, logical development, and enhancement of property values. In order to preserve the unique natural character of the town, these standards emphasize the retention of native trees, shrubs, rock formations, and other natural site features. To conserve water resources, use of drought tolerant plant materials and efficient irrigation systems is encouraged.
- B. **APPLICABILITY.** This Section shall apply to:
1. All new multi-family and nonresidential development;
 2. Change of use from residential to nonresidential where Town approvals are required;
 3. Change of use from single-family to multi-family residential where Town approvals are required; and
 4. Expansion, remodeling, and renovation of existing buildings on a lot or building tract, or a related or stand alone parking lot shall provide an amount of landscaping and screening commensurate with the level or scale of the improvements.

C. GENERAL REQUIREMENTS:

1. Landscape and Site Plan. All proposed buildings and uses shall be shown on a landscape and site plan prepared by an Arizona registrant, unless waived by the Zoning Administrator. Landscaping shall be installed per approved plan unless otherwise modified by the Zoning Administrator. All landscape and site plans shall indicate:
 - a. location of existing and proposed buildings, parking areas, drainage and street improvements;
 - b. location of existing trees outside of building footprints;
 - c. locations and general types of landscaped treatment areas -- i.e., lawn areas, low-water use areas, and inorganic areas;
 - d. proposed plant or inorganic materials to be used in each treatment area;
 - e. underground irrigation systems to be used in each planted area; and
 - f. curbs, walls and screening devices.
2. Location of Utilities and Drainage Facilities.
 - a. Proposed utilities shall be located, when possible, so that their installation will not adversely affect vegetation to be retained on a site.
 - b. Drainage ways and detention basins may be located within landscaped areas when designed compatible with the planted area and plant species.
3. Installation. Landscaping, underground irrigation systems, walls and screening structures shall be installed in accordance with the approved landscape or screening plan prior to issuance of a final Certificate of Occupancy for the building or use. The Building Official may grant a temporary Certificate of Occupancy for up to 6 months when a performance bond is provided by the applicant to guarantee the completion of any incomplete landscape or screening improvements.
4. Maintenance Requirements.
 - a. Unless otherwise specified, the maintenance of landscaping in the public right-of-way is the responsibility of the adjacent property owner, whether an individual, corporation, or homeowner's association.
 - b. Landscaped areas shall be reasonably maintained by the owner or the lessee of the property, including pruning, trimming, weeding, and other requirements necessary to create an attractive appearance for the development. Lack of maintenance of required landscaping material shall constitute a violation of this Code.

- c. Plant materials not surviving shall be replaced within 90 days of its demise.
 - 5. Landscaping in Rights-of-way. Approval of the Public Works Director is required prior to placing landscaping and other improvements in rights-of-way.
 - 6. Irrigation. All required landscaped areas shall include a permanent, underground water irrigation system as defined herein to insure the long-term health and growth of the landscape. Irrigation system design shall take into consideration the water-demand characteristics of plant or landscape materials used. Alternative irrigation systems may be approved the Zoning Administrator subject to proven effectiveness.
 - 7. Site Disturbance. Any portion of a site disturbed by site preparation and/or construction, especially cut or fill slopes, shall be adequately re-vegetated and stabilized, prior to issuance of a Certificate of Occupancy.
- D. EXISTING VEGETATION – REPLACEMENT AND CREDITS
- 1. To the extent practical, existing significant landscape features shall be preserved and incorporated into the final landscape and site plans. Existing landscaping may be used to meet the requirements of this Code if it meets the purpose and intent of this article and is included on the approved landscape plan. Such vegetation shall be protected during all phases of site development and given sufficient area and means for growth and water absorption. A credit of up to a 200 percent may be allowed toward shrubs otherwise required pursuant to Sec. E, Minimum Landscaping Standards; Sec. H, Screening Standards; and Sec. F, Parking Area Landscaping, for every shrub greater than 2 square feet that is preserved or transplanted.
 - 2. The tree replacement requirement shall be 50 percent of the total caliper of trees removed from outside of the building envelope. A 200 percent credit toward the tree replacement requirement shall be granted for retaining and preserving healthy trees 4” or greater in caliper size, excluding Siberian Elm. This tree credit shall also count toward required landscaping in Sec. E, Minimum Landscaping Standards; Sec. H, Screening Standards; and Sec. F, Parking Area Landscaping. Trees to be preserved shall be adequately protected from vehicles, undermining or collapse.
- E. MINIMUM LANDSCAPING STANDARDS. All undeveloped areas of each lot or tract and the adjacent right-of-way or parkway shall be landscaped with trees, shrubs, grasses, ground cover and other organic and assorted inorganic materials that create an attractive appearance in accordance with the requirements of this Section; provided,

however, smooth concrete or asphalt surfaces are not landscaping. Clustering of trees and shrubs is encouraged.

1. **Trees, Shrubs, and Grasses.** Recommended plant materials for on-site landscaping are listed in the Plant Palette below. Minimum landscaping shall include the following frequency and size of plantings:
 - a. **Trees** One tree shall be utilized per 25 linear feet (in no case closer than 25 feet apart) of required landscaped area.
 - b. **Shrubs** Four shrubs per 250 square feet (or fraction thereof) of required landscaped area shall be provided.
 - c. **Grasses, ground covers, and inorganic materials** Any combination of grasses, ground covers, and inorganic materials may be used for the balance of the required landscaping at the developer’s discretion, however, a dressing of gravel, decomposed granite or mulch shall be required to hold moisture, slow runoff, and restrain weed growth. Such dressing material shall be selected and sized to withstand potential removal by wind and stormwater flows.

2. **Plant Types/Minimum Plant Sizes.** The following minimum plant size requirements shall apply in all cases: Table E.2

PLANT TYPE/ MINIMUM PLANT SIZES	
Deciduous Trees	One to 1.5 inch caliper (measured one foot above ground)
Evergreen Trees	5 feet tall
Shrubs	5-gallon container size 18 inches tall
Woody Ground Cover	1-gallon container with 12 inch spread

3. **Landscape Plant List:**
 - a. **Public Rights-of-Way**
Plants compiled in a list by the Arizona Department of Water Resources for the Prescott AMA are required for use within any public right-of-way where potable water is utilized for irrigation.

 - b. **All Other Properties**
Plants used to satisfy landscape requirements other than public rights-of-way are not specified in the interest of property owner discretion and creativity.

However, please see the recommended plant list, or Plant Palette, in the Commentary below:

- F. **PARKING AREA LANDSCAPING.** Parking lot landscaping shall be subject to the following minimum standards:
1. **Parking Lot Perimeters.**
 - a. **Street Frontages**
 - (1) All parking lots adjacent to a street shall be landscaped with a minimum width of 10 feet on site (measured from the right-of-way edge), with plantings as specified in Sec. E, Minimum Landscaping Standards. Right-of-way edges shall be cleaned up and integrated with the street frontage landscaping. The minimum landscape strip may be reduced along part of the frontage provided an average landscaped width of 10 feet is maintained along the overall frontage.
 - (2) In addition, parking areas with street frontages longer than 200 feet shall be screened from street view to a height of 3 feet with a masonry wall, berm or dense landscaping, or a combination of 2 or more of these elements. Such walls shall utilize materials and otherwise be designed to be compatible with the architecture of the principal structure on the site. Landscaping shall be provided adjacent to the outside of such walls with plantings as specified in Sec. E, Minimum Landscaping Standards.
 - b. **Other Parking Perimeters.** Non-frontage perimeters of a parking lot shall be landscaped with a 5 foot wide landscape strip with plantings as specified in Sec. E, Minimum Landscaping Standards. This minimum landscape strip may be reduced to 3 feet when a minimum 3-foot high wall is provided in accordance with Sec. F.1.a.(2), above.
 - c. **Transfer of Required Landscaping.** The Zoning Administrator may approve the transfer of required parking area landscaping from required locations to other locations on the site, provided the purpose for this section is achieved.
 - d. **Landscape Protection.** All landscaped areas adjacent to vehicular parking and access areas shall be protected by 6-inch vertical concrete curbing, 6-inch pre-cast bumpers, or similar materials in order to control storm water flows and minimize damage by vehicular traffic. Vehicles may overhang landscaped areas up to 2-feet into landscaped areas that are at least 5-feet

wide, but may not overhang sidewalks and other pedestrian walkways. This provision applies equally to vehicle display areas.

2. Landscaped Islands. Parking lots with more than 50 spaces shall provide landscaped parking islands according to the following standards:
 - a. All landscaping parking islands shall be a minimum of 4 feet wide and contain a minimum of 40 square feet in area; provided, however, landscape islands may be aggregated into fewer and larger islands that meet overall planting and area standards.
 - b. A minimum of one tree and 2 shrubs for every 10 parking spaces shall be preserved or planted within the parking lot.
 - c. No parking space is farther than 100 feet from a landscaped area.
 - d. These requirements may be modified upon approval of the Zoning Administrator where exceptional design of the parking lot merits such modification and where the intent of the standard is met through alternate design schemes.
- G. FOUNDATION PLANTINGS. One small (under-story) tree and 4 shrubs per 50 linear feet of building wall shall be required within 4 foot minimum width planters along all building walls that are 50 feet or longer; provided, however, that this requirement shall not apply where other required landscaping adjoins the building or where such walls are not visible from surrounding streets.
- H. SCREENING STANDARDS. Where screening is required by this Code, minimum screening in accordance with the following standards shall apply in addition to other applicable requirements. Existing vegetation or natural conditions may be used to satisfy these requirements (See Sec. B, Applicability).
 1. Screening Materials. Screening may be accomplished by the use of plants, earth berms, solid walls, or trees and shrubs in combination as necessary to produce an effective screening from view off-site of the use or facility requiring screening within a reasonable time.
 2. Screening Plant List. Plants used to satisfy any required screening standards shall be limited to plants with a mature height of between 6 and 15 feet and foliage characteristics similar to those of the recommended plants for this purpose.
 3. Height of Screening Devices. The height of screening devices shall be measured from the highest finished grade adjacent to the screening device to maximize effectiveness in accordance with the maximum fence height requirements.

4. Outdoor Storage Areas. All outdoor storage areas for materials and garbage containers, heavy equipment, or other similar items shall be screened from street view by a minimum 6-foot high screening device. Such screening device shall consist of plant material and/or a wall constructed of or finished with materials compatible with the principal structure on the site. (See also Sec. H.6, Dumpster and Solid Waste Receptacles Setbacks.)
5. Mechanical Equipment.
 - a. Roof-mounted equipment shall be screened from view from the adjoining street(s) or alley(s) in a manner integrated with the roof structure and color.
 - b. Ground-mounted mechanical equipment shall be screened from off-site view by a screening device consisting of either plant material, a wall constructed of or finished with materials to match the principal structure on the site, a lattice, or other similar containment.
6. Dumpsters and Solid Waste Receptacles. Dumpsters and receptacles shall be completely screened from view of adjacent property in a more restrictive zoning district by opaque fence or wall that is at least one foot taller than the dumpster or solid waste receptacle.
7. Loading Area. Loading areas shall be screened from view off-site on 3 sides by a solid, fence, finished wall, or hedge at least 6 feet in height.

SECTION 549 LIQUID PROPANE DISPENSING - RETAIL

- A. The design and operation of the proposed facility shall meet the standards of the Office of the Arizona State Fire Marshal.
- B. The parcel or lot shall be of sufficient size to meet all parking and automobile circulation requirements set out by this Ordinance. Aboveground storage tanks shall not be permitted on lots or parcels not meeting current parking or circulation standards.
- C. Aboveground L.P. (liquid propane) storage tank(s) shall be a minimum of twenty-five feet (25') from all property lines.
- D. Crash guards shall be installed on three foot (3') centers on all sides of L.P. fuel storage tank(s) consisting of six foot (6') lengths of six inch (6") Schedule 40 steel and embedded in concrete two feet (2') deep and twelve inches (12") around.
- E. A minimum setback or separation of one hundred feet (100') shall be maintained from the tank to the nearest residentially zoned parcel or "R" residential occupancy building as specified under the Uniform Building Code.
- F. The maximum size L.P. storage tank shall not exceed two thousand (2,000) gallons (water capacity).

SECTION 552 MANUFACTURED HOUSING/MULTI-SECTIONAL MANUFACTURED HOUSING STANDARDS

- A. ZONING REQUIREMENTS. Multi-Sectional Manufactured Homes/Manufactured Homes are subject to the design / performance standards, which follow.
- B. DESIGN/PERFORMANCE STANDARDS for Multi-Sectional Manufactured Homes / Manufactured Homes:
 - 1. All manufactured homes located within the incorporated area of the Town of Dewey-Humboldt shall have an affixed "HUD" label certifying that the unit has been manufactured in accordance with the July 1, 1976 Federal Guidelines promulgated by the U.S. Department of Housing and Urban Development (HUD).
 - 2. Mobile homes, as defined in Section 301 (Definitions), are prohibited as dwelling units on individual lots.
 - 3. All multi-sectional manufactured and manufactured homes located on a parcel of land are to be serviced by an approved sewage disposal system prior to habitation.
- C. REHABILITATION - Mobile Home Rehabilitation. The placement or relocation of a "pre-HUD" mobile within the incorporated area of the Town of Dewey-Humboldt shall only be authorized subject to the rehabilitation of the mobile home in accordance with

established performance criteria. Mobile homes shall not be relocated and placed on-site prior to renovation and rehabilitation as provided for in this Ordinance. The following requirements must be certified as being met before any mobile home, which is not certified as meeting HUD standards by the Arizona Office of Manufactured Housing, can be installed in the incorporated area of the Town of Dewey-Humboldt. These requirements are from the Arizona Department of Building and Fire Safety Regulations (ADBFSR) and the most current Edition of the International RESIDENTIAL CODE AND THE International PROPERTY MAINTENANCE CODE as adopted by the Town of Dewey-Humboldt.

1. A smoke detector is installed in all rooms or hallways providing access to sleeping rooms. This detector may be battery operated or hard wired with a battery backup, and is installed according to its listing. (ADBFSR)
2. The walls and ceiling of each gas fired furnace and/or water heater compartment, including doors, are lined with a minimum five-sixteenth inch (5/16") drywall. If the door opens directly to the outside, it need not be covered with drywall if it is entirely of metal construction. Compartments which open to the outside are sealed from the interior of the mobile home. (ADBFSR)
3. Each sleeping room has egress directly to the exterior of the mobile, either through a door, or a window of a minimum of twenty-four inches (24") in clear opening height and twenty inches (20") in clear opening width and a minimum clear opening of five (5) square feet, and a sill height of no more than thirty-six inches (36"). (ADBFSR)
4. The electrical system has been tested for continuity to assure proper bonding of all metallic parts. (ADBFSR)
5. The electrical system has been tested for operation to demonstrate that all parts (switches, outlets, light fixtures, panels, etc.) are in good working order. (ADBFSR)
6. The electrical system has been given a polarity check to determine that all connections are proper. (ADBFSR)
7. The electrical system is properly protected for the required amperage load. (ADBFSR)
8. If the wiring in the mobile home is of aluminum conductors, all switches and outlets connected directly to the conductors are marked CO/ALR. (ADBFSR)
9. All exterior outlets are GFCI protected. (ADBFSR)

10. Conductors of dissimilar metals (i.e., copper and aluminum) are connected in accordance with NEC Section 110-14. (ADBFSR)
11. The gas piping system has been tested with a mercury manometer or slope gauge with appliance valves removed and piping capped at a minimum pressure of three (3) PSI for ten (10) minutes without showing loss of pressure. (ADBFSR)
12. There is at least one (1) room of at least one hundred twenty (120) square feet, and all habitable rooms are at least seventy (70) square feet in size.
13. There is at least one (1) bathroom with a water closet, lavatory and a bathtub or shower, all of which are in working order; this bathroom is separated from other rooms of the mobile by a tight fitting door.
14. There is a kitchen with a kitchen sink and cooking facilities.
15. The mobile is plumbed for hot and cold running water.
16. The floor of the area surrounding the water closet is finished, that is the floor surface is a finished material (e.g., tile, vinyl, etc.) not adversely affected by moisture.
17. The mobile is structurally protected to provide shelter for the occupant against the elements and to exclude dampness. Windows and siding are in place and in serviceable condition. Serviceable shall mean all windows are glazed and no openings boarded over. Siding shall be free of holes and shall not exhibit undue or detrimental weathering.
18. There are heating facilities capable of maintaining a temperature of seventy degrees Fahrenheit (70°F.) at a point three feet (3') above the floor in all habitable rooms.
19. Every habitable room has two (2) electrical convenience outlets and one (1) electrical light fixture.
20. The structure is safe. No conditions exist which endanger life, limb, health, property, safety, or welfare of the public or occupants.

D. CERTIFICATION:

1. It shall be the responsibility of the permittee to demonstrate to the Zoning Administrator that any mobile home for which an installation permit is requested to be placed within the incorporated area of the Town of Dewey-Humboldt is

previously permitted or pre-existing within the Town and is in compliance with the requirements set forth in this Ordinance prior to installation.

2. Upon completion and certification demonstrating the unit meets the prescribed rehabilitation requirements in this Ordinance, the Zoning Administrator will issue a Certificate of Compliance for placement of each unit.
3. Upon completion of rehabilitation modifications as specified and upon verification of same, a Certificate of Rehabilitation will be issued by the Zoning Administrator. The certificate shall verify that said mobile home was inspected on (date) by (qualified inspector named) and found to fully comply with mobile home rehabilitation standards of this Ordinance.

SECTION 555 MOBILE, MFG HOME & RV PARKS (TRAVEL TRAILER)

A. PERMITS:

1. Permits shall be required for all buildings and structures within manufactured home parks. It shall be unlawful for any person to construct, maintain or operate any manufactured home park or trailer camp within the limits of the Town of Dewey-Humboldt unless he, she, or any firm holds a valid clearance issued by the Zoning Administrator in the name of such person, persons or firm for each specific manufactured home, trailer, or structure. The fee for this clearance shall be determined by resolution of Town Council. Upon completion of the Administrative Review with Comment Period process (Section 504), issuance of Zoning Clearances and applicable permits shall be made by the Zoning Administrator and shall be contingent upon:
 - a. Compliance with all health laws and regulations of the State of Arizona and the County of Yavapai.
 - b. Compliance with this local regulation.
2. Applications for Zoning Clearance and building permits to construct or enlarge Manufactured Home Parks, RV Parks or Travel Trailer Camps shall be made in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale, showing the location of the proposed manufactured home park, RV park or trailer camp, and which shall include:
 - a. The areas and dimensions of the tract of land.

- b. The maximum number, location and size of all RV, manufactured home or trailer spaces.
 - c. The location of any existing buildings and any proposed structures.
 - d. The location and width of access driveways, roadways, parking areas, walkways, and turn-arounds.
 - e. The location of electrical, water, storm drainage, and sewer lines and the sewage disposal systems.
 - f. The location and elevation of all flood hazard areas.
 - g. A contour map showing the proposed grading of the park or camp.
3. No person shall construct or enlarge a manufactured home park, RV park or trailer camp without first obtaining favorable outcome of the Administrative Review with Comment Period process or Use Permit.
 4. Before giving site plan approval the Zoning Administrator may require a performance bond from the operator of the park to assure that the park or camp is constructed and maintained in a satisfactory manner. The Zoning Administrator may require any other improvements and facilities before approving the Manufactured Home Park, RV Park or trailer camp, in the interest of public safety, health and welfare. The Zoning Administrator may accept the proposed plan, accept the proposed plan with recommended changes, or reject the plan.
- B. MANUFACTURED HOME PARK STANDARDS: The following regulations shall apply in respect to manufactured home parks and all Recreational Vehicles, manufactured homes and travel trailers in the park:
1. Parks shall provide for individual spaces, access driveways, parking and recreation open spaces.
 2. Parks shall provide at least ten percent (10%) of the total area for recreation or other open space purposes.
 3. Parks shall be developed in accordance with Section 440 (Planned Area Development), unless otherwise specified in this Section.
 4. All utility lines, cable TV, and electric transmission lines shall be placed underground. Each space shall be provided with water, sanitary sewer, electric

lines, telephone lines and gas lines if needed in compliance with applicable County and Town Ordinances. Fire hydrants shall be installed by the developer as approved by the Zoning Administrator and the Fire District in which the park is to be located.

5. Refuse collection areas shall be central and screened from public view.
6. Minimum ratio of community use area shall be ten percent (10%) of the total area. Such land may include all land devoted to recreation and service facilities, landscaping not included within manufactured home spaces, and accessory parking areas, such land shall not include recreational vehicle storage areas, private streets, boundary landscaping areas and refuse areas.
7. Recreational vehicle storage areas, if provided, shall be at the minimum ratio of fifty (50) square feet of land for each manufactured home space and shall be surfaced with surface material. If no recreational vehicle storage is provided, recreational vehicles shall not be stored at individual spaces.

C. PARKING REQUIREMENTS:

1. A minimum of two (2) off-street parking spaces will be provided for each unit space. The parking spaces and the drive shall be dust-proofed and surfaced with crushed rock or similar material. Said parking spaces may be arranged in tandem design.
2. Guest automobile parking shall be provided at a minimum ratio of three (3) parking spaces for each five (5) unit spaces.
3. A minimum of two (2) vehicular entrances shall be provided for each park. One entrance may be kept closed to the public if provision is made for emergency access.
4. Street lighting shall be provided along the park streets for the safety of pedestrians.
5. A sidewalk shall be provided along one side of all streets and drives within the park.
6. A strip of land, twenty feet (20') in width, shall be maintained as landscaped area abutting all park property lines.

- D. CERTIFICATE OF COMPLIANCE. No Certificate of Compliance shall be issued unless and until the following requirements have been met: Unless and until thirty percent (30%) of the 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; and unless and until such portion of the park's community facilities in the category of, but not limited to, driveways, laundry facilities, bath, wash and toilet rooms as the Zoning Administrator may require, shall have been completely prepared, constructed and equipped for use in all respects.
- E. TRAVEL TRAILER CAMP STANDARDS: The following regulations shall apply in respect to all trailer camps:
1. Trailer camps shall provide for individual trailer spaces, access driveways and parking.
 2. Each trailer space shall be at least one thousand five hundred (1,500) square feet in area, and at least thirty feet (30') in width and have at a minimum a compacted gravel surface at least ten feet (10') in width and twenty feet (20') in depth.
 3. A strip of land at least twenty feet (20') in width shall be maintained as a landscaped area abutting all trailer camp property lines except when the camp boundary is adjacent to residential uses when the landscaped area shall be at least fifty feet (50') in width.
- F. NON-CONFORMING USES:
1. Existing mobile home parks may be exempted from the requirements of this Ordinance, except in the expansion of said mobile home park, whereby areas of expansion shall be in conformance with the requirements of this Ordinance. Expansion in addition to the expansion allowed under the non-conforming use provisions shall result in the full compliance of the existing mobile home park with the provisions of this Ordinance.
 2. Existing mobile home parks shall be subject to Section 102 (Purpose) for Zoning Clearance and permit issuance.

SECTION 558 NUISANCE AND HAZARDS

No use or structure shall be operated in such a manner as to be an explosion or fire hazard; nor cause to be exhausted or emitted into the atmosphere any smoke, soot, dust, radiation, odor,

noise, vibration, heat, glare or toxic fumes to such an extent as to constitute a nuisance; nor shall water carried waste or pollutants be diverted into any open water course. The dispensing or handling of fuels, paint thinner, or similar explosion or fire producing materials shall comply with Underwriters Laboratories, Inc. standards or better.

SECTION 561 OUTSIDE DISPLAY - COMMERCIAL

- A. A site plan acceptable to the Zoning Administrator shall be submitted prior to the creation or expansion of outside display.
- B. Where an area of outside display is contiguous to a parcel or parcels zoned or used for residential purposes:
 - 1. A solid screen six feet (6') or more in height shall be installed, said screening to be reduced to four feet (4') in height within the front yard area of the abutting parcels, (or elsewhere for purposes of safe sight distance for ingress/egress) and said screening to consist of one (1) or more of the following: decorative wall, decorative fence, earth landscaping, dense live plant material, or depressed (lower than surrounding grade) display area in keeping with natural terrain; or
 - 2. A setback of the display area of at least twenty feet (20') shall be maintained from the abutting parcels.
- C. Where an area of outside display abuts a street on the side or rear which is contiguous to a parcel or parcels zoned or used for residential purpose:
 - 1. There shall be a landscaped border not less than six feet (6') in width and a solid wall four feet (4') in height shall be erected between the landscaped area and display area (excepting areas for ingress and egress); or
 - 2. A setback of the display area of at least twenty feet (20') shall be maintained from the abutting street right-of-way.
- D. Where an area of outside display abuts a public right-of-way (or a private street used as if it were a public right-of-way) a setback of the display area shall be maintained meeting the following minimum conditions:
 - 1. Twenty feet (20') from the nearest edge of pavement (or useable road surface); and
 - 2. Six feet (6') from the right-of-way line.
- E. No outside display shall interfere with required parking or maneuvering room for employees and customers, nor with required loading areas, nor with fire lanes to the

building(s) nor with pedestrian ways or crosswalks, nor with safe sight distance for ingress and egress.

- F. Paving of display area shall meet minimum Town road standards.
- G. Landscaping of a six foot (6') strip around the periphery of the display area shall be maintained, except where a zero setback is permitted, such as an internal lot line adjacent to a commercial zone.
- H. Lighting of the display area shall be reduced (to the minimum necessary for security purposes) between hours of operation.
- I. No unscreened outside storage of parts, nor outside display or parking of vehicles or accessories not in operating and saleable condition shall take place on the premises (whether or not other outside display is taking place).

SECTION 564 Outside Storage

- A. The outside storage of objects and materials shall be permitted as an accessory use (i.e.: where a primary use has already been established) in residential zones plus RS, PAD, PM, RCD and OS zones, provided the following conditions are met:
 - 1. A property owner or tenant may park or store any number of personally owned vehicles outside on residential property where a primary residential use has been established, provided that all vehicles are for personal use and are complete, operable and currently licensed and are arranged in an orderly fashion. Vehicles unable to meet these conditions will be deemed disabled or inoperable. Said disabled vehicles or vehicles determined to meet the definition of a Junk Vehicle are limited to two (2) per parcel. These disabled, inoperable Junk Vehicles must be placed in the side or rear yard (but not within the required front yard setback) and screened in such a manner so as they are not visible from any public or private street right-of-way or adjacent property. Personally owned vehicles may be offered for sale on an individual person-to-person basis on a residentially zoned parcel where a primary residential use has already been established, provided that no more than two (2) vehicles may be offered for sale at any one (1) time. Unlimited areas of firewood may be stored, provided that the firewood is for on-site personal use only and is stacked no higher than six feet (6') unless against a structure.
 - 2. Unlimited areas of construction materials may be temporarily stored, provided that the construction materials are for use on-site pursuant to a current, valid

construction permit and are stacked no higher than six feet (6') and are kept at least ten feet (10') from all property lines of adjacent occupied residential properties.

3. A property owner or tenant may park or store any number of personally owned (and for personal use) travel trailers, motor homes, recreational vehicles, boats, boat trailers, utility trailers, or other similar items designed for personal non-commercial uses outside on residential property where a primary residential use has been established. No more than one (1) travel trailer, motor home or recreational vehicle, boat, trailer, etc. which is owned by a party other than the present owner or tenant of the property shall be stored. No travel trailers, motor homes or recreational vehicles on residentially zoned parcels or lots shall be used or made suitable for use for long-term occupancy without a Temporary Dwelling Permit or Use Permit. Evidence of an intention for long-term occupancy shall include at least three (3) of the following:
 - a. Being hooked up to power.
 - b. Being hooked up to water.
 - c. Being hooked up to sewer or septic facilities.
 - d. Being raised or leveled by means of jacks or blocks.
 - e. Having a mailbox.
 - f. Having any attached or adjacent structure or improvement that enhances the on-site livability and/or decreases the mobility of the vehicle.
 - g. Removal of wheels or axles or hitches on a vehicle normally fitted with wheels and axles and/or hitches.
4. Temporary use of a travel trailer, motor home or recreational vehicle as an occasional overflow guest room for non-paying or non-reimbursing relatives or guests is authorized as outlined provided such interim use does not exceed ninety (90) days of continuous duration or a total of ninety (90) days in a year or one (1) twelve (12) month period. Temporary use of recreational vehicles shall be only authorized upon satisfaction of the following performance criteria:
 - a. Subject property is occupied by a permitted primary residential structure.
 - b. The Yavapai County Environmental Unit shall be furnished with information to determine that the septic or sanitary facilities are adequate to

- accommodate additional effluent from the temporary recreational vehicle (RV) unit installation.
- c. Verification by the Zoning Administrator that the foregoing criteria have been addressed prior to authorizing occupancy of the unit.
5. All boats, trailers, motor homes, travel trailers, recreational vehicles shall be kept in reasonable repair and operable and neatly arranged.
 6. No mobile home shall be placed or kept on a lot without a current valid Zoning Clearance or a current valid construction permit or Temporary Dwelling Permit and without erection of permanent foundations and hook ups to facilities, permanent piers, blocks or foundations.
 7. Appliances (washers, dryers, refrigerators, freezers, ranges, stoves, furnaces, water heaters, air conditioners, etc.) may be stored outside, provided said appliances are in an operable condition and are hooked up for personal on-site use and are placed behind a screen wall or landscaping such that the appliances are not within the public view.
 8. Furniture may be stored outside, provided such furniture is in reasonable repair and weather resistant condition and is intended for personal on-site use and are placed behind a screen wall or landscaping such that the appliances are not within the public view.
 9. A property owner or tenant may park or store construction, mining, or farming equipment or machinery outside, provided such equipment or machinery is in operable condition and is intended for personal on-site use .
 10. No vehicular parts, components or accessories not independently operable, nor any large non-structural objects, which are in disuse, or for use other than on site shall be stored outside.
 11. Any outside storage unable to meet the above exceptions and conditions must meet one (1) of the following restrictions:
 - a. Methods of screening for outside storage may include acceptable wooden fencing, masonry walls, rock walls, landscaped berms or live vegetative screening. All outside storage shall be totally screened from view of any contiguous property or right-of-way or easement and located in the side or rear yard. All screening for outside storage shall be subject to the review and approval of the Planning and Zoning Commission or the Zoning

Administrator. Adjoining property owners will be notified by mail of the proposed location and method of screening when an alternative method of screening is presented to staff for their consideration.

- a. Outside Storage shall not exceed the heights and square footages provided for the setbacks from the nearest property line as follows:

DISTANCE	MAXIMUM ALLOWED	MAXIMUM ALLOWED
to nearest property line	Square footage	Height in feet
101 to 200 feet	200'	6'
201 to 300 feet	300'	6'
301 to 400 feet	400'	8'
401 to 500 feet	500'	8'
501 or more feet	Unlimited	8'

- 12. Manufactured homes, mobile homes, travel trailers, recreational vehicles, truck trailers, commercial trailers, boxcars, refurbished sea cargo/ocean-going or freight containers (mobile storage or similar cargo carrying devices) or any other vehicle shall not be attached to or placed on any lot and are not allowed to be stored or utilized for storage purposes in any District, with the exception of the specific allowances referenced in Sections 564 A.1 through 12 (General Provisions – Outside Storage) and Section 400 (Use Districts). These prohibited vehicles/containers may be considered for storage when there are unique circumstances subject to obtaining an approved Use Permit.
- 13. The outside storage of steel storage containers is allowed as an accessory use, solely for the storage of personal items owned by the property owner, occupant or business (in appropriate commercially designated areas in the RMM or less restrictive Use Districts provided as follows:
 - 2. A Approval Letter from the Zoning Administrator is obtained prior to placement of the unit.
 - 3. Containers shall meet the minimum yard requirements of the primary structure in the applicable Density District as well as building separation and lot coverage requirements.
 - 4. All containers shall be painted and maintained either the primary structure color or an earth tone consistent with the surrounding terrain prior to placement.
 - 5. Any electrical service to comply with applicable adopted building codes and other Town Codes.

6. No residential unit to exceed eight feet by twenty feet (8'x20').
7. Minimum residential use parcel size is two (2) acres.
8. Only one (1) unit per residential parcel.

Any unit not able to meet the foregoing performance criteria will require a Use Permit prior to permitting and installation. Temporary uses of such containers (up to two (2) years) can be administratively approved in conjunction with approved construction/remodeling projects.

- B. The outside storage of objects and materials shall be a permitted accessory use in C1 and C2 (general commercial) zones provided that:
1. All conditions of Outside Storage shall be met except that "on-site personal use" shall be construed to include those uses incidental to the permitted commercial (as well as personal) uses pertaining to the property.
 2. All conditions of Outside Storage shall apply except that one (1) travel trailer, motor home or recreational vehicle may be hooked up to power, water, sewer or septic facilities or otherwise made suitable for long term occupancy for the purposes of a caretaker/watchman's quarters only per parcel in a C1 or C2 zone without a Use Permit approval or PAD for a travel trailer/recreational vehicle park for watchman/caretaker purposes.
 3. No merchandise shall be displayed or stored outside in a C1 or C2 zone except as provided for vehicles in the C1 Use District or by Use Permit (Section 582). Merchandise displayed temporarily during business hours only under the roof of an attached porch or carport shall be considered inside display. Vending machines permanently installed against but outside of a structure shall not be considered outside display.

- C. The outside storage of objects and materials shall be a permitted accessory use in C3 (heavy commercial) zones as per Paragraphs B 1. and 2. above except that square footage limits and setbacks shall be waived. Height limitations and screening requirements shall not be waived.
- D. The outside storage of objects and materials shall be a permitted accessory use in M1 and M2 (industrial) zones, provided that screening is provided from non-industrially zoned properties within two hundred feet (200').
- E. Outside storage not complying with this Subsection is hereby deemed a public nuisance and shall not enjoy any rights to continuation, restoration, exchange of uses, or expansion as if a lawful non-conforming use, and shall be abated.

SECTION 567 PROTECTIVE SCREENING

Where a commercial, office or non-residential use abuts property in any residential zone, a masonry wall six feet (6') in height, above the average elevation of the ground level within a six foot (6') radius of the point of measurement on the fence or wall shall be erected and maintained between such uses and the residential zone. Walls in the front yard setback shall not exceed heights of four feet (4'). Alternatives that are equivalent to a six foot (6') masonry wall, including double-sided solid wood fencing, stuccoed wood frame walls, native stone or rock veneered walls or a dense live vegetative buffer, may be approved by the Planning and Zoning Commission or the Development Services Director.

SECTION 570 REAL ESTATE OFFICE STANDARDS - TEMPORARY

- A. **USE DISTRICT PROVISIONS.** Temporary real estate offices are permitted within the R1L (Single Family Limited) Use District in conjunction with an approved subdivision plat and subject to performance standards outlined under Subsection C below.
- B. **USE RESTRICTIONS.** No activities other than the representation for sale of lots and homes within the approved subdivision in which the sales office is located.
- C. **DESIGN/PERFORMANCE STANDARDS:**
 - 1. Sales facility shall be utilized for on-site sales of lots and homes within the approved subdivision only.
 - 2. Temporary sales facility shall only be administratively authorized for a period of three (3) years from approval of phase one of the project and/or issuance of the Public Report from the Arizona Department of Real Estate (ADRE). Extensions beyond the initial period shall require a Use Permit.

3. Staff approval of site plan drawn to scale prior to issuance of building permits and initiation of the use. Plan shall indicate number of on/off street parking spaces, HANDICAP PARKING, DISABLED ACCESSIBILITY, RESTROOM FACILITIES, lot surfacing, signage height/location and compliance with other applicable regulations.
4. Temporary signage to comply with current Planning and Zoning Ordinance and Subdivision Regulations.
5. At the end of the three (3) year authorization period or termination of the use, whichever comes first, all temporary signage is to be removed.

SECTION 573 SELF-SERVICE STORAGE FACILITIES STANDARDS

- A. ZONING REQUIREMENTS. Self-Service Storage Facilities are allowed in C2, C3, PM, M1 and M2 Zoning Districts.
- B. USE RESTRICTIONS. No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed within the self-storage complex. Other permitted uses may be allowed on the property subject to all applicable Zoning District Regulations. General commercial uses set out under the C2 Zoning District are permitted on residual commercially zoned acreage that is not involved in the mini-storage complex. Watchman's or manager's quarters are permitted subject to compliance with residential building code requirements. Examples of activities prohibited at Self-Storage Facilities include, but are not limited to, the following:
 1. Commercial wholesale or retail sales, or miscellaneous auctions and garage sales prohibited except for the purpose of foreclosure liquidation by a proprietor as outlined under A.R.S. §33-1701 through §33-1706.
 2. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.
 4. The establishment of a transfer and storage business.
 5. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
 6. Storing of radioactive materials, explosives and flammable or hazardous chemicals.

7. Use as a residence or for housing animals is prohibited.
8. Utilizing the Self-Storage Facility for other than dead storage (See Section 301 Definitions).

Note: All storage, rental or purchase contracts shall include the above listed restrictions.

C. DESIGN/PERFORMANCE STANDARDS:

1. Lot Requirements. Driving/loading lanes shall be a minimum of twenty-six feet (26') in width (paved driving surface) when cubicles open onto one (1) side of the lane only and a minimum of thirty-six feet (36') when cubicles open onto both sides of the lane. Driveway corners shall have a minimum thirty foot (30') radius. Dead-end driveways shall in no instance exceed in length the requirements of the Fire Code and in instances that dead-end driveways exceed one hundred fifty feet (150') in length, same shall be reviewed and approved in writing by the local Fire Marshall and in the absence of a Fire District, the Chief Building Official to verify compliance with the Uniform Fire Code.
 - a. Lot size to be a minimum of one-half (1/2) acre.
 - b. Lot coverage to be a maximum of fifty percent (50%).
2. Setbacks:
 - a. All facets of the development structures shall be set back a minimum of twenty feet (20') from the required fence for fire access purposes.
 - b. A ten foot (10') separation must be maintained between all buildings.
3. Fire Suppression. Facility shall conform to the International Fire Code requirements relating to type of construction, accessibility, building separations, water storage and fire flows, etc. A Zoning Approval Letter drafted by the Zoning Administrator shall be included with a written statement from the affected local Fire District Fire Marshall .
4. Access. An emergency ingress/egress shall be provided in addition to at least one (1) main ingress/egress for customer use.
5. Building Height Restrictions:
 - a. Maximum height for one (1) story not to exceed fourteen feet (14') at the eaves.
 - b. Maximum height for two (2) story not to exceed thirty feet (30').
6. Signage restrictions shall be as specified in Section 601(Sign Code).

7. Perimeter fencing shall conform to the general provisions for Protective Screening (Section 567).
8. Parking: One (1) parking space per employee plus one (1) space per fifty (50) storage units will be required.

SECTION 579 SWIMMING POOL SAFETY

A. GENERAL:

1. Every swimming pool shall be completely enclosed by a permanent fence, wall or barrier intended to restrict access to the swimming pool from public property, adjacent private property, and directly from all dwelling units or guestrooms located on the same premises as the swimming pool. For purposes of this Section, the term "swimming pool" shall mean any structure intended for swimming, diving, or recreational bathing which contains water eighteen inches (18") or more in depth at any point, including temporary, portable, or permanent swimming pools, hot tubs, or spas, whether located indoors, outdoors, in ground, on grade or above grade.
2. Exceptions include: (1) In lieu of the barrier requirements listed, a spa, hot tub or other contained body of water which is more than eighteen inches (18") in depth and less than eight feet (8') at its widest point may be equipped with a safety cover which complies with ASTM F-1346. (2) Aboveground swimming pools which have non-climbable sides not less than forty-eight inches (48") high above adjacent ground level may be located on a single-family residential property without requiring a fence or barrier between the pool and the dwelling while still requiring the pool to be fenced/enclosed from other properties, provided any steps or ladders are either removable without the use of tools, or are designed to be secured in an inaccessible position with a lock or latch located not less than fifty-four inches (54") above adjacent ground level. Prior approval of the Chief Building Official shall be required for this exception to be applicable.
3. The swimming pool enclosure and barrier detail requirements of this Section shall apply to all new swimming pools installed on or after the adoption hereof, and to all alterations, repairs, or replacements made to existing swimming pool enclosures.
4. It is the responsibility of the property owner and any other responsible person in charge of a swimming pool to ensure that the required swimming pool enclosure, including all gates, doors, locks, latches and other portions of the barrier, are maintained in safe and in good working order at all times. No person shall alter or

remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with the provisions of this Section.

- B. BARRIER DETAILS. Swimming pool barriers shall be of a permanent fence, a wall, a building wall, or a combination thereof which completely surrounds the swimming pool. The pool side of the barrier shall not be less than twenty inches (20") from the water's edge. The top of the barrier, including all gates and doors therein, shall not be less than five feet (5') above the floor or underlying ground, measured on the exterior side of the enclosure.
1. Exception: Due to changes in pool technology, the twenty inch (20") requirement may be waived by the Chief Building Official in those circumstances where this waiver will not affect the intent of the Ordinance (Pool Safety). There shall be no openings, holes or gaps in a swimming pool barrier large enough for a sphere four inches (4") in diameter to pass through. A barrier fence or wall shall not be climbable; that is, have no handholds or footholds accessible from the exterior side of the enclosure. Wire mesh or chain link fences shall have a maximum mesh size of one and three-fourths inches (1¾") measured horizontally.
 2. Gates: All gates in a swimming pool enclosure shall be equipped to accommodate a locking device. All pedestrian access gates shall be self-closing and self-locking and open outward, away from the pool. Gates other than pedestrian access gates need not be self-closing or self-locking when they are kept secure by a padlock or similar locking device. Gate locks shall be located not less than fifty-four inches (54") above the underlying ground. Exception: The Chief Building Official may approve the use of a self-latching device if it is demonstrated that comparable safety may be achieved with this substitution and approval is secured in advance.
 3. Doors: All doors leaving from a dwelling unit or guestroom directly into a swimming pool enclosure shall be self-closing and self-locking. Sliding doors shall not form part of a required barrier unless the self-closing and self-locking mechanism is specifically approved by the Chief Building Official for this purpose prior to construction.
 4. Windows: Emergency escape or rescue windows from sleeping rooms which face within a swimming pool enclosure shall be equipped with a latching device located fifty-four inches (54") above the floor. All other operable dwelling unit or guestroom windows facing within a swimming pool enclosure shall be equipped with screwed in-place wire mesh screen, a keyed lock that prevents opening the

window more than four inches (4"), or a latching device located not less than fifty-four inches (54") above the floor.

- C. This Section does not apply to:
1. A system of sumps, irrigation canals, irrigation, flood control or drainage work constructed or operated for the purpose of storing, delivering, distributing, or conveying water.
 2. Stock ponds, storage tanks, livestock operations, livestock watering troughs, or other structures used in normal agricultural purposes.
 3. Pools which are regulated by the Arizona Department of Environmental Quality.
 4. Ornamental water fixtures not intended for swimming, recreational bathing or other water related activities.
 5. A contained body of water or barrier constructed prior to the effective date of this Section.
- D. The site of the contained body of water subject to this Section shall be located in accordance with Yards & Courts (Section 588). The location of accessory equipment shall be in accordance with the requirements of the latest adopted edition of the International Mechanical Code.
- E. These enclosure requirements shall be in place and approved prior to admitting water into the swimming pool, hot tub, spa or other regulated water container.
- F. This ordinance adopted after the effective date of A.R.S. §36-1681 is certified as being equal to or more stringent than the provisions thereof.
- G. Exemption from other requirements of the Zoning Ordinance or adopted building codes shall not eliminate requirements for pool fencing as required by this Section.
- H. Enclosure requirements and performance criteria shall be interpreted and ruled by the Chief Building Official. He may approve alternate designs if investigation of the alternative finds that the proposed design is satisfactory and provides the same or a higher level of safety. The Chief Building Official's decisions may be appealed to the Building Safety Advisory and Appeals Board.

SECTION 582 USE PERMITS

- A. USE PERMITS (UP) are provided for instances where a use or uses normally prohibited by a Use District should be allowed due to the unique characteristics of the property and of the surrounding area, but a rezoning to a less restrictive Use District is not appropriate. The UP is combined with the allowed uses in the applicable Zoning District.
- B. USES PERMITTED:
1. All uses allowed in the Use District with which the UP is combined.
 2. Any use permitted under the specific terms of the UP.
- C. SPECIAL PROVISIONS:
1. Use Permits are applied for in the same manner as zoning district changes. A Temporary UP may be reviewed and extended by the Town Council upon its expiration without posting or publication, provided no material condition of the UP is altered.
 2. Use Permits are granted at the discretion of the Town Council and refusal is not the denial of a right. The applicant must demonstrate to the satisfaction of the Town Council that any structure or use requested will not be detrimental to persons or property in the vicinity and that it is in the best interests of the public health, safety and welfare. The applicant must demonstrate the ability to comply with any specific conditions imposed.
 3. Use Permits may contain specific limitations on the scope, nature and duration of the use, and may be granted for the specific benefit of the applicant only (non-transferable), as deemed proper to secure the objectives of this Ordinance. Use Permits may be temporary or permanent. Any Temporary UP does not grant a vested right beyond the term of the permit. Where an application involves a definite development scheme the applicant must submit a layout and landscape plan, building elevations and other pertinent data as may be requested.
 4. Permittees must obtain building permits within one (1) year from the permit date and diligently pursue completion. Failure of such shall void the UP unless a longer time has been granted or an Extension of Time has been applied for with the Zoning Administrator prior to the expiration of the one (1) year period. The Zoning Administrator may administratively grant up to a one (1) year extension of time. Any further requests for Extensions of Time must be applied for and approved by both the Planning and Zoning Commission and Town Council prior to the expiration of the Administrative Extension of Time.

5. Violation of the terms of the UP or this Ordinance voids the UP.
6. If the use or uses for which a UP has been granted are discontinued for a continuous period of six (6) months, the UP shall be voided.
7. Decisions by the Zoning Administrator which result in the voiding of a UP may be appealed to the Town Council subject to an application for appeal being on file in the Zoning Administrator within thirty (30) days of notification of the UP being voided.
8. Within thirty (30) days permittees shall notify the Zoning Administrator of any change of address of the permittee, any change of use of the permitted property, and/or any change of ownership or operator of the permitted use. If the UP was granted on a nontransferable basis, the new owner/operator of the use shall apply for a transfer of the UP within thirty (30) days of the effective date of the change.

SECTION 585 VEHICLE AND PORTABLE MACHINERY REPAIR

The following activities are NOT allowed in the C3 Commercial Zoning District:

- A. Any fabrication by means of welding, cutting, heating, bending, molding, forging, grinding, milling or machining. (Such operations are permissible as an adjunct to repair only, not for manufacturing a product.)
- B. Frame work or major body or fender work.
- C. Any work on vehicles outside permitted structures or enclosures, unless on the service apron of a gasoline service station.
- D. Any unscreened outside storage of parts, materials, or disabled vehicles.
- E. Any draining or dumping of oil, fuel, grease, cleaning fluids or hazardous materials on the pavement, gravel, ground, drainage system or in any other unauthorized place or method.
- F. Any hours of operation between 10:00 P.M. and 6:00 A.M. within two hundred feet (200') of any parcel zoned or used for residential purposes;
- G. Any use or structure failing to comply with applicable local and State fire safety standards.

SECTION 588 YARDS AND COURTS

A YARD or COURT (see Section 301 Definitions) shall be unobstructed from the ground up by structures (other than fences, free standing walls, signs and certain subsequently permitted deviations and projections). Where reference is to a "required setback" for a structure same shall designate the minimum yard therefore. No lot shall be reduced in such a manner to reduce any yard or open space below the minimum required therefore. No yard or open space required for a structure on one (1) lot shall serve the same purpose for a structure on another lot. Through lots fronting on two (2) streets shall be considered (for required setback purposes) as having two (2) front yards. No device, such as doors and windows, may be so installed as to protrude beyond a lot boundary in the operation thereof.

A. Yard deviations, where not in conflict with future width line:

1. Front Yard Deviations:

- a. Where all or some of the existing buildings in the same block with a proposed building, and lying within one hundred feet (100') therefrom, vary from the minimum front yard requirements, then the average front yard depth for such existing buildings shall determine the required minimum yard depth for such proposed building (unless waived in writing by owners of such other buildings). In no case may such yard depth be less than the minimum required for the District, nor need such yard depth be required to exceed by fifty percent (50%) of the required minimum.
- b. On lots rising in elevation from front to center and exceeding twenty-six percent (26%) grade thereon, the front yard may be reduced not to exceed fifty percent (50%) of the required minimum.

2. Side Yard Deviations:

- a. On any interior Residential Zoned lot lacking rear access (other than from the front street) and where a garage or carport is not attached to the principal building, then one (1) side yard must measure no less than nine feet (9') to provide access to rear parking.
- b. On a corner lot backing to a Key lot no structure exceeding a four foot (4') height may be located adjacent to the side street within a triangular area formed by a line connecting the street intersection with the required front setback line of the Key lot.

- c. When a lot sides on an alley, such required side yard adjacent thereto may be reduced not to exceed fifty percent (50%) provided such reduced setback, plus half the alley width, is not less than the yard width required for the District.
 - d. On legal sub-standard width lots an interior side yard may be reduced by half the lot width shortage, provided such reduction does not exceed twenty-five percent (25%) of the required yard width.
 - 3. Rear Yard Deviations:
 - a. On lots of less than two hundred eighty feet (280') depth the required rear yard shall be increased by the width of a potential half alley.
 - b. On lots exceeding a two hundred eighty feet (280') depth the required rear yard shall be increased by the width of a potential half street.
- B. Encroachment into yards, where not in conflict with future width lines: No structure (other than fences, free standing walls or signs) shall be located so as to encroach upon or reduce any open space, yard, setback requirement, lot area or parking area as is designated under these Provisions or under the Provisions of the District in which located, except that:
 - 1. All Yards Encroachments:
 - a. Cornices, eaves, coolers, decks and open balconies, fire escapes, stairways or fire towers may project no more than five feet (5') into any required yard or court, but no closer than two feet (2') from any lot boundary.
 - b. Sills, leaders, belt course (and similar ornamental features) and chimneys may project two feet (2') into any required yard or court.
 - 2. Front Yard Encroachments:
 - a. A bay window, oriel, entrance or vestibule not exceeding a ten foot (10') width may project three feet (3') into any required front yard.
 - b. An attached open porch, deck or open balcony, or a carport may project no more than six feet (6') into any front yard.
 - 3. Rear Yard Encroachments:
 - a. A bay window, oriel, entrance or vestibule not exceeding a ten foot (10') width may project three feet (3') into any required rear yard.

- b. An attached open porch, deck or open balcony, or a carport may project no more than ten feet (10') into any required rear yard, but no closer than ten feet (10') from any common lot boundary.
- c. A detached accessory structure may be placed in a required rear yard provided same does not:
 - (1) Encroach upon the end quarter of a through lot.
 - (2) Be nearer the side lot line of the front half of any adjacent lot than the required side yard of such lot.
 - (3) Be nearer any property line than is allowed for a principal building for any portion of an accessory building to be used for dwelling or sleeping purposes. None of the foregoing provisions for detached accessory buildings shall limit such building from location farther than seventy-five feet (75') from any lot boundary.
- C. Setbacks from streets and alleys (yard depth) are measured from the right-of-way or easement (or what would be such where only a partial right-of-way exists).
- D. Swimming pool setbacks from any lot boundary shall be no less than five feet (5') on Residential Zoned lots and no less than twenty-five feet (25') for any commercial (semi-public or public) pool.
- E. Courts from which rooms depend for natural ventilation of light must be open to the sky and maintain a minimum dimension of five feet (5'), plus one (1) additional foot width for each story above the first.
- F. Additional Setback requirements in Commercial zones:
 - 1. Any Residential District uses in a commercial zone shall maintain the same yards required by the Density District, except that where dwelling units, or guest units, occupy an upper floor (the ground floor of which is used for business) such upper floor may maintain the same yards as are permitted for the ground floor.
 - 2. A front yard of not less than twenty feet (20') shall be required where the proposed commercial building is on a lot contiguous to a Residential Zoned lot fronting on the same street (unless waived in writing by the owner of such Residential Zoned lot).
 - 3. Where the side lot line of a commercial lot is common to the side lot line of a Residential Zoned lot, the side yard shall be no less than seven feet (7').

4. Where the rear lot line of a commercial lot is contiguous to a Residential Zoned lot, the rear yard shall be no less than fifteen feet (15').

CHAPTER 6 FOCUSED DEVELOPMENT REGULATIONS

SECTION 601 SIGN CODE

The following Section shall be known and cited as the Town of Dewey-Humboldt Sign Code.

The uses, locations, types, heights, sizes and illumination of signs (for illumination see also Section 603 Light Pollution Control) are regulated in order to protect the attractiveness of the Town, to enhance tourism, to promote commerce, to preserve property values, to insulate residential areas from the undue impact of signs, to foster the effectiveness of business signage, to promote traffic and pedestrian safety, and to protect the general welfare.

A. DEFINITIONS:

Awning: A shelter or cover projecting from and supported by an exterior wall of a building.

Canopy: Same as awning.

Commercial and/or Industrial Center: A group of two (2) or more businesses associated by a common agreement or common ownership with common parking facilities.

Construction (Beginning): The placement or attachment of sign-related materials (e.g. posts, poles, brackets, standards, bolts, screws, lumber, concrete, block, footings, paint) on the ground or on an existing building or other structure.

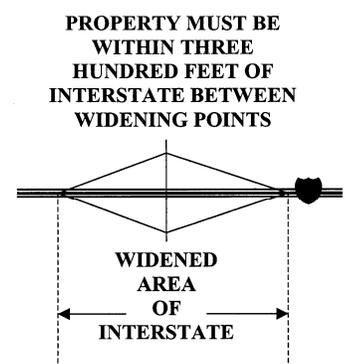
Frontage: The length of the property line of any one (1) premise along a public right-of-way on which it borders.

Grade: Average elevation of the ground within a radius of twenty feet (20') from the center point of the sign.

Interstate Freeway Interchange:

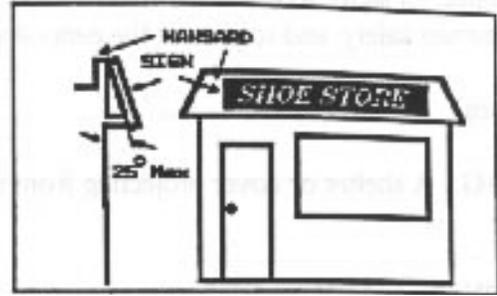
Where ingress or egress is obtained to a federal interstate highway; specifically delineated as lying within three-hundred feet (300') of the federal right-of-way and between the two (2) points of widening of the interstate highway right-of-way approaching the interchange. (See Example)

Lighting, Internal-Reverse Print: An internally lighted sign in which the visible lighted area constitutes less than fifty percent (50%) of the total sign area, with lighted or visible letters against a dark background.



Mansard:

A roof with two (2) angles of slope, the lower portion of which is steeper and is architecturally comparable to a building wall. Also a facade with a slope approaching the vertical which imitates a roof. (See accompanying diagram)

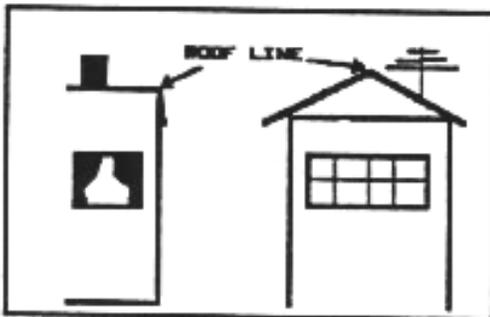


Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building, to be considered a canopy for sign allowances.

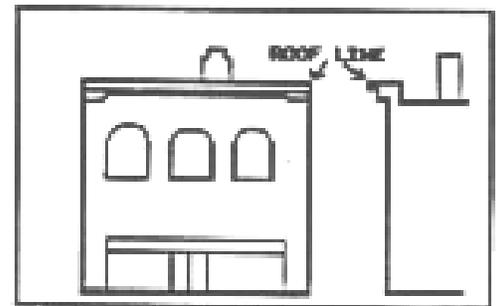
Parapet: The extension of a false front or wall above a roof line.

Reconstruction, Substantial: Improvement or repair valued in excess of fifty percent (50%) of the current value of a sign. Reconstruction does not include merely repainting or changing the copy on the sign if the use and size remain the same.

Roof Line: The highest point of a structure including parapets, but not to include spires, chimneys or heating or cooling mechanical devices. (See accompanying diagrams)



Sign: Any identification, description, illustration, symbol, or device which is affixed directly or indirectly upon a building, vehicle, structure, or land and which conveys information identifying or directing attention to or advertising a product, place, activity, person, institution, or business.



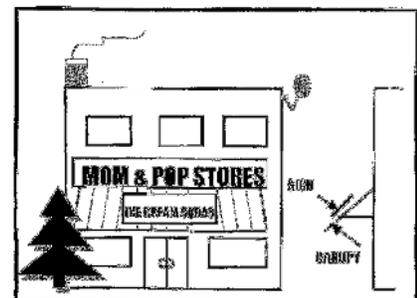
Sign, Abandoned: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

Sign, Canopy:

Any sign erected directly upon or suspended from a canopy (awning). (See accompanying diagram)

Sign, Directional:

Any sign which is designed solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is



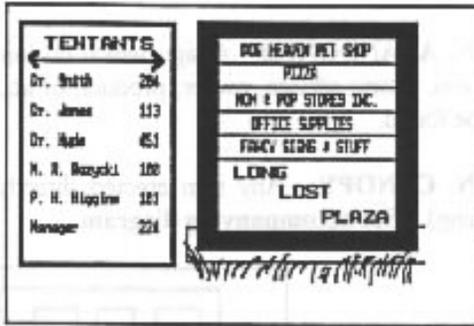
directed, and which contains no advertising copy. (See accompanying diagram)

Sign, Directory:

Any sign listing the names, use, or location of the businesses or activities conducted within a building or group of buildings. (See accompanying diagram)

Sign, Free-Standing:

A sign which is erected on its own self-supporting permanent structure, detached from any significant (i.e. weight-bearing) supporting elements of a building (lateral stabilizing support is not considered attachment to the building). (See accompanying diagram)



Sign, Height: The distance measured from grade at the base of a sign to the topmost portion of a sign, including decorative embellishments.

Sign, Identification: Any sign identifying by name, message, or symbol, a business, residence, occupant activity, institution, establishment, operation, merchandise, product, or service available at the property on which the sign is displayed.

Sign, Illuminated: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Sign, Non-Conforming: Any sign which is not allowed under this Code but which when first constructed was lawful.

Sign, Number of Faces On: (See accompanying diagram)

1. Single-Faced: If a sign has copy on one (1) side only or if the interior angle between the two (2) sign faces or sides is greater than forty-five degrees (45°), it shall be considered one (1) face; the area will be considered to be the sum of the areas of both sides.
2. Double-Faced: If the angle between the two (2) sign faces is less than forty-five degrees (45°), the sign shall be considered double-faced, the sign area will be the area of one (1) face only.

If two (2) sign faces are attached to a structure with a thickness exceeding thirty-six inches (36") or the two (2) faces



are separated by a distance exceeding thirty-six inches (36"), then the sign area will be the area of both faces.

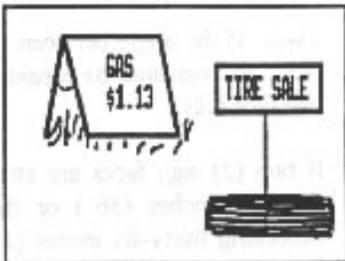
3. Multi-Faced: Any sign containing more than two (2) sides. The area shall be the area of the largest side plus the area of any other side whose interior angle with any other side exceeds forty-five degrees (45°).

Sign, Off-Premise (Billboard, Outdoor Advertising): A sign advertising a business, place, activity, goods, services, or products on a different property from where said sign is located.

Sign, On-Premise: A sign advertising a business, place, activity, goods or services or products on the same property on which the sign is located.

Sign, Political: A temporary sign used in connection with a local, state, or national election or referendum.

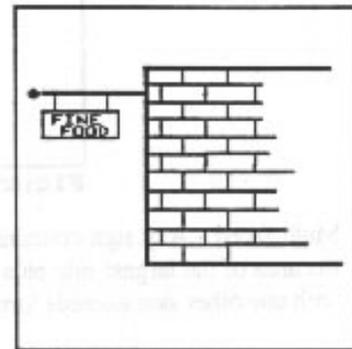
Sign, Portable:



Any sign not permanently affixed to the ground or a structure on the site it occupies. (See accompanying diagram)

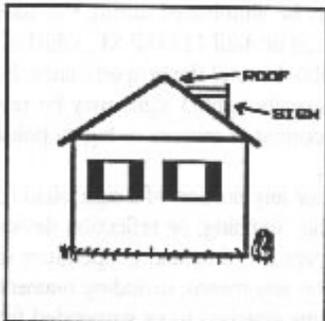
Sign, Projecting:

Any sign attached to a building or other structure and extending in whole or in part more than twelve inches (12") beyond the building. Shall be considered "free-standing" signs with reference to square footage allowances. (See accompanying diagram)



Sign, Roof:

Any sign erected upon the roof of any building or which is partially or totally supported by the roof or roof structure of the building. (See accompanying diagram)



Sign, Under-Canopy: A sign suspended beneath a canopy, ceiling, roof, or marquee shall be considered a "free-standing" sign with reference to square footage allowances.

Sign, Wall-Mounted:

A sign mounted or painted flat against, projecting less than twelve inches (12") or painted on the wall of a building



with the exposed face of the sign in a plane parallel to the face of said wall. (See accompanying diagram)

B. GENERAL PROVISIONS: Except as may be further restricted in specific zones, all permitted signs shall be subject to the following:

1. A sign may be illuminated as allowed for under Section 603 (Light Pollution Control).
2. No sign, nor any portion of a sign, shall rotate, move, or simulate movement by means of fluttering, spinning, or reflection devices, nor shall it contain an electronic message device except for time and temperature signs, nor shall it flash, blink, be audible, or be animated by any means, including banners, pennants, or devices affected by movement of air. Signs attached to or suspended from hot air or helium balloons are prohibited. An exception to this paragraph shall be permitted for a period of seven (7) consecutive days for the Grand Opening of a permitted business upon the bona fide occurrence and at the location of one of the following:
 - a. An "arms length" change of ownership.
 - b. Opening of a new location.
 - c. An expansion of floor area of at least twenty- five percent (25%).

Such exceptions shall first obtain a Temporary Sign Permit, with a minimum sign permit fee. An exception for a Grand Opening shall be permitted no more than once in any twelve (12) month period at any one location.

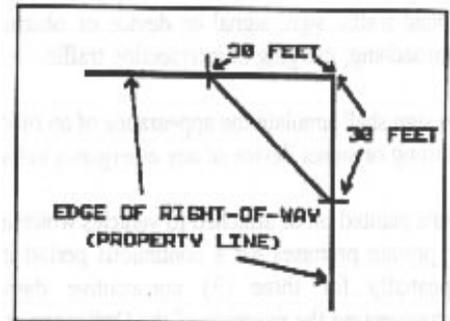
3. Lighted beacons, searchlights, or other lights or lighted devices, which attract attention to a property, are prohibited.
4. No sign may encroach upon or overhang adjacent property or public right-of-way. No sign shall be attached to any utility pole, light standard, bridge, or any other public facility located within the public right-of-way. Signs may be located in or project into required yards, but no sign nor any support for a sign shall be located in, or project into any private street, alley, easement, driveway, parking area or pedestrian way in such a manner as to obstruct the intended use or to constitute a safety hazard.
5. Canopy (awning) signs shall not project above the canopy. Signs may be attached flat against canopies made of rigid materials; canopies of non-rigid materials (e.g. canvas) shall only have signs painted on them. Signs attached to a building shall

not project above the eave line or parapet. Signs mounted on the lower portion of a mansard roof with a slope exceeding seventy-four degrees (74°) from the horizontal are permitted provided they do not project above the top of the lower roof.

6. In no case shall any sign exceed thirty feet (30') in height.
7. The square footage of a sign made up of letters, words, or symbols within a frame or border shall be determined from the outside edge of the frame or border itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.
8. No sign shall be painted on or affixed to any natural object in its natural location such as a boulder, tree or cliff face.
9. Signs may be painted directly onto structural surfaces (walls or buildings) but not onto any roof.
10. No sign shall be located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersection traffic.
11. No sign shall simulate the appearance of an official traffic sign, signal or device, nor the warning or signal device of any emergency vehicle.
12. Signs painted on or attached to vehicles which are parked on the public right-of-way or on private premises for a continuous period in excess of seventy-two (72) hours or repeatedly for three (3) consecutive days, for the purpose of intentionally circumventing the intention of the Ordinance, shall be considered portable signs within the meaning of this Ordinance.
13. In no case shall any sign project above the roofline of the building upon which it is mounted. Roof mounted signs are permitted, if otherwise in compliance, and shall be considered to be a variety of wall-mounted sign.
14. No person shall exhibit, post or display upon any sign or wall any statement, symbol or picture of an obscene nature.

15. New signs exceeding six (6) square feet in area or exceeding eight feet (8') in height shall follow the permitting requirements specified in Subsection M (Sign Permits). Relocation or substantial reconstruction, i.e., costing more than fifty percent (50%) of the present value of a sign, shall be considered a new sign for building permit purposes.
16. Signs that identify or advertise uses on other than the property on which they are located shall be permitted only in heavy commercial and industrial districts. See Subsection E (Off-Premise Signs)
17. Signs that are not permitted in a residential zone shall not be placed closer than twenty feet (20') to any Residentially Zoned lot.

18. All signs shall be stable. Portable signs are permitted where indicated for Zoning Districts provided they are planted securely into the ground, weighted, or otherwise anchored to resist rolling, blowing, tipping over or otherwise moving from a safe location.



19. Signs located within the triangular area on a corner lot formed by measuring thirty feet (30') along both street lines from their intersection or at the intersection of a public street and a private street or driveway, shall maintain a maximum three foot (3') top height or minimum eight foot (8') bottom height and contain a maximum of two (2) supports with a maximum twelve inch (12") diameter each. (See accompanying diagram)
20. Signs deemed dangerous, abandoned, or in substantial violation of this Sign Code by the Land Use Specialist, shall require correction within thirty (30) days of official notification, or be subject to removal by the Town.
21. All freestanding signs will comply with Section 540 (General District Provisions – Height Limits) (i.e., one foot (1') setback for each foot in height shall be required).

C. EXEMPT SIGNS: The following signs shall be exempt from obtaining permits and other provisions of this Ordinance provided they satisfy the following requirements or specifications:

1. Official notices authorized by a court, public body, or public safety official.

2. Directional, warning or information signs authorized by or consistent with Federal, State, County, or Municipal Authority.
3. Memorial plaques and building cornerstones when cut or carved into masonry surface or when made of incombustible material and made an integral part of the building or structure.
4. Commemorative symbols, plaques and historical tablets.
5. Political signs:
 - a. Shall be permitted on private property only and shall not be affixed to any utility pole, traffic control device, or safety barrier; and
 - b. Shall be erected no sooner than sixty (60) calendar days prior to the last day for casting ballots, and
 - c. Shall be removed within ten (10) calendar days following the last day for casting ballots of the election to which they refer; and
 - d. Total sign area permitted within a Residential Zone for any individual sign shall not exceed ten (10) square feet in area; and
 - e. Total sign area permitted within a commercial or industrial zone for any individual sign shall not exceed thirty-two (32) square feet in area.
 - f. Shall not require a sign permit.
 - g. Such signs which are deemed to be unsafe, defective, or which create an immediate hazard to person or property or are not in compliance with the provisions of this section shall be declared to be a public nuisance and shall be subject to immediate removal by the city.
6. Flags, emblems, insignias and posters of any nation, state, international organization, political subdivision or other governmental agency; unlighted non-verbal religious symbols attached to a place of religious worship; and temporary displays for a maximum of twenty (20) days of a patriotic, religious, charitable, or civic character shall be exempt from the provisions of this section. However, if the height exceeds thirty feet (30'), such signs shall be subject to the approval of the Zoning Administrator. The preceding shall not be construed as to permit the use of such flags, insignias, etc. for the purpose of advertising or identifying a product or business.

7. Signs located within structures, including inside window signs intended to be seen from outside of the building.

D. SPECIAL PURPOSE SIGNS:

1. Directional or Information Signs:

- a. Permanent on-premise directional signs are permitted in all Districts, (and are in addition to the aggregate area limits specified in each Zoning District) subject to the following:

- (1) This sign shall contain no advertising copy.
- (2) This sign shall not exceed four (4) square feet in area per face.
- (3) This sign may be double-faced.
- (4) This sign may be placed flat against a wall of a building or such sign may be free standing, but shall be no higher than eight feet (8') above grade.
- (5) This sign may be used to designate entrances or exits to or from a parking area, but the number shall be limited to one (1) for each such entrance or exit.
- (6) Off-premise permanent directional or information signs for public service or safety facilities (such as hospitals and clinics) may be permitted through the Use Permit process as provided in Section 582. Such signs may be specifically approved up to twenty-four (24) square feet.
- (7) The total number of directional signs is not limited, provided such signs are not located within required setback yards.
- (8) Directional subdivision signs are permitted in any zone, and are subject to that zone's square footage limitations. Unlighted signs advertising subdivisions containing only the name of the subdivision, the name of the developer and/or agent, an identification emblem and directional message shall be permitted, provided:
 - (a) There shall be no more than one (1) such sign for each subdivision vehicular entrance, not to exceed a total of three (3); and

- (b) Directional subdivision signs may only be displayed during the two (2) years following the date of recordation of the final plat map.
 - b. Permanent off-premise directional signs are permitted for certain tourist and recreation related businesses, which by their nature must be located away from arterial highways, such as destination campgrounds and resorts. Such signs shall be:
 - (1) Located at the arterial highway and/or intersections of access roads heading directly to the business.
 - (2) Limited to six (6) square feet of panel area, not to exceed eight feet (8') in height above grade, unlighted.
 - (3) Limited in content to a generic description (one or two words) of the facility (such as "camping"), an arrow or words giving directions (such as "next right"), and a symbol or logo identifying the chain or name of the business.
 - (4) Mounted on the same standard where more than one (1) such sign is erected at any one (1) intersection and collocation elsewhere whenever possible.
 - (5) Required to obtain an off-premise sign permit (even though under the minimum size otherwise requiring a permit).
 - (6) Limited to three (3) such signs providing direction to any one (1) parcel.
 - (7) Shall be required to obtain a Use Permit (Section 582) for each sign.
- 2. Temporary Real Estate, Construction and Subdivision Signs:
 - a. Temporary, including portable, "For Sale" or rental signs are permitted in any zone. One (1) on-site unlighted sign not exceeding six (6) square feet on each street frontage adjoining a site, plus one (1) "Open House" sign not exceeding six (6) square feet are allowed. Open house signs shall not be located in landscaped parkways, street medians, or bike trails. When affixed to a parcel of two (2) acres or larger, which lies contiguous to a major arterial highway with a right-of-way width of at least one hundred fifty feet (150') at the location of the sign, a sign shall be permitted not to exceed twelve (12) square feet in area. Free-standing signs shall not exceed six feet (6') in height. All sale and rental signs shall be removed within thirty (30) days from

date of sale or rental, or after removal of the property from the active market.

- b. Construction Signs are permitted, subject to the square footage limitations of the respective Zoning District, and in no case to exceed a total of forty (40) square feet in area for the project. On the site of a project actively under construction, unlighted signs to identify each contractor, architect or engineer, etc., engaged in a project are permitted. Free-standing signs shall not exceed eight feet (8') in height. Such signs shall be removed within thirty (30) days after the completion of the project or any cessation of construction activity for a continuous period of six (6) months.
 - c. On-site signs for subdivisions (including condominium projects) advertising only the subdivision and the sale of lots or units from a recorded plat, shall be permitted provided there shall be no more than one hundred (100) square feet of total sign area for each subdivision and a total of five (5) signs. They shall not extend into any required yard nor shall any sign exceed twelve feet (12') in height. Such on-site signs shall be permitted until the sales office is abandoned in the subdivision or for a maximum of two (2) years, whichever occurs first, and provided that such signs are maintained in good condition. Extensions beyond the two (2) year limitation may be granted in the form of a Use Permit (Section 582) for one (1) year increments.
 - d. For the purpose of administering this Section, apartment or group housing complexes of thirty (30) units or more shall be considered within the definition and regulations of a subdivision in Subsection D.2.c. above. Apartment complexes may display directional signs for a period of one (1) year following construction completion, subject to the additional regulations for Temporary Sign Permits.
 - e. Office buildings or complexes, shopping centers and industrial parks may display leasing and rental signs for a period of one (1) year following construction completion. These signs shall be limited to one (1) free-standing sign and two (2) building-mounted signs not to exceed a combined total of one hundred (100) square feet in area. Free-standing signs shall not exceed eight feet (8') in height. After this one (1) year period, standard regulations above shall apply.
3. Self-Service Storage Facility Signs:

Signage shall be limited to one (1) sign for each property line abutting or adjoining a street right-of-way. Signs identifying the nature of the residential

storage facility shall not exceed fifteen feet (15') feet in height or forty (40) square feet in area. No additional advertising signs will be permitted within the Self-Storage Complex.

- E. OFF-PREMISE SIGNS: Off-premise signs may be permitted subject to the following conditions, and restrictions:
1. Off-Premise signs other than directional signs described in Subsection D.l.b. above shall be permitted only in the C3, M1, and M2 Zoning Districts.
 2. No new, relocated, or reconstructed off-premise sign shall be permitted within two hundred feet (200') of a residential zone.
 3. No new, relocated, or reconstructed off-premise sign shall be permitted within one thousand five hundred feet (1,500') of an existing off-premise sign.
 4. Off-premise signs shall be constructed on no more than three (3) supports.
 5. Off-premise signs shall be located at least one thousand feet (1,000') from the property to which it refers or advertises.
 6. In addition to the general provisions of this Sign Code, all off-premise signs shall conform to the following development standards:
 - a. Maximum height: twenty feet (20').
 - b. Maximum area: one hundred sixty (160) square feet.
 - c. Shall not be located closer to a street than any existing building within one hundred feet (100') thereof, but in no case closer to the street right-of-way than twenty feet (20').
 - d. Lighting shall be either internal or by indirect source (shielded and either directed downward with reference to the horizontal plane of the ground surface or fitted with an approved glare reduction device to prevent the upward escape of light).
 7. Off-Premise signs consisting of banners or other temporary means of advertising annual special community events, festivals, and similar public gatherings of a "not-for-profit nature" shall be permitted in C2, C3, M1, and M2 Zoning Districts. Such signs shall obtain Temporary Sign Permits, on a no-fee basis, prior to their erection. Permits for such signs shall be for a specific period, after which such signs shall be removed. Such signs shall otherwise comply with the general provisions, and the provisions of the Zoning District in which they are to be placed, except that with proper authorization, such signs may be placed within or across the right-of-way of a public street or road. The number of such signs shall be limited to

one (1) per entrance to the community by a County or state arterial highway.

8. If any off-premise sign contains copy advertising a use, business or product no longer in existence or available; or is left blank or damaged so as to be largely illegible; or is maintained without copy or without "space available" advertising for a period exceeding one hundred eighty (180) days or six (6) months, such sign shall be deemed abandoned and such sign shall be removed within thirty (30) days of written notification.

F. SIGN REGULATIONS Specific to the Residential Districts: RIL (Single Family Limited), RMM (Multi-Sectional Manufactured Homes), RI (Single Family), R2 (Multi Family), OS (Open Space), RCU (Rural Residential), and RCD (Residential Camping). No sign shall be placed or maintained in any RIL, RMM, RI, R2, OS, RCD and RCD Districts, except as follows:

1. Permanent Signs:

- a. Name Plate Signs: A name plate sign identifying the name of the occupant of a residence, the occupant's profession or title, and the address of the dwelling is permitted, subject to the following:

- (1) This sign shall not exceed four (4) square feet in area, nor eight feet (8') above grade at the sign.
- (2) This sign shall be located on the property to which it pertains and the number of signs shall be limited to one (1) for each dwelling.
- (3) This sign may be indirectly illuminated by one (1) light bulb or fluorescent tube not exceeding one hundred fifty (150) watts.

b. Identification Signs:

- (1) Signs identifying churches, schools, public utility buildings and facilities, hospitals, institutions of an education, religious, health, charitable or philanthropic nature, homes for the aged, nursing homes, convalescent homes, libraries, museums, community buildings, airports, cemeteries and mausoleums, golf courses, parks, playgrounds, tennis courts and campgrounds are permitted, subject to the following:
 - (a) This sign shall not exceed twenty-four (24) square feet in area, and may be double-faced.
 - (b) This sign may be placed flat against a wall of a building or such sign may be free standing, but placement against a wall of a building shall extend no higher than ten feet (10')

above the grade at the base of the wall. The height of a free-standing sign shall not exceed ten feet (10') above grade.

- (c) This sign shall contain no advertising copy.
- (d) This sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each such use listed in Subsection J.b.(1) above. Two (2) such signs shall be permitted if the parcel exceeds five (5) acres in area and has frontage on more than one (1) publicly dedicated street or road.

(2) Signs identifying multi-family dwellings, apartment developments, boarding or rooming houses shall be allowed one (1) sign per street frontage entrance, each not exceeding sixteen (16) square feet in area.

- (a) This sign may be placed flat against a wall of a building or such sign may be free standing, but placement against a wall of a building shall be no higher than ten feet (10') above grade nor above the roof line. The height of a free-standing sign shall not exceed ten feet (10') above grade.
- (b) This sign shall be for residential identification purposes only and shall contain no business identification or advertising copy.
- (c) This sign shall be located on the property to which it pertains.

c. Subdivision Signs: Permanent subdivision entrance signs are permitted. At the major street entrance to a subdivision or development, not more than two (2) signs are permitted, indicating only the name, symbol, logo, or other graphic identification of the subdivision or development each sign not exceeding twenty (20) square feet in area, not exceeding six feet (6') in height, attached to and not extending above a wall or fence.

2. Temporary Signs: Temporary signs as provided in Subsection D.2. (Special Purpose Signs) of this Section are permitted, subject to all regulations contained therein.

G. SIGN REGULATIONS Specific to Light Commercial Districts: RS (Residential Services), C1 (Light Commercial), and PM (Performance Industrial). No sign shall be placed or maintained in any RS, C1 or PM Zoning District, except as follows:

1. Identification or Advertising: Signs identifying uses permitted in any RS, C1, or PM District and not located in a commercial or industrial center, are permitted subject to the following:
 - a. Signs may be wall-mounted, free standing or portable.
 - b. The aggregate sign area on any one (1) property shall not exceed an area of one (1) square foot for each linear foot of street frontage adjoining the property to which it pertains, except that the total area need not be less than twenty-four (24) square feet, and in no case shall the area exceed ninety-six (96) square feet.
 - c. One (1) free-standing sign is permitted, the area of which may not exceed one-third (1/3) of the allowable total aggregate area for the property, except that the area of the sign need not be less than sixteen (16) square feet. This sign may be double-faced.
 - d. Free-standing signs shall not exceed a height of twelve feet (12'), except that free-standing signs at Interstate Freeway Interchanges (see Definitions) in the C1 Zoning District shall not exceed a height of thirty feet (30').
 - e. Signs shall be located on the property to which they pertain.
 - f. In addition to the signs described above, each separately housed business may have one (1) portable on-premise identification or advertising sign, not to exceed six (6) square feet in area, nor four feet (4') in height, which may be double-faced. Such portable sign shall be included in the aggregate sign area allowances. See Subsection B.19. (General Provisions) of this Section.
 2. Temporary Signs: Temporary signs as provided in Subsections B.2. (General Provisions) and D.2. (Special Purpose Signs) of this Section are permitted, subject to all regulations contained therein.
- H. SIGN REGULATIONS Specific to the Medium Commercial C2 Zoning District. No sign shall be placed or maintained in any C2 Zoning District, except as follows:
1. Identification or Advertising: Signs identifying uses permitted in any C2 District and not located in a commercial or industrial center, are permitted subject to the following:
 - a. Signs may be wall-mounted, free standing, or portable.
 - b. The aggregate sign area on any one (1) property shall not exceed an area of one (1) square foot for each linear foot of street frontage adjoining the property to which it pertains, except that the total area need not be less

than twenty-four (24) square feet, and in no case shall the area exceed one hundred twenty-eight (128) square feet.

- c. One (1) free-standing sign is permitted, the area of which may not exceed one-half (1/2) of the allowable total aggregate area for the property, except that the area of the sign need not be less than twenty-four (24) square feet. This sign may be double-faced.
 - d. Free-standing signs shall not exceed a height of fifteen feet (15'), except that free-standing signs at Interstate Freeway Interchanges (see Definitions) shall not exceed a height of thirty feet (30').
 - e. Signs shall be located on the property to which they pertain.
 - f. In addition to the signs described above, each separately housed business may have one (1) portable on-premise identification or advertising sign, not to exceed six (6) square feet in area, nor four feet (4') in height, which may be double-faced. Such portable sign shall be included in the aggregate sign area allowances.
2. Temporary Signs: Temporary signs as provided in Subsections B.2. (General Provisions) and D.2. (Special Purpose Signs) of this Section are permitted, subject to all regulations contained therein.
- I. SIGN REGULATIONS Specific To The Industrial Zoning Districts: C3 (Commercial and Minor Industrial), M1 (Industrial: General Limited), and M2 (Industrial: Heavy). No sign shall be placed or maintained in any C3, M1, or M2 Zoning District, except as follows:
 1. Identification or Advertising Signs (On-Premise): Signs identifying or advertising uses permitted in any C3, M1, or M2 Zoning District, and not located in a commercial or industrial center are permitted, subject to the following:
 - a. Signs may be attached to a wall of a building or such sign may be free standing or portable.
 - b. The aggregate sign area for any one (1) property shall not exceed an area of one (1) square foot for each linear foot of street frontage adjoining the property to which it pertains, except that the total area need not be less than sixty (60) square feet and in no case shall the area exceed one hundred sixty (160) square feet.
 - c. One (1) free-standing sign is permitted, the area of which may not exceed one-half (1/2) of the allowable total aggregate area for the property; except

that the area of the sign need not be less than twenty-four (24) square feet. This sign may be double-faced.

- d. Free-standing signs shall not exceed a height of fifteen feet (15'), except that free-standing signs at Interstate Freeway Interchanges (see Definitions) shall not exceed a height of thirty feet (30').
 - e. In addition to the on-premise sign described above, each separately housed business may have one (1) portable identification or advertising sign, not to exceed six (6) square feet in area, nor four feet (4') in height, which may be double-faced. Such portable sign shall be included in the aggregate sign area allowances. See Subsection B.19. (General Provisions) of this Section.
2. Off-premise Signs: Off-Premise Signs are permitted, subject to all regulations contained in Subsection E (Off-Premises Signs) of this Section.
 3. Temporary Signs: Temporary signs as provided in Subsections B.2. (General Provisions), D.2. (Special Purpose Signs), and E.8. (Off-Premise Signs) of this Section are permitted, subject to all regulations contained therein.
- J. SIGN REGULATIONS Specific to the PUD and PAD Zoning Districts and Use Permits: Permanent and temporary signs are permitted as stipulated in the PUD, PAD, or Use Permit approval, or, if not stipulated, consistent with the regulations of the Zoning District which most closely approximates the approved uses.
- K. SIGN REGULATIONS Specific to Mobile Home, Travel Trailer, and Recreational Vehicle Parks:
1. Signs placed or maintained within any Mobile Home Park are subject to all the regulations set forth under Subsection F.1.a. (Name Plate Signs).
 2. Permanent mobile home park entrance signs shall comply with the regulations set forth under Subsection F.1.c. (Subdivision Signs).
 3. Signs identifying travel trailer parks and recreational vehicle parks are subject to all the regulations set forth under Subsection F for light commercial districts (RS, C1) or under Subsection H for medium commercial districts (C2) depending on the zone in which the park is placed.
- L. OFFICE COMPLEXES, COMMERCIAL AND INDUSTRIAL CENTERS in the RS, C1, C2, C3, M1, M2, PM, PAD Zoning Districts: Signs pertaining to a group of two (2) or more businesses associated by a common agreement or common ownership with common parking facilities are permitted, subject to the following regulations:

1. Individual business signs shall be in accordance with the following:
 - a. The total aggregate area of all signs on the site pertaining to any one (1) business shall not exceed thirty-two (32) square feet. However, if the portion of the building adjacent to the street property line of that lot measures more than forty feet (40'), then the total aggregate area of one (1) face of all such signs on the site may be increased in area at the rate of one (1) square foot of sign area for each foot of building frontage in excess of forty (40) lineal feet. The total aggregate area of all such signs on the site shall not exceed forty-eight (48) square feet for each separate business. For corner buildings, only the main entrance frontage shall be so measured.
 - b. When two (2) or more businesses occupy one (1) building with common entrances, (i.e., without separate entrances), they shall be considered one (1) business for sign computation purposes.
 - c. Such signs shall be wall-mounted or under-canopy signs.
 - d. Under-canopy signs shall be business identification signs and shall be limited to one (1) per business and a maximum of six (6) square feet in area.
2. Center Identification Signs shall be in accordance with the following:
 - a. One (1) free-standing center identification sign per street frontage of the entire site is permitted, provided that:
 - (1) Such signs shall identify the center only, and shall not be counted in the total aggregate sign area for individual business identification.
 - (2) The maximum area does not exceed thirty-two (32) square feet per sign and maximum height does not exceed twelve feet (12').
 - b. A second such free-standing sign shall be permitted for a lot whose street frontage measures greater than two hundred feet (200'). Where such second sign is permitted, it shall be at least one hundred feet (100') from the other sign.
3. Directory signs may be provided to identify and direct, with location numbers and/or arrows, to individual businesses in an office complex or commercial/industrial center, in accordance with the following:
 - a. No more than one (1) such sign per tenant business.

- b. Each sign shall not exceed one (1) square foot in area. The area of such sign shall be permitted in addition to the aggregate permitted in Subsection 1.a. above.
- c. Such signs shall be placed together in one (1) or more groups at points nearest the pedestrian entrances to the businesses so indicated.
- d. Such signs or groupings of signs shall be wall-mounted or mounted on free-standing monument sign standards.
- e. Such signs or groupings of signs shall not exceed six feet (6') in height.

M. SIGN PERMITS:

- 1. Permit required: A sign permit shall be secured from the Town of Dewey-Humboldt Development Services Department prior to the erection, relocation, construction, installation or substantial reconstruction (including painting or enlarging a painted sign on the surface of a permitted structure) of any non-exempt sign exceeding six (6) square feet in area, or higher than eight feet (8') above grade at the sign, regardless of value.
- 2. Fees:
 - a. There shall be a fee established by the Town Council's resolution.
 - b. The sign permit fees established above shall be double in the event that the erection, relocation, construction, installation or substantial reconstruction of any sign is begun prior to the issuance of a sign permit.
- 3. Sign Permit Application: Each application for a sign permit shall be made at the Town Hall on the appropriate form(s) and shall contain at a minimum the following information:
 - a. Assessor's Parcel Number identifying the property.
 - b. Street address, if any, legal description of the property, and dimensions thereof. In the case of a metes and bounds parcel (a parcel that is not part of a recorded subdivision), a copy of the recorded legal description must be submitted with the application.
 - c. Copy to be placed on the sign(s).
 - d. Nature of the proposed use of the sign and premises.
 - e. Type of sign and materials used, methods of support, free standing or other.
 - f. Estimated true value of sign and associated structural supports.

- g. Dimensions of sign panel as well as bottom and top heights above grade.
 - h. Type, placement and strength of illumination, if any.
 - i. Number and orientations of faces of sign (aerial-view sketch, if necessary, to depict faces and orientation).
 - j. A (signed) plot plan showing the following:
 - (1) Shape and dimensions of lot boundaries.
 - (2) Location of rights-of-way or ingress and egress easements lying on the parcel or providing access to the parcel.
 - (3) Driveways and parking spaces, if any.
 - (4) Location, dimensions, spacing and heights and uses of existing and proposed structures on the lot including signs, their dimensions, and if free standing or wall-mounted.
 - (5) Washes or waterways on or within two hundred feet (200') of the lot.
 - (6) North designation.
 - (7) Location of sign on property.
 - k. A (signed) elevation view, with dimensions and approximate copy ad design, of the sign(s) faces.
 - l. Such other information as the Land Use Specialist may require for the purpose of determining whether the application complies with the Ordinance requirements.
 - m. Name, address, and phone number of property owner and agent, if any.
 - n. Signature of applicant or agent.
4. Pre-Existing Signs:
- a. Legal conforming signs and legal non-conforming signs existing prior to the effective date of this Ordinance, shall be permitted to continue subject to General Provisions regarding the removal of dangerous or abandoned signs and Off-Premise Signs of this Code, regarding obsolescence and abandonment. Continuation shall include the right to repaint or change the message or copy on the sign provided the size and height is not increased and provided the sign is not converted from on-premise to off-premise use. Changes of ownership and/or business name shall not in and of itself alter the right of continued use of a sign.

5. Signs Not Requiring Permits: Signs not requiring permits by virtue of their height and size must nevertheless comply with all other requirements and restrictions of this Code.
6. Temporary Sign Permits: Signs with a limited duration of use, such as those provided in Subsections B.2. (General Provisions), D.2. (Special Purpose Signs), and E.8. (Off-Premise Signs), shall obtain a Temporary Sign Permit. The requirements and criteria for such signs are as follows:
 - a. A Temporary Sign Permit is specifically required for community special event banners and signs, signs advertising the forthcoming construction of a building, exceptions granted administratively for Grand Openings, and one-time events.
 - b. Temporary Sign Permits shall be issued for no more than one (1) year. An extension of a Temporary Sign Permit shall be made the subject of an application for a Use Permit.
 - c. Temporary Signs shall conform to all other requirements of this Code.
 - d. The fee for a Temporary Sign Permit shall be the same as a permanent sign permit, except as otherwise noted.

SECTION 602 PARKING AND OFF-STREET LOADING

The following provisions shall apply as noted, except as may be modified, supplemented or supplanted under the provisions of any particular Zoning District.

I. OFF-STREET PARKING REQUIREMENTS

The purpose of this Section is to minimize congestion of the public streets and to promote the safety and welfare of the public. Off-street parking is required as accessory to principal uses permitted in the District and APPROVAL shall not be GRANTED nor land uses authorized other than in conformity with such parking requirements.

DEFINITIONS:

Circulation Area: Driveways and other maneuvering areas (other than parking aisles) used for access to parking or loading areas or other facilities on the lot.

Driveway: That portion of the vehicle parking area that constitutes a travel lane for ingress-egress that is not part of the vehicle parking area.

Gross Floor Area: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for any use.

Loading and Unloading Area: That portion of the vehicle parking area utilized for accessing vehicles.

Parking Area: That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. This area comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Parking Area Aisles: That portion of the vehicle parking area consisting of lanes providing access to parking spaces.

Parking Space: A portion of the vehicle parking area established or allocated for the parking of one (1) vehicle.

Rural: Those areas of the Town of Dewey-Humboldt not administered under the Uniform Building Code.

Usable Area: In calculating the total number of required parking spaces, Usable Area shall mean the area devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.), and the term "seat" shall also include each thirty inches (30") of bench seating when individual seats are not provided.

Use: The purpose for which a building, or lot, or structure, is arranged, designed, occupied or maintained.

A. REQUIREMENTS FOR OFF-STREET PARKING:

1. Maintenance of Existing Parking: All off-street parking required by this Section shall be established and improved before operation of the use or uses requiring such parking area may begin, and shall be maintained for the duration of such use.
2. Existing off-street parking shall not be reduced or modified for any existing business except in instances where parking space allocations meet all requirements of these Zoning Ordinance regulations. Modifications to the parking allocation may be considered by the Zoning Administrator and/or the Board of Adjustments in instances where the Institute of Traffic Engineer Standards further clarify the parking ratio or allocation for a business not specified herein.
3. The use of off-street parking space for the storage of merchandise, vehicles for sale or rent, or for repair of vehicles, shall be expressly prohibited.
4. When the use of any existing building, structure, or premises is changed to a new use, or the intensity of the use is increased through the incorporation of additional dwelling units, gross floor area, seating capacity, or other units of measurement specified for required parking or loading facilities, and which

change of use or intensity creates a need for an increase in the total number of required parking spaces of ten percent (10%) or twenty (20) spaces, either with a single change or cumulative changes, subsequent to the effective date of this Ordinance, then parking and loading facilities as required shall be provided for the entire building, structure or premises. When such an increase in required parking is less than ten percent (10%) cumulatively, the change of use or intensity is exempt from the requirements of this Section.

5. Required improvements shall be completed in accordance with these Zoning regulations prior to commencement of the use or occupancy of the site.

B. LOCATION OF REQUIRED PARKING SPACES:

1. Residential Uses:

Required off-street parking for single-family dwellings shall be provided on the same site as the building or use being served. Off-street parking for multiple-family dwellings, or residences in PAD zoning districts may be provided in a parking area on or off the site not farther than two hundred feet (200') from an entrance to each dwelling unit it is intended to serve.

2. Non-Residential Uses:

Required off-street parking shall be located on or off the site within three hundred feet (300') of the building or use it is intended to serve, the distance being measured from the nearest point of the building or use; provided, however, that parking facilities for sports assembly, public assembly for outdoor entertainment, sports, and recreational activities, resorts and group camps, or similar uses shall be located not farther than one thousand three hundred feet (1,300') from the nearest point of such building or use.

The Zoning Administrator may authorize off-premise parking including on-street parking within three hundred feet (300') of the associated business, as part of a development plan or proposal, in instances where use of the parking area is authorized on a long-term basis by the property owner and/or the public jurisdiction that administers public right-of-way.

The Zoning Administrator may deny a request to use off-premise or on-street parking in instances where authorization may be on a temporary basis and/or if the proposed off-premise parking plan is not in the interest of the public health, safety and welfare. A decision to deny a development plan or proposal may be appealed to the Board of Adjustment.

C. METHODS OF PROVIDING REQUIRED OFF-STREET PARKING may be achieved by any one or a combination of the following:

1. One (1) parking area may contain required spaces for several different uses, but except as otherwise provided in this Section, the required space assigned to one use may not be credited to any other use.
2. Combination of Uses: Where there is a combination of uses on a lot, the number of automobile parking spaces shall be the sum of the requirements of the various uses. If, in the opinion of the Zoning Administrator, the uses would not be operated simultaneously, the number of automobile parking spaces shall be determined by the use with the highest parking demand.
3. Shared Parking: By securing the consent to use off-street parking facilities under another's ownership, which is not otherwise used or required during the principal operating hours of usage, that consent shall be in written form and a copy filed with the Town Zoning Administrator. The number of parking spaces may be reduced up to a maximum of twenty percent (20%) of the total spaces required. In the event the off-site spaces are or become no longer available, the owner shall provide additional parking to meet this requirement.
4. Provisions shall be made for maintenance of common service areas by a corporation, partnership, trust or other legal entity having the right to access or place a lien upon the individual lot owners for all necessary costs and/or expenses. A letter of maintenance responsibility will be required as part of the Zoning Clearance procedure.

D. DIMENSIONS AND CIRCULATION:

1. Each parking space shall contain a rectangular area at least twenty feet (20') long and nine feet (9') wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.
2. In parking areas containing ten (10) or more parking spaces, up to twenty percent (20%) of the parking spaces may contain a rectangular area of only seven and one-half feet (7½') in width by fifteen feet (15') in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
3. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

	PARKING ANGLE				
	0°	30°	45°	60°	90°

	PARKING ANGLE				
	0°	30°	45°	60°	90°
REQ. AISLE WIDTH					
One-Way Traffic	13 ft.	11 ft.	13 ft.	18 ft.	24 ft.
Two-Way Traffic	19 ft.	20 ft.	21 ft.	23 ft.	24 ft.

4. Where such areas are contiguous to a rural or residential district (except when separated by a public street), a solid wall six feet (6') in height shall be installed on the District boundary line, said wall to be reduced to four feet (4') in height within the front yard area of the abutting rural or residential district.
5. Access: Space utilized for ingress and egress for a parking area shall be from a two (2)-way driveway and shall not exceed thirty feet (30') in width measured along the street frontage R.O.W. (right-of-way) and a minimum width of twenty-four feet (24') and shall not constitute more than twenty-five percent (25%) of the total frontage of the parking area.
6. Entrances and exits to parking lots and other parking facilities shall be provided only at defined entry and exit locations approved by the Development Services Department. Ingress and egress from parking areas shall not be located less than thirty feet (30') from any intersection R.O.W.
7. Passenger Drop-off Points: Drop off points separated from street traffic and readily accessible without hazardous maneuvering, shall be provided in conjunction with the following uses: Hotels, motels, hospitals and clinics, educational facilities with fifty (50) or more pupils, daycare centers, religious facilities with one hundred (100) or more seats, transit terminals, major recreational facilities, commercial airports, public buildings and offices and financial services greater than five thousand (5,000) square feet of gross floor area.

E. GENERAL DESIGN REQUIREMENTS:

1. Unless no other practicable alternative is available, vehicle parking areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve no more than two (2) dwelling units.
2. Vehicle parking areas for all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
3. Every vehicle parking area shall be designed so that vehicles do not extend beyond the perimeter of such area onto adjacent properties or public rights-of-way.

4. All lights used to illuminate parking spaces shall be installed pursuant to Section 603 (Outdoor Light Control). Said lights shall be no greater than eighteen feet (18') in height.
5. Requirements for handicapped parking and access are required pursuant to A.R.S. §41-1492.01 et. seq.

F. SCHEDULE OF REQUIRED OFF-STREET SPACES:

1. For a use not specifically listed, requirements shall be the same as those for the most similar use listed as determined by the Zoning Administrator.
2. Fractional Amount: In calculating the total number of required off-street parking spaces, fractional amounts are to be rounded to the nearest whole number (one-half (1/2) shall be rounded to the next highest number).
3. Parking for Places of Public Assembly: Buildings used for public assembly, whether erected following the adoption of this Ordinance or converted subsequently for same, parking shall be provided as indicated in the Requirements for Off-Street Parking Spaces on the following pages.

REQUIREMENTS FOR OFF-STREET PARKING SPACES

1. RESIDENTIAL USES	
a. One or two-family residence; multiple dwellings; efficiency units; one-bedroom units; two or more bedroom units.	Two (2) per dwelling unit.
b. Rooming houses, fraternities, sororities, resident-clubs, lodges, boarding houses.	One (1) space for each bedroom.
c. Mobile home parks and subdivisions.	Two (2) per dwelling unit, except that one-bedroom units require only one (1) space.
d. Elderly housing developments.	One and one half (1.5) per dwelling unit.
e. Churches, religious institutions, including associated residential structures for religious personnel.	One (1) space for every four (4) seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses.
f. Bed & Breakfast.	One (1) space per Bed & Breakfast guest unit plus required parking spaces for resident family and one (1) per employee.
2. COMMERCIAL SALES/SERVICES	One (1) space per one hundred (100) sq. ft. of gross floor area plus one (1) per employee.

<p>a. Restaurants, bars, cocktail lounges.</p> <p>1. No carry-out; no drive-in and no delivery service.</p> <p>2. Including carry-out/delivery service, including drive-in service and on-site consumption.</p>	<p>Same as 2.a.1 above, plus reservoir land capacity equal to five (5) spaces per drive-in window.</p>
<p>b. Mortuaries, funeral homes.</p>	<p>One (1) space per one hundred (100) sq. ft. of gross floor area, or one (1) space per every three (3) seats in the main assembly room, whichever is greater, plus one (1) per employee plus one (1) per commercial funeral vehicle.</p>
<p>c.</p> <p>1. Self-service laundries.</p> <p>2. Dry-cleaners.</p>	<p>One (1) space per three (3) washing machines plus one (1) space per employee.</p> <p>One (1) space per one hundred (100) sq. ft. of gross floor area.</p>
<p>d. Open air businesses including used-car lots.</p>	<p>One (1) space per five hundred (500) sq. ft. of sales area for the first two thousand (2,000) sq. ft. plus one (1) per each additional two thousand (2,000) sq. ft.</p>
<p>e. Theaters, auditoriums, arenas, indoor and outdoor stadiums, amusement parks, automobile and motorcycle racing tracks.</p>	<p>One (1) space per three (3) seats plus reservoir lane capacity equal to three (3) spaces for entrance/exit.</p>
<p>f. Retail gas; gas service stations.</p>	<p>One (1) per two (2) gas pumps plus one (1) space per two hundred (200) sq. ft. of gross floor area of building devoted primarily to gas sales operation.</p>
<p>g. Carwash</p> <p>1. Automatic/Conveyer type.</p> <p>2. Manual/self-service.</p>	<p>One (1) space per each employee plus reserve spaces equal to three (3) times the wash lane capacity.</p> <p>Two (2) spaces for drying and cleaning purposes per stall plus three (3) reservoir spaces in front of each stall.</p>
<p>h. Motor vehicle and machinery sales.</p>	<p>One (1) per eight hundred (800) sq. ft. of floor area.</p>
<p>i. Planned shopping centers under unified control.</p>	<p>One (1) per two hundred (200) sq. ft. of gross floor area.</p>
<p>j. Barber shops, beauty shops.</p>	<p>One (1) per chair and one (1) per employee.</p>

k. Furniture and appliance store, household equipment.	One (1) per eight hundred (800) sq. ft. of usable floor area.
l. Retail stores (except where otherwise specified).	One (1) per two hundred (200) sq. ft. of public floor area.
m. Hotels, motels.	One (1) per guestroom or suite plus one (1) per two (2) employees plus additional space (in accordance with other sections of this table) for restaurants or other facilities.
n. Bus depots.	One (1) per one hundred fifty (150) sq. ft. of waiting room space.
o. Skating rinks, dance halls, dance studios, bowling alleys, gymnasiums, health studios.	One (1) space for every three (3) persons of maximum capacity permitted by fire regulations (if they can be measured in such a fashion. Example: tennis courts or bowling alleys), plus one (1) space per two hundred (200) sq. ft. of gross floor area used in a manner not susceptible to such calculations.
p. Billiard parlors.	One (1) per two (2) billiard tables plus one (1) per two (2) employees.
q. Private tennis clubs and similar uses.	Two (2) spaces per court plus one (1) per employee, plus one (1) per two hundred (200) sq. ft. of usable enclosed building area.
r. Wholesale.	One (1) space per employee plus one (1) space per one hundred (100) sq. ft. of floor area.
s. Business offices designed to attract and serve customers or clients on the premises such as offices of attorneys, physicians, insurance and stockbrokers, travel agents.	One (1) space per two hundred (200) sq. ft. of gross floor area.
t. Golf courses.	One (1) space per two hundred (200) sq. ft. of area within enclosed buildings plus one (1) space for every three (3) persons that the outdoor facilities are designed to accommodate when used to maximum capacity.
u. Self-service storage facility.	Two (2) spaces for caretaker residence and/or office plus one (1) guest space per fifty (50) units.
v. Banks with drive-up windows.	One (1) space per two hundred (200) sq. ft. of area within main building plus reservoir land capacity

	equal to five (5) spaces per window.
3. MANUFACTURING/INDUSTRIAL USES	One (1) per five hundred (500) sq. ft. of gross floor area or one (1) per employee, whichever is greater, and one (1) per company vehicle (except PM District; See Section 430).
4. SCHOOLS	
a. Nursery schools, day care centers.	One (1) space per employee plus one (1) space per two hundred (200) sq. ft. of gross floor area.
b. Elementary schools.	One and one half (1.5) spaces per classroom plus one (1) space per employee.
c. Secondary schools	Five (5) spaces per classroom plus one (1) space per employee.
d. Trade or vocational schools.	One (1) space per one hundred (100) sq. ft. of gross floor area.
e. Colleges, universities, community colleges.	One (1) space per one hundred fifty (150) sq. ft. of gross floor area.

G. PARKING AREA SURFACING IMPROVEMENTS:

1. Single-family dwelling sites, used for one (1) permanent dwelling only, irrespective of plan area designation or Zoning District, shall be exempt from parking area improvements.
2. Mobile Home Park office area shall meet standards for commercial uses thresholds for improvements.
3. Commercial Uses Thresholds for Improvements (See table that follows this Section):
 - a. Vehicle parking areas for commercial shall be paved with asphaltic concrete or other dust free material, and shall be properly drained to prevent impoundment of surface water in the following instances:
 - (1) The commercial business includes driving lanes for drive-in windows.
 - (2) The commercial business is required to have over twenty (20) parking spaces or a gross area of six thousand (6,000) square feet of parking area allocated
 - b. Vehicle parking areas for commercial businesses located within the area designated as rural for the purpose of administration of the Uniform Building

code are required to be paved when parking area is adjacent to or within twenty-five feet (25') from the right-of-way of an arterial roadway and meets the criteria set forth in Subsection G.3.a.(1.) and (2.) above. Said parking areas shall be subject to improvement as outlined.

- c. Vehicle parking areas located in the urban designation area that are less than three thousand six hundred (3,600) square feet of parking area or less than ten (10) parking spaces; or located in the rural designation area and less than six thousand (6,000) square feet or less than twenty (20) parking spaces; shall be graded and provided with an all-weather surface, dust-free gravel surface, or equivalent in conformance with County Fire District regulations and approved by the Town Engineer, and shall be properly drained to prevent impoundment of surface water. Parking areas with gravel surface need not be marked; however, they must be set off from the street and from other portions of the site by curbing or equivalent screening around the perimeter of the parking area, except for clearly defined points of ingress and egress.
- d. Vehicle parking areas that are not provided with the type of surface specified in Subsection G.1. through G.3. shall be paved with a bituminous surface treatment in accordance with adopted Town improvement standards, or with an equivalent treatment approved by the Town Engineer, and shall be properly drained to prevent impoundment of surface water. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices.
 - a. Parking spaces in areas surfaced in accordance with Subsection G.3. shall be appropriately demarcated with painted lines or other markings. In instances where demarcation is not possible, the number of required parking spaces shall be increased by twenty percent (20%).

H. ADMINISTRATIVE WAIVER OF REQUIREMENTS:

Administrative Modifications: Quantifiable standards of this Section may be modified up to a maximum of ten percent (10%), when it is demonstrated that an unusual site or use condition exists and when such adjustment will not result in a danger to persons or property or in increased traffic.

I. PARKING LOT LANDSCAPING:

Number of Parking Spaces	Percent of Area to be Landscaped
0-20 spaces	Zero percent (0%)

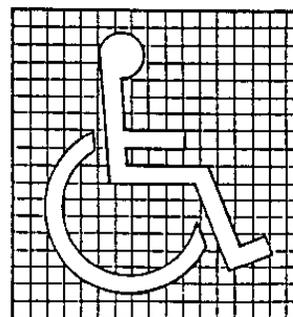
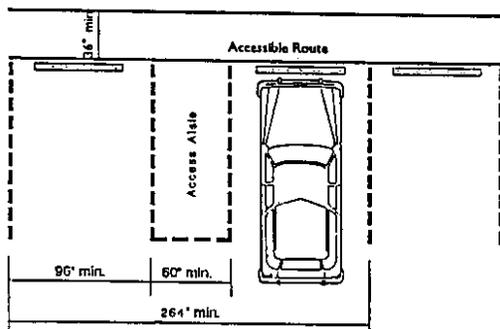
21-50 spaces	Six percent (6%)
51 spaces and over	Nine percent (9%)

J. HANDICAP PARKING GUIDELINES:

Guidelines from ADA (Americans with Disability Act)

1. Each parking lot provided for employees or visitors is required to have accessible (handicap) parking spaces.
2. Accessible parking spaces must be the closest spaces to the building's accessible entrance.
3. Accessible spaces must be at least ninety-six inches (96") wide with a clearly marked adjacent access aisle of sixty inches (60"). Two (2) spaces may share a common aisle. (See Diagram A below)
4. The access aisle must connect directly to the accessible route.
5. Spaces and aisles must be level with no slope greater than 1:50.
6. All accessible parking spaces must have an unobscured vertical sign that shows the universal symbol of accessibility. (See Diagram B below)
7. Number of Accessible Spaces per number of total spaces in lot:

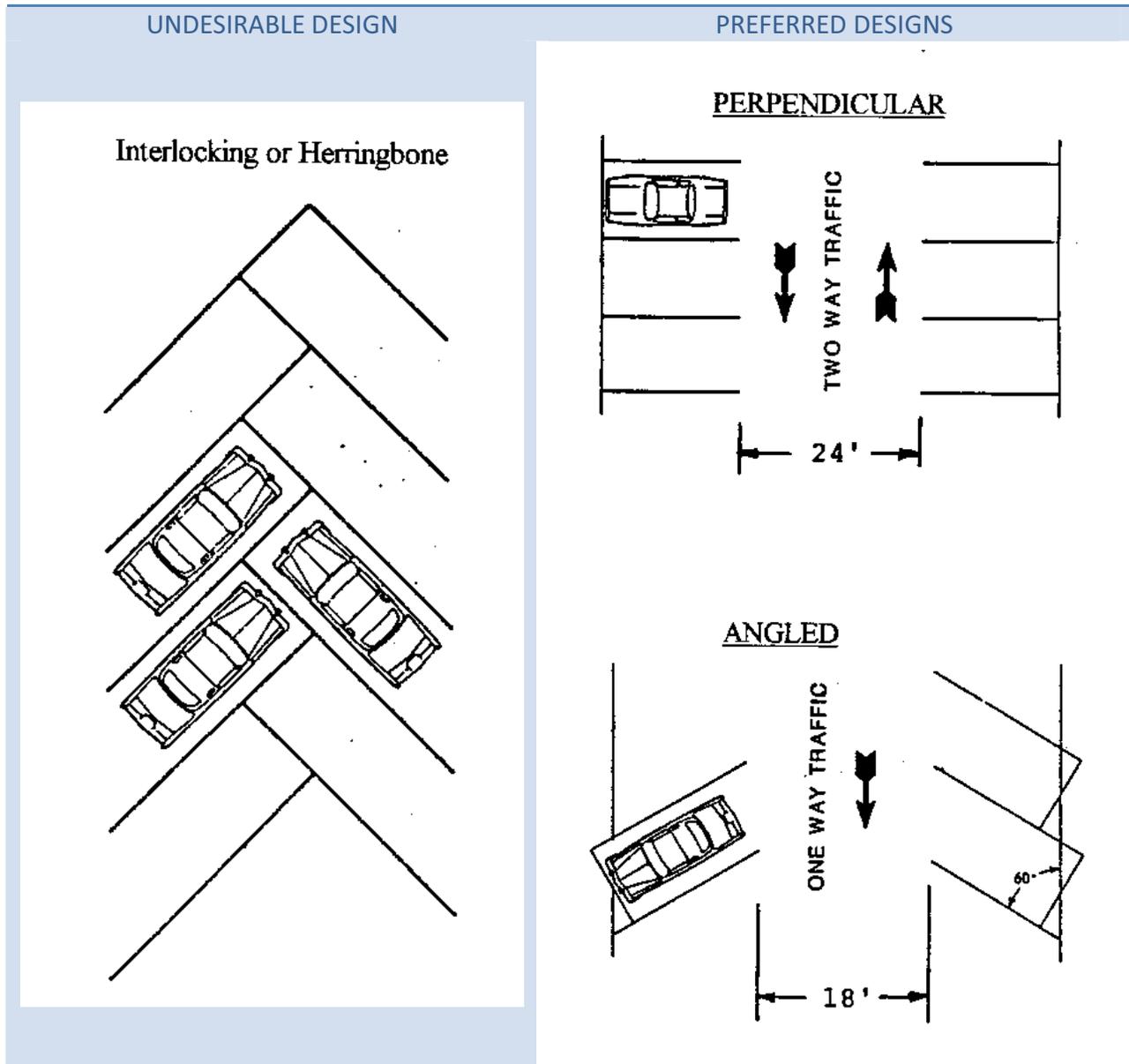
TOTAL PARKING IN LOT	MIN. # OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total parking spaces
1001 and above	20 plus 1 for each 100 spaces over 1000



(a) Proportions



(b) Display Conditions



II. OFF-STREET LOADING REQUIREMENTS

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.

A. SCHEDULE OF LOADING SPACE REQUIREMENTS:

Total Floor Area of Building	Number of Loading Spaces Required
------------------------------	-----------------------------------

Total Floor Area of Building	Number of Loading Spaces Required
20,000 sq. ft. to 30,000 sq. ft.	1 space
30,001 sq. ft. to 50,000 sq. ft.	2 spaces
For each 100,000 additional sq. ft.	1 additional space

- B. LOCATION. Required off-street loading space shall not be permitted in any front yard, nor in any required side yard except in a non-residential district where a side yard abuts an alley. Off-street loading space may occupy all or any part of a required rear yard, except as otherwise provided for, and may be partially or entirely enclosed within a building.
- C. ALLEYS. Where a building or Use in a non-residential 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.
- D. SIZE. Every required off-street loading space shall have a minimum width of twelve feet (12'), a minimum length of forty-five feet (45') and a minimum height of fourteen feet (14'), exclusive of access aisles and maneuvering space.

SECTION 603 LIGHT POLLUTION CONTROL (as amended effective July 3, 2008)

- A. INTRODUCTION:
 - 1. Incorporation By Reference. A.R.S., Title 49, Chapter 7, Light Pollution, §49-1101 et seq., is hereby incorporated by reference.
 - 2. Mission Statement. To afford every citizen of the Town of Dewey-Humboldt the flexibility to engage in the pursuit of safe, effective lighting practices for the purpose of commerce and private use without being impeded upon or impeding upon other citizens desiring a more pristine nighttime environment free from light pollution, waste, trespass, or clutter while providing nighttime safety, security and productivity.
 - 3. Purpose and Intent:
 - a. 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, (4) the loss of the often-neglected scenic view of the heavens due to increased urban skyglow and (5) lighting practices that interfere with the health and safety of

the Town of Dewey-Humboldt citizens and visitors. It is hereby recognized that these different interests of safety, 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. Careful attention to questions of when and where and how much nighttime lighting is needed will lead to better lighting practice from all viewpoints.

- b. It is also recognized that the topography and atmospheric conditions in northern Arizona are uniquely suited for government, military, commercial, and private astronomical observation and that unnecessary or excessive uses of outdoor nighttime lighting have an adverse impact on astronomical research and observation, even at relatively distant observatories.
 - c. Accordingly, it is the intent of this Section of the Planning and Zoning Ordinance 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.
4. **Conflicting Regulations.** In the event of conflict between the regulations set forth in this Section of the Ordinance and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern.

B. DEFINITIONS:

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

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 to preserve the effectiveness of the activity.

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.

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.

Development Project: means any residential, commercial, industrial or mixed use subdivision plan or individual building development or remodeling plan, which is submitted to the Town for approval.

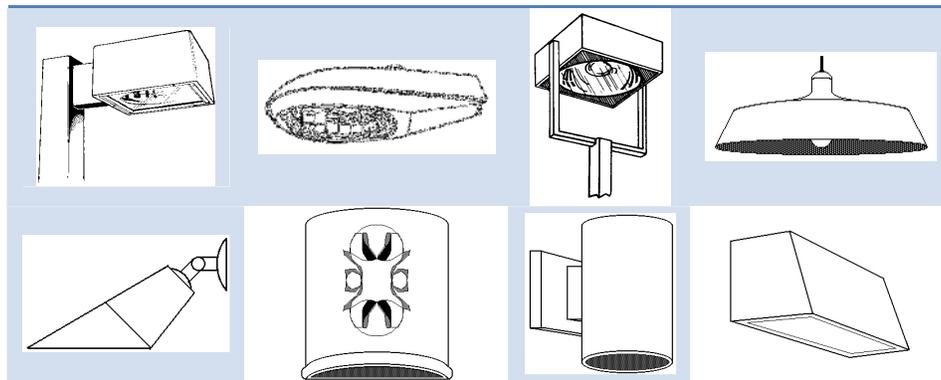
Direct Illumination: means illumination resulting from light emitted directly from a lamp, luminaire or reflector, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Foot-candle (fc): is a unit of measure used to specify illuminate; how much light is falling per square foot onto a surface. One (1) foot-candle of illumination arises when one (1) lumen is spread onto one (1) square foot of surface. It is the luminous flux per unit area in the Imperial system. One (1) foot-candle equals approximately 10 lux.

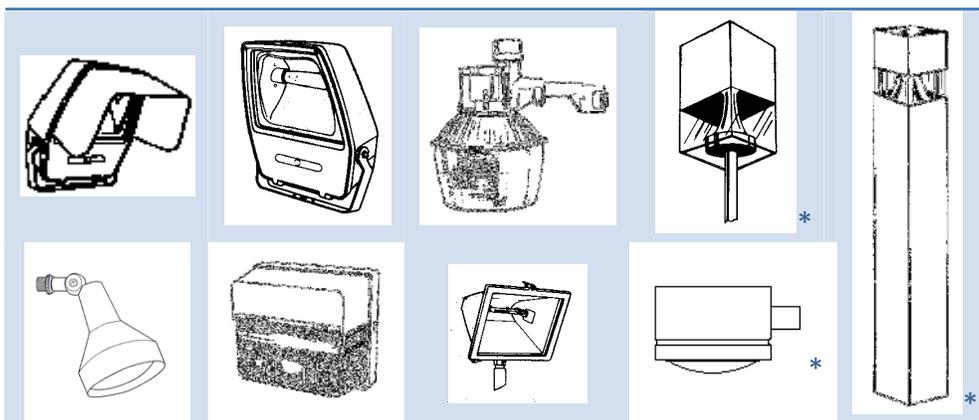
Fully Shielded Fixture: means that fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below the horizontal from the lowest point of the bulb within the fixture.

A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube *is not* fully shielded.

Examples of fixtures that are Fully Shielded (Note: to be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal.):



Examples of fixtures that are NOT Fully Shielded:



*Note: even though the lamp in these fixtures is shielded from direct view when viewed from the side or above, reflective surfaces within the fixture and or lens covers *are* directly visible from the side.

Note for luminous (neon) tubes: when such lighting is installed under or behind a roof overhang, if the roof line or eave is not horizontal the tubing may be visible from above when viewed from the side and therefore be unshielded.

Glare: is the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss of visual performance and visibility; blinding light; glare and blinding light may be dangerous to the public health and safety, as they may contribute to vehicular or other accidents. The magnitude of glare depends on such factors as the size, position, brightness of the source, and the brightness level to which the eye is adapted.

Installed: means attached, or fixed in place, whether or not connected to a power source.

Light Pollution: is any adverse effect of manmade light.

Light Trespass: is spill light falling over property lines that illuminates adjacent grounds or buildings. Direct illumination shall be confined to the property boundaries of the source.

Lumen: is the unit used to measure the actual amount of visible light, which is produced by a lamp as defined by the manufacturer. For purposes of determining compliance with this Ordinance, initial (not “maintained” or “mean”) lumen outputs of lamps (not fixtures) are the values to be considered. Examples of lumen output of typical generic incandescent bulbs (W= Watt and L= Lumen) 60 W = 840 L, 75 W = 1125 L, 100 W = 1600 L, 150 W = 2780 L, 300 W = 4620 L.

Luminaire: means the complete lighting assembly, less the support assembly; a light fixture.

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 (2) or more lighting classes as defined for Class 1, 2 and 3 Lighting above.

Motion Sensing Security Lighting: means a fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of the automatic switching on a lamp when motion is detected inside the area or perimeter, and

automatic switching of the lamp off when the detected motion ceases.

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 ten (10) to twenty (20) millimeters filled with neon, argon, xenon, or other gasses and producing various colors of light. Not included are replaceable fluorescent tubes.

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.

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:

- (1) Buildings and structures.
- (2) Recreational areas.
- (3) Parking lot lighting.
- (4) Landscape and architectural lighting.
- (5) Billboards and other signs (advertising or other).
- (6) Street lighting.
- (7) Product display area lighting.
- (8) Building overhangs and open canopies.
- (9) Security lighting.
- (10) Pedestrian areas or walkways.

Outdoor Recreation Facility: means an area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball and softball diamonds, soccer and football fields, golf courses, tennis courts, roping/equestrian activities and swimming pools.

Person: includes a corporation, company, partnership, firm, association or society, as well as a natural person.

Security Lighting: is lighting designed to illuminate a property or grounds for the purpose of visual security. This includes fully shielded lighting designed to remain on

during nighttime hours in the absence of business activity as well as motion sensing lighting fixtures.

Street Lighting: refers to lighting installed by or at the direction of the Town or other governmental agency to illuminate public roadways.

Temporary Lighting: means lighting which does not conform to the provisions of this Ordinance and which will not be used for more than one (1) thirty (30) day period within a calendar year. Temporary lighting is intended for uses, which by their nature are of limited duration, e.g., business grand openings or special civic event. Road and construction projects are excluded.

Total Outdoor Light Output: means the maximum total amount of light, measured in lumens, from all lamps used in 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. Includes lighting from all area lighting fixtures, external sign illumination and decorative (non-sign) neon tubes, but does not include lighting used for permitted internally illuminated signs. Also does not include interior lighting, provided however such lighting is directed and or shielded in such a manner that it will not project primarily outside the building or create glare or light trespass. Lighting used under service station canopies is included toward the total output at twenty-five percent (25%) of the rated output of the lamps (see Subsection C.4.d.(4)). Street lighting is exempt from total lumen count.

Unshielded Fixture: means an outdoor light fixture that allows light to be emitted above the horizontal direction from the lowest point of the bulb within the fixture.

Watt: is the unit used to measure the electrical power consumption (not the light output) of a lamp.

C. LIGHTING REQUIREMENTS:

1. Preferred Source:

Due to their high energy efficiency, long life and spectral characteristics, low-pressure sodium (LPS) lamps are currently the preferred illumination source throughout the Town. Their use is encouraged for outdoor illumination whenever its use would not be detrimental to the use of the property.

- a. Class 1 Lighting: Businesses who choose to use at least eighty percent (80%) LPS for their Class 1 application are eligible to apply for an additional ten percent (10%) increase in the lumens per acre allowed for their site.

- b. Class 2 Lighting: LPS lamps are required though up to ten percent (10%) of the total lumens used for Class 2 lighting may be non-LPS light. Ten percent (10%) white light added to the LPS light permits nearly normal color perception.

2. General:

- a. Outdoor floodlighting by flood light or spot light projection above the horizontal is prohibited except for unshielded fixtures specifically permitted under Subsections C.4.e and C.4.f and properly adjusted motion sensing security lighting fixtures as defined in Subsection B.
- b. All commercial light fixtures are required to be shielded and shall be installed in such a manner that the shielding complies with the definition of fully shielded fixtures. Residential requirements and exceptions are provided in Subsection C.3. Building lighting that incorporates the colors of a company logo, trademark or sign shall be considered as signage.
- c. 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.
- d. Installation of new mercury vapor light fixtures has been prohibited since May 22, 1985 in Yavapai County. Only mercury vapor replacement bulbs shall be sold or installed for use as outdoor lighting within the Town of Dewey-Humboldt and the use of mercury vapor light fixtures for outdoor lighting is prohibited after July 1, 2005.
- e. Search lights, laser source lights, strobe or flashing lights, or any similar high-intensity portable and or temporary light shall not be permitted, except for those utilized by law enforcement, emergency services personnel, public utilities and road construction/maintenance crews or at their direction.
- f. 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 but once off remain off during non-business hours.

- g. Class 2 Lighting shall have no time restrictions unless stipulated as a condition of approval for new projects.
 - h. Class 3 Lighting shall be extinguished after 10:00 p.m. or when the business closes, whichever is later and remain off during non-business hours, low-wattage decorations for recognized holidays shall be counted towards the business properties total lumen count. Flagpole lighting is exempt.
 - (1) Up lighting or ground mounted lighting may be allowed to accent unique features of a building (such as outstanding architectural features but not an entire building) and or surrounding landscaping (specimen trees with dense year round foliage or large native shrub masses) subject to approval by the Development Services Director. Up lighting or ground mounted lighting shall be designed and installed in such a manner as to minimize glare with special consideration in areas where there is vehicle and pedestrian traffic, or where such lighting will not unduly interfere with use and enjoyment of adjacent or nearby properties.
 - (2) All feature lighting which is directed upwards shall be placed in such a manner that the angle of the lamp shall not be greater than forty-five degrees (45°) measured from a horizontal plane to a line projected through the center of the lamp, and fixtures shall be shielded to contain and direct the light onto the feature to be lighted.
 - i. Multi-class lighting, except for security lights, must conform to the time limitations of the most strict class.
 - j. Except as permitted in Subsections C.4.b, C.4.d and C.4.f, total outdoor light output (see Definitions), excluding streetlights used for illumination of public rights-of-way, of any development project other than single-family residential (see Subsection C.3) shall not exceed one hundred thousand (100,000) lumens per net acre, averaged over the entire property. Of this total no more than five thousand five hundred (5,500) lumens per net acre may be used in unshielded fixtures.
3. Residential:
- a. Class Lighting: Residential lighting, as it may contain certain aspects of any of

the lighting classes as may be found in Class 1, 2 or 3 (see Definitions) shall be considered allowed so long as the intended use is allowed within the particular Zoning District.

- b. Shielding: Fully shielded fixtures are required for lamps.
 - c. Lighting Amount: Residential parcels containing more than one (1) acre are allowed twenty thousand (20,000) lumens of lighting. Residential parcels containing one-half (½) acre to one (1) net acre are allowed ten thousand (10,000) lumens of lighting. Residential parcels containing less than one-half (½) acre are allowed seven thousand five hundred (7,500) lumens of lighting. Motion sensing lights as defined in Subsection B shall not be subject to the noted lumen cap. Motion sensing lights can be turned to “constant on” for the purposes of illuminating yard areas for private recreational activities such as barbeques, parties, working with livestock or other similar gatherings without need for a temporary permit so long as they are returned to their automatic settings at the conclusion of the activity.
 - d. Certification: Applicant to provide manufacturer's cut-sheet/catalog information detailing fixture shielding and lumen output of bulbs to be installed, and where required by the Development Services Director, a drawing/illustration of the proposed shielded fixture.
 - e. Curfew: Outside, unshielded lighting shall be extinguished after 10:00 p.m. and remain off until daylight. Motion sensing security lighting is exempted. No Dusk-to-Dawn controls are permitted for unshielded lighting.
 - f. Exemptions: Low lumen decorative lighting for recognized holidays, permanent low lumen landscape lighting (180 lumens or less per bulb), and flag lighting are exempt from the total lumen count for a given property.
4. Commercial/Non-Residential:

- a. Airport:

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 Ordinance. Lighting used for illumination of aircraft loading, unloading, and servicing areas is exempt from the lumens per net acre limits of Subsection C.2.j, although it must conform to all other requirements of

this Ordinance. All other outdoor lighting at airport facilities shall comply with the provisions of this Ordinance.

b. Outdoor Display Lots:

- (1) Class: Lighting for Outdoor Display Lots shall be considered Class 1 (Color Rendition).
- (2) Shielding: All such lighting shall utilize fully shielded luminaries that are installed in a fashion that maintains the fully-shielded characteristics.
- (3) Lighting Amount: Lighting amounts may exceed the limit listed in Subsection C.2.j for the area of the display only. However, when the proposed lumens per acre exceed the limits of Subsection C.2.j the installation shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA). If IESNA has more than one applicable recommended practice, then the lowest figure shall apply. Street lighting is exempt from the total lumen count for a given property.
- (4) Off-Site Spill: The installation shall 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.
- (5) Curfew: Outdoor Display Lot lighting exceeding the lumens per acre cap of Subsection C.2.j shall be turned off at 10:00 p.m. or within thirty (30) minutes after closing of the business or activity whichever is later and once off remain off during non-business hours. Lighting in the Outdoor Display Lot after this time shall be limited to Class 2 lighting, and shall conform to all restrictions of this Ordinance applicable for this class, including the lumens per acre caps in Subsection C.2.j and lamp type standards of Subsection C.1.
- (6) Certification: Every such lighting system shall be certified by an Arizona registered engineer, other certified lighting specialist or

equivalent manufacturer documentation as conforming to all applicable restrictions of this Ordinance as installed.

c. Parking Lot:

Lighting Standards (poles) shall be sized in such a manner that the top of any luminaire does not exceed eighteen feet (18') above adjacent grade, unless otherwise stipulated as a condition of approval for new projects.

d. Service Station:

- (1) Class: Lighting for Service Station or similar canopies shall be considered Class 1 lighting.
- (2) Shielding: All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers.
- (3) Canopy Lighting Amount: 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 sixty (60) lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total.
- (4) Inclusion Toward Total Outdoor Light Output: Twenty-five percent (25%) 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 C.2.j. Street lighting is exempt from the total lumen count for a given property.

e. Signs:

- (1) Externally Illuminated Signs: Lighting used for all externally illuminated signs shall conform to all restrictions of this Ordinance, shall be fully shielded, and shall be turned off at 10:00 p.m. or when the business closes, whichever is later. Such lighting is included in the Total Outdoor Output (see Subsection C.2.j).
- (2) Internally Illuminated Signs: 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 C.2.j.

- (3) All illuminated signs shall be turned off at 10:00 p.m. or when the business closes, whichever is later and once off remain off during non-business hours. Signs subject to this curfew must have functioning and properly adjusted automatic timers.
 - (a) All neon lighting (indoor or outdoor), except for that used in permitted signage, shall be fully shielded and shall be turned off at 10:00 p.m. or when the business closes, whichever is later.
 - (b) The requirements for shielding of light emissions for outdoor light fixtures are as follows:

Shielding/Use Code:	A = allowed, unshielded, F = allowed, fully shielded
LAMP TYPE	SHIELDING
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 (See B)	A (See C.2.c)

Note 1. Examples of lamp types of 2050 lumens and below (the acceptability of a particular light is decided by its initial lumen output, not wattage. Values listed here are approximate. 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 or directed to minimize light spilled into the night sky or adjacent properties.

e. Sports Field:

- (1) Class: Lighting, in all cases, for all outdoor athletic fields, courts, pools, tracks or ranges shall be considered Class 1 (Color Rendition). Sports field lighting at schools is exempt from this Ordinance as provided for in Section 201 (Applicability and Exemptions) regarding publicly owned and operated facilities used for essential government purposes.
- (2) Shielding: 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 luminaires shall include those which:
 - (a) are provided with internal or external glare control louvers, or both, and installed so as to minimize up-light and off-site light trespass as defined in Subsection B; 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.
- (3) Lighting Amount: When the proposed lumens per acre exceeds the limits of Subsection C.2.j, the installation shall be designed to achieve no greater than the minimum luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA). If IESNA has more than one applicable recommended practice, then the lowest figure shall apply. Street lighting is exempt from the total lumen count for a given property.
- (4) Off-Site Spill: 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. If lighting products are not available to meet these standards, then the product providing the lowest off-site spill levels shall be required.
- (5) Curfew: 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 and once off remain off during non-business hours.

(6) Certification: Every such lighting system shall be certified by an Arizona registered engineer, other certified lighting specialist or equivalent manufacturer documentation as conforming to all applicable restrictions of this Ordinance as installed.

(7) Non-Field Lighting: All site lighting not directly illuminating the field, court, track or range shall conform to all applicable standards of this Ordinance

f. Non-Conforming Uses:

1. Mercury vapor lamps ARE PROHIBITED TO BE USED for outdoor lighting². No new bottom or side-mounted outdoor advertising sign lighting shall be issued permits after July 1, 2005.
3. No other outdoor lighting fixture or use which was lawfully installed or implemented prior to the enactment of this Ordinance 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 Ordinance, except that identical lamp replacement is allowed. Time restrictions described in Subsections C.2.f, C.2.g, C.2.h, C.2.i, C.4.b. (5), C.4.e. (3), and C.4.f. (5) shall however be applied to such existing lighting.
4. In the event that the use of an outdoor lighting fixture is discontinued for six (6) months or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Ordinance.

D. PERMITS:

1. Approved Materials and Methods of Construction or Installation/Operation:
 - a. The provisions of this Section of the Ordinance are not intended to prevent the use of any design, material or method of installation or operation not commercially available or specifically prescribed by this Ordinance, provided any such alternate has been approved.

- b. The Zoning Administrator or his designate may approve any such proposed alternate provided that such alternate:
 - (1) provides at least equivalence to the applicable specific requirements of this Ordinance; and
 - (2) is otherwise satisfactory and complies with the intent of this Ordinance.

- 2. Permits and Development Plan Reviews:
 - a. Whenever a person is required to obtain a building or electrical permit for outdoor lighting or signage (residential or commercial), a Use Permit, subdivision approval or any development plan approval by the Town, including all Town projects, or whenever a person requests a rezoning, the applicant shall, as a part of the lighting permit application, submit sufficient information to enable the Zoning Administrator to determine whether the proposed lighting will comply with this Ordinance.

 - b. All applications shall include the following:
 - (1) A site plan indicating the proposed location of all outdoor lighting fixtures;
 - (2) 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
 - (3) Such other information as the Zoning Administrator may determine is necessary to ensure compliance with this Ordinance.

 - c. If the Zoning Administrator determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved.

- 3. Temporary Permits:
 - a. The Zoning Administrator may grant a permit for temporary lighting if he or she finds all of the following:
 - (1) The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days;

- (2) The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible;
 - (3) The proposed lighting will comply with the general intent of this Ordinance; and
 - (4) The permit will be in the public interest.
 - b. The Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator is not authorized to grant more than one (1) temporary permit and one (1) renewal for the same property within one (1) calendar year.
4. Variances. Any person desiring to install an outdoor lighting fixture in violation of this Ordinance 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 207 (Adjustment Board). Commercial light installations that are removed or relocated during a building remodel will be required to meet the then current Ordinance requirements.

SECTION 604 STREET NAMING AND ADDRESSING

A. TITLE AND PURPOSE:

1. Purpose: The Town of Dewey-Humboldt establishes this Ordinance in order to provide for the uniform assignment of property numbers, to provide for the naming of new streets and renaming of old streets with conflicting or duplicate names in order to provide for efficient emergency services and provide for the safety of the residents of the Town of Dewey-Humboldt, providing for the enforcement of said Ordinance, and prescribing penalties for the violation thereof.
2. Short Title: For the purposes of identification, these regulations shall be known as the "Street Naming and Addressing Ordinance for the Town of Dewey-Humboldt".

- B. **APPLICABILITY.** This Ordinance shall apply to all lands within the incorporated area of the Town of Dewey-Humboldt and any incorporated areas included through intergovernmental agreement.
- C. **SEVERABILITY.** Should any article, section or regulation of this Ordinance be judicially declared unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the article, section or regulation so declared to be unconstitutional or invalid.
- D. **GENERAL PROVISIONS.** The Street Naming and Addressing system for the Town of Dewey-Humboldt shall prescribe to the Yavapai County adopted Street Naming and Addressing ordinance (Yavapai County Planning and Zoning Ordinance, Section 604).

SECTION 605 WIRELESS COMMUNICATIONS FACILITIES

- A. The purpose of this Section is to establish rules and regulations for the siting of wireless communications facilities. The goals of this Section are to provide for the development of wireless communication services by: (1) encouraging the consideration of the goals and provisions of the Wireless Communications Plan; (2) encouraging configuration which minimize additional visual impact through careful and innovative siting, design, landscape and camouflage techniques; (3) providing wireless communication services to the community in a broad, quick, effective, and efficient manner; (4) encouraging the joint use (collocation) of facilities; (5) considering the public health, safety and welfare; (6) encouraging the use of existing vertical components; (7) considering historical and environmentally sensitive areas; and, (8) considering impact on adjacent properties.
- B. **DEFINITIONS:** As used in this Section, the following terms shall have the following meaning:

Alternative Tower Structure: means vertical components not generally designed for use as antenna support structures including but not limited to structures such as church steeples, ballpark light poles and water towers.

Antenna: means any exterior device for transmitting and receiving wireless communication mounted on a tower, alternative tower structure, building or structure and used for transmitting and receiving wireless communication for a fee to more than one (1) customer at one time.

Antenna, Attached: An antenna mounted on the exterior of an existing building, silo, smokestack, water tower, utility or power pole, existing wireless communication tower, or an alternative support structure.

Antenna, Concealed (stealth): An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include but are not limited to manmade trees, clock towers, flagpoles that do not exceed ten feet (10') above the maximum building height, light structures, steeples, water tanks, and architectural façade and parapet features.

Certification: A written statement of the fact to be certified made under oath by the applicant or licensed professional working for the applicant and notarized.

Collocation: means use by two (2) or more wireless communication providers located on the same tower or alternative tower structure.

Commercial Coverage: means a single FCC licensee's network of wireless communications facilities providing a level of service to all areas of the community which, when fully developed, will permit viable commercial operation.

FAA: means the Federal Aviation Administration.

Facility, Existing: means a wireless communication facility in active use and for which a building permit has been properly issued and has not expired before the effective date of this Section.

Facility, New: means a wireless communications facility proposed to be located where a facility does not currently exist.

FCC: means the Federal Communications Commission.

Height: The distance from the finished grade at the antenna tower base to the highest point of the tower. Overall tower height includes the base pad, mounting structures, and panel antennae, but excludes lightning rods and whip antennae.

Tower, Lattice: means a self-support structure, erected on the ground, which consists of cross-bracing of structural steel to support antennae and related equipment.

Tower, Monopole: means a self-support structure, with a single shaft of wood, steel, or concrete, and a platform for antenna arrayed at the top known as a "top hat."

Wireless Communication: means any technology for transmitting communication through the air.

Wireless Communication Facility: means any combination of one (1) or more antennae, towers and/or structures or equipment used for the transmission of wireless communication.

Wireless Communication Provider: means any FCC licensed service provider for the Town of Dewey-Humboldt, and any supplier of wireless communication facilities for those providers.

Use, Permanent: means the active daily use of antennae for the commercial transmission and receipt of wireless communication intended at the time of its installation and approved to be actively used for a permanent basis.

Use, Temporary: means the active daily use of antennae for the commercial transmission and receipt of wireless communication intended at the time of its installation and approved to be actively used for a specific period of time.

User, Single: means a single dwelling or a single business.

- C. **APPLICABILITY:** All wireless communications facilities shall be subject to this Section except those used solely for transmission and receipt by a single user and not otherwise restricted within that Zoning District, including but not limited to, amateur radio and devices necessary for the use of a subscription to a commercial wireless provider service such as wireless internet and satellite TV
- D. **GENERAL PROVISIONS:** The following are applicable to all wireless communication requests:
1. **Principal or Accessory Use:** Antennas and towers may be considered either principal or accessory uses to the principal use of the property
 2. **Lot Size:** For purposes of determining whether the installation of a tower or antenna complies with district development regulations, even though the antennas or towers may be located on a separately leased portion of the lot, the Density District requirements of the entire overall lot shall control requirements, including but not limited to setbacks, lot-coverage percentages, and other such requirements.
 3. **Characteristics**
 - a. Improvements comprising a wireless communication facility including tower structure, antennae and related electrical and mechanical equipment, shall, to the extent possible, use materials, colors, textures, screening, and landscaping blending them into the natural and surrounding setting, unless subject to any applicable standards of the FAA.
 - b. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the application shall contain a list

of optional light devices and a statement of the reason for selection of the light device specified over each of the options.

- c. All wireless communication facilities shall be maintained in compliance with applicable State or local building codes under which they were constructed and any regulations of the FAA, the FCC, and any other Federal government with the authority to regulate them or their components. If such Federal standards and regulations are changed, then the owners of the wireless communication facilities governed by this Section, which are applicable to these new Federal standards shall bring such towers and antennas into compliance with such revised standards and regulations within three (3) months of the effective date of such standards and unless a different compliance schedule is mandated by controlling law. Wireless communications facilities that are not in compliance shall be removed at the owner's expense if not brought into compliance within thirty (30) days after written demand by the Town of Dewey-Humboldt.
 - d. Setback and separation distances shall be calculated and applied irrespective of municipal and County jurisdictional boundaries.
 - e. Wireless communications facilities shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
 - f. No signs shall be allowed at a facility with the exception of a single one (1) square foot sign for each carrier, to provide emergency contact numbers.
 - g. Except as provided in this Section all building and use processes and requirements, including height restrictions, within the applicable Zoning District shall apply to wireless communication facilities.
 - h. Equipment shall not generate noise levels that exceed fifty (50) dBA Sound Pressure Level (SPL) on directly adjacent properties. This maximum sound level does not apply to generators used in emergency situations when the regular power supply is temporarily interrupted and noise made during the regular maintenance and upkeep of the facility and site. All aboveground equipment shall be enclosed by concrete masonry unit walls if located within one thousand feet (1,000') of existing residences.
- E. PERMITTED USES: Wireless communications facilities located on property owned, leased, or controlled by the Town of Dewey-Humboldt pursuant to agreement of or approved by the Town of Dewey-Humboldt shall be a permitted use in all Zoning Districts with Zoning Clearance. Prior to entering into a lease agreement with the Town

of Dewey-Humboldt, the potential lessee shall conduct an informational meeting for owners of property within one thousand feet (1,000') of the proposed facility and the nearest known community/homeowners' association(s).

F. PROVIDER'S COMMUNICATION PLAN:

1. Each wireless communication provider shall provide a plan of its facilities to the Town prior to any application for the installation of a wireless communication facility. The plan shall cover the entire Town extending one (1) mile beyond the Town border. The plan shall include the following:
 - a. All of the provider's existing wireless communication facilities, by size, type, and their coverage areas.
 - b. All presently anticipated future service areas, anticipated deployment date, and types of wireless communication facilities and heights desired for each of the service areas.
 - c. The various types of wireless communication facilities used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennae and equipment as well as written materials describing their application.
 - d. The provider's policy direction for the mitigation and/or reduction of existing and proposed towers to avoid the proliferation of such facilities.
 - e. The provider's policy direction on the mitigation and/or reduction of the negative visual impact created by existing towers, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.
 - f. The provider's policy direction on collocation of antennae on their own facilities, on facilities from other providers, or on other structures which provide the verticality required for the antennae.
 - g. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this Section.
2. Information contained in each provider's communication plan shall be treated as confidential and not disclosed to other providers unless noted by the provider in the plan.

3. Information noted as non-confidential information, may be shared with other interested parties seeking to locate wireless communication facilities in the Town of Dewey-Humboldt, in an effort to promote collocation and co-development of facilities.

G. APPLICATION REVIEW:

1. General: The following provisions shall govern the issuance of permits for towers or antennas:
 - a. If the wireless communication facility is not a permitted use, then an administrative approval or a Use Permit shall be required for the construction.
 - b. Applications for administrative approvals and Use Permits for a wireless communication facility shall be subject to the procedures and requirements for use permits generally, except as modified in this Section.
 - c. Fees for applications under this section are listed in the Town of Dewey-Humboldt Zoning Ordinance Fee Schedule.
 - d. All Use Permit or administrative review approvals for new wireless communication facilities shall be granted for a maximum period of ten (10) years with Staff review after five (5) years. The applicant/structure owner shall be responsible for initiating an administrative renewal and possible extension of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the facility as approved. Applications for collocation on existing structures shall be set for a period of time so that the expiration date for the collocation expires simultaneously with the structure. If an extension is denied by the Zoning Administrator, the applicant may appeal the decision to the Planning and Zoning Commission and Town Council, by applying for a Use Permit.
 - e. In granting approval of an application, the Town of Dewey-Humboldt may impose conditions to the extent that such conditions carry out the purposes of this Section.
 - f. Any information of an engineering nature that the applicant submits shall be certified by an Arizona licensed professional engineer.
 - g. No new wireless communication facilities within one thousand feet (1,000') of any residences, including single and multiple family residences and residential facilities, such as group homes and nursing homes, with the

exception of attached antenna and concealed antenna sites that do not exceed ten feet (10') above the maximum building height of the applicable Density District which will be reviewed on a case-by-case basis. For those wireless communication facility sites exceeding ten feet (10') above the maximum building height for their Density District, there shall be a ten (10) foot setback for every one (1) foot in tower height from existing residences with a minimum setback of one thousand feet (1,000') required.

- h. No new wireless communication facilities shall be installed within unique or scenic areas/sites identified within the community plan area.
- i. No new wireless communication facilities shall be installed in any area that may mar mountain views, or visually sensitive areas, from any direction unless the facility uses arrays, pole diameters, shapes and colors that shall blend it with other similar vertical objects and not be intrusive in its setting or obtrusive to views.
- j. The Zoning Administrator is authorized to employ on behalf of the Town, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review.
- k. Prior to applying for a new facility, the applicant shall meet with community groups and interested individuals who reside or own property within one thousand feet (1,000') of the proposed site to explain the proposed project. The purpose of these meetings is to inform and educate the community on wireless communications, and the restrictions placed on the Town of Dewey-Humboldt by the Federal Telecommunications Act of 1996, as well as to solicit suggestions from these groups about the applicant's proposal and impact mitigation measures. Applicant shall make a concerted effort to incorporate the community suggestions for impact mitigation generated by the meetings and describe the efforts in the application. Applicant shall be prepared to discuss information including but not limited to, technical aspects, visual aspects, including alternative sites and designs. Applicant shall provide detailed meeting minutes, copy of all materials delivered or received, and documentation of who attended the meetings from the community organization.

2. Performance Criteria:

a. The order of preferences for wireless communication facilities is, from most preferred to least preferred:

- (1) Collocation on an existing facility or electrical utility pole.
- (2) Attached antennas on an existing verticality.
- (3) New sites located on public lands at least five thousand feet (5,000') from private land.
- (4) New concealed or attached antenna sites located on/at public or quasi-public facilities.
- (5) Concealed sites.
- (6) New towers/facilities under ninety-nine feet (99').
- (7) New towers/facilities one hundred feet (100') to one hundred ninety-nine feet (199').
- (8) New towers/facilities two hundred feet (200') and over.

New facilities shall use the most preferred facility type where technically feasible, even if it results in an increase in the number of facilities, or a higher cost. A lesser preferred facility type may be permitted only if the applicant presents substantial evidence to show that it will have a lesser visual impact than the use of more preferred facilities.

b. The following characteristics are deemed consistent with the purposes of this Section and will be afforded favorable weight in considering the application:

- (1) Sites located on public lands;
- (2) Existing structures will be preferred over new structures;
- (3) New structures which appear to be structures commonly found within that Zoning District are preferred over apparent wireless structures;
- (4) Wireless communication facilities which cannot be readily observed from adjacent streets;
- (5) Structure heights, which do not exceed the height limitations for that Zoning District. When heights may exceed an adjacent jurisdiction's height restrictions, that jurisdiction(s) will be notified of the application;

- (6) Collocation of all licensed carriers for the Town of Dewey-Humboldt on a single wireless communication facility in remote locations will have significant favorable weight in evaluating the application;
- (7) Network development plans which achieve the fewest number of wireless communication facilities of all providers reasonably necessary for commercial coverage;
- (8) Location in the least restrictive Zoning District starting with Industrial; and,
- (9) Suitability of the location for collocation of governmental public service wireless communication facilities.

3. Review Procedures:

- a. Administrative Review: Applications for collocation of antennae on and equipment at an existing, permitted wireless communications facility, shall be subject to review AND APPROVAL by ZONING ADMININSTRATOR. Applications to place antennae on top of, or attached to, an existing or replaced utility/power pole which does not extend the height of the existing pole by more than ten feet (10') shall also be evaluated by the Administrative Review process. A decision shall be rendered to approve or deny within fourteen (14) days of submittal of a complete application. If an Administrative Review application is denied by the Zoning Administrator, the applicant may then apply for a Use Permit, and appeal the decision before the Planning and Zoning Commission and Town Council, if desired.

Application Requirements: The following shall be submitted with each Administrative Review application:

- (1) Completed hearing application submittal form, letter of authorization, and permission to enter property letter as contained in the application procedures information packet;
- (2) An updated Provider's Communication Plan, including any proposed changes in the service areas, antennae, towers, and policy direction;
- (3) The zoning classification of the site;
- (4) Plans showing: elevation drawings of the exterior of each element of the proposed wireless communication facility, method of fencing, coloration, and landscaping;

- (5) Certification that the wireless communication facility, as represented in the application, will comply with all FAA, FCC and other applicable regulations;
 - (6) Copies of all wireless telecommunication licenses for all providers who will use the facility at the time of filing the application;
 - (7) Copy of signed, redacted, lease agreement with landowner.
- b. Administrative Review with Comment Period: Applications for new wireless communication facilities that do not exceed ten feet (10') above the maximum height allowed in that Density District, or sites on public lands located at least five thousand feet (5,000') from the nearest privately owned land, would be subject to administrative review with a twenty-one (21) day public comment period. Surrounding property owners and community organizations shall receive notice of the application. If an Administrative Review with Comment Period application is denied by the Zoning Administrator, the applicant may then apply for a Use Permit, and appeal the decision before the Planning and Zoning Commission and Town Council, if desired.

Application Requirements: The following is to be submitted with each Administrative Review with Comment Period application:

- (1) All material associated with the submittal of an Administrative Review application as stated above in addition to:
- (2) A mailing list of all property owners within one thousand feet (1,000') of the facility site, and pre-addressed envelopes affixed with first class postage to each property owner;
- (3) A map showing the adjacent roadways, and proposed means of legal access;
- (4) RF propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of connecting sites;
- (5) The setback distance between the proposed wireless communication facility the nearest residential unit and/or the nearest residential zoned privately owned properties;
- (6) Certification of whether the applicant is applying for collocation treatment, and how many carriers could be accommodated on the facility with adequate signal coverage;

- (7) Certification that no Town of Dewey-Humboldt or other municipal owned site, or existing wireless facility reasonably meets the needs of the applicant, listing all such sites within five (5) miles of the proposed site and the reason each is not physically adequate for reasonable commercial coverage, or not economically feasible for location;
 - (8) A visual analysis, which may include photo simulations, field mock ups, or other techniques which identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the three (3) closest residences within one-half (1/2) mile of the proposed site and from the closest collector or arterial street. The Zoning Administrator may at his/her discretion, request additional photos from specific vantage points;
 - (9) Attendees list, minutes, and information obtained from required community meeting.
- c. Use Permit: Any new wireless communication facility that exceeds ten feet (10') above the maximum height allowed in the density district, or does not meet all of the criteria to be allowed in the Administrative review processes, shall require a Use Permit.

Application Requirements: The following is to be submitted with each Use Permit application:

- (1) All material associated with the submittal of an Administrative Review with Comment Period application as stated above in addition to;
- (2) A completed Use Permit application packet;
- (3) A mailing list of all property owners within the distance required from the facility site, and pre-addressed envelopes affixed with first class postage to each property owner;

Notification required by tower height:

99 feet and under = 1,000 feet radius

100 to 199 feet = 2,500 feet radius

200 feet and above = 5,000 feet radius

- (4) RF frequency propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of

connecting sites. If the applicant is seeking collocation of multiple carriers, the RF propagation coverage maps should also include on a separate map, the coverage areas obtained from the lowest collocation point on the tower;

- (5) Certification that policing, fire departments, public safety, water and local governments having jurisdiction within five (5) miles of the site have been notified of the application;
- (6) The applicant shall submit a visual analysis, which may include photo simulations, field mock ups, or other techniques which identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the five (5) closest residences within two (2) miles of the proposed site and from the closest collector or arterial street. The Development Services Director may at his or her discretion, request additional photos from specific vantage points;
- (7) A written narrative/explanation of why it is necessary that the proposed wireless communications facility be located in the proposed location, and why it will exceed the maximum height allowance for the Zoning District in which it is proposed. If the explanation is based on coverage maps, structural calculations, lease amounts, or any other information pertinent to the need for the structure or additional height, this information shall be included as appendices to the narrative.

4. Standards: In addition to any standards for consideration of Use Permit applications, the following shall be considered in determining whether to issue a Use Permit or administrative approval: height proposed, proximity to other uses, historic sites, landmarks, vehicle traffic routes, medical facilities, air routes, topographical features, utilities, access, suitability of alternative sites and visual impact.

H. COLLOCATION: The policy of this Section is to encourage collocation.

1. Preference: An applicant who certifies in writing that the tower constructed will be suitable for collocating multiple providers of varying wireless technologies and, as a condition of zoning, executes a written agreement (collocation agreement) with the Town of Dewey-Humboldt on a form approved by the Town Attorney, consenting to application of the terms of this provision shall, unless waived by the applicant, receive preferential treatment for a final approval or

rejection of its application after a complete and correct application, fee and all required documentation and information is filed.

2. In addition to equipment proposed for the applicant's use, proposed antenna facilities, including concealed antennas, shall be designed to accommodate collocation for at least one (1) additional wireless communications provider for every thirty foot (30') segment of facility height, or portion thereof, over thirty feet (30'). The Town Council may reduce the required shared capacity, if a facility necessary to provide for such collocation, adversely alters the area's visual character.
3. Collocation Agreement: The collocation agreement shall provide for at least the following:
 - a. The applicant shall accept for collocation any FCC licensed wireless communication provider (additional user) using any compatible technology on commercially reasonable terms considering all of the factors a reasonable tower leasing company would deem relevant in entering into such an agreement;
 - b. Any additional user seeking collocation shall submit specifications for its equipment and use (request) to the applicant and applicant shall, within thirty (30) days thereafter, respond to such party in writing (response) furnishing all technical requirements that must be resolved before collocation;
 - c. The applicant and the additional user shall, thereafter in good faith, attempt to resolve any technical or business terms. If, after thirty (30) days from the response the additional user believes the applicant has not negotiated in good faith, additional user may submit in writing, a request for arbitration to applicant and the American Arbitration Association which shall designate a person knowledgeable in collocation of wireless communication carriers to act as arbitrator and decide all issues between the parties. Such arbitration shall be held within thirty (30) days of the request for arbitration. Upon the written agreement of both parties, a different procedure for binding dispute resolution may be used. The result of the arbitration or other resolution method agreed to by the parties shall be binding and non-appeasable;
 - d. If the arbitrator certifies in writing to the Town of Dewey-Humboldt that the applicant has failed to comply with the decision of the arbitrator within fifteen (15) days of its issuance by the arbitrator, the Use Permit or

administrative approval for the wireless communication facility in question shall be terminated and the wireless communications facility shall be removed within thirty (30) days of the date of the arbitrator's certification, failing which, the Town of Dewey-Humboldt shall have all of the remedies available to it for elimination of a use in violation of the zoning code;

- e. The additional party, upon submitting the request shall become a third party beneficiary to the collocation agreement;
 - f. The Town of Dewey-Humboldt shall not be a party to any contract between the applicant and the additional party and shall not be a required party and shall not be made a party to any dispute or arbitration and applicant shall indemnify, defend and hold the Town of Dewey-Humboldt harmless from any cost, including reasonable attorney fees, associated with such matters; and
 - g. A lease or other agreement containing the business terms proposed by the applicant for collocation shall be attached as an exhibit to the collocation agreement.
- I. SETBACKS: The following setback requirements shall apply to all towers; provided, however, standard setback requirements may be decreased if the goals of this section would be better served thereby:
- 1. Towers must be set back from any lot line a distance equal to at least one hundred and ten percent (110%) of the height of the tower unless a greater setback is required for the particular Zoning District: i.e., the reclining length of any tower must be located on the lot so that in the case of collapse, the tower would be contained within the bounds thereof.
 - 2. Guys and accessory structures must satisfy the minimum Zoning District setback requirements.
 - 3. If shown by proof of collapse safety with a certified Engineer's letter stating that in case of collapse, the tower would be contained on site, the Board of Supervisors could waive the one-to-one setback as required above.
 - 4. Facilities that are located on existing or replaced street lights, traffic signal poles or electrical utility poles are exempt from any setback requirements.

J. REMOVAL:

1. Within thirty (30) days of Town Council approval, Financial assurances shall be posted by the applicant for the occurrence or possible need for removal of the tower and returning the natural state of the site, prior to submittal and approval of building permits/zoning clearances.
2. Towers and antennae shall be removed, at the owner's expense, within one hundred eighty (180) days if not used for a permanent use within that time unless this period is extended pursuant to this Section. If the tower or antennae is not timely removed the Town of Dewey-Humboldt may give notice that it will contract for removal within thirty (30) days following written notice to the owner. Thereafter, the Town of Dewey-Humboldt may cause removal at the cost of the owner.
3. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Development Services Director or his designate may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause.
4. Upon removal of the wireless telecommunications facility, the site shall be returned to its natural state and topography and vegetated consistent with the natural surroundings.

K. MODIFICATION: No existing wireless telecommunications facility may be changed or modified except as follows:

1. The change or modification is required by a change in user or technology; or
2. The change is required for the collocation of additional carriers on the existing structure; and
3. The change does not increase the height of the tallest component above the height approved in the Use Permit, administrative approval, or in the case of an pre-existing facility, its then current height; and
4. At the conclusion of the change or modification, the facility complies with all applicable codes, statutes, ordinances and requirements placed upon the granting of the application.
5. An explanation is submitted to the Development Services Director stating why the modification is necessary, and an updated Provider's Communication Plan,

including any proposed changes in the service areas, antennae, towers, and policy direction is provided.

SECTION 606 SEX ORIENTED BUSINESS

- A. **PURPOSE:** It is the purpose and intent of this Section to regulate sex oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town of Dewey-Humboldt and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sex oriented businesses within the Town, thereby reducing or eliminating the adverse secondary effects from such sex oriented businesses. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sex oriented materials. Similarly, it is not the intent nor effect of this Section to restrict or deny access by the distributors and exhibitors of sex oriented entertainment to their intended market. Neither is it the intent nor effect of the Section to condone or legitimize the distribution of obscene material.
- B. **DEFINITIONS:** For the purpose of this Section, certain terms and words are defined as follows:

Sex Oriented Businesses are those businesses defined as follows:

Adult Arcade: means any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images involving specified sexual activities or specified anatomical areas as defined in this Section, to persons in booths or viewing rooms.

Adult Bookstore, Adult Novelty Store or Adult Video Store: means a commercial establishment that offers for sale or rent, for any form of consideration, any of the following as one of its principal business purposes:

- (1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas as defined in this Section; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, as defined in this Section.

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas as defined in this Section, and still be categorized

as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as its principal business purposes is offering for sale or rental for some form of consideration, the specified materials which are characterized by the depiction or description of specified anatomical areas or specified sexual activities as defined in this Section.

Adult Cabaret: means a nightclub, bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which predominately features:

- (1) Persons who appear in a state of nudity or semi-nude; or
- (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities as defined in this Section; or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas as defined in this Section.

Adult Live Entertainment: means an establishment that features either:

- (1) Persons who appear in a state of nudity or semi-nude; or
- (2) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities as defined in this Section.

Adult Motel: means a motel, hotel or similar commercial establishment which:

- (1) offers public accommodations for any form of consideration, which provides patrons with closed-circuit televisions transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas as defined in this Section and which advertises the availability of this sex oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; or

- (2) offers a sleeping room for rent for a period of time less than ten (10) hours; or
- (3) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.

Adult Motion Picture Theater: means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas as defined in this Section, are predominantly shown for any form of consideration.

Adult Theater: means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, predominantly features persons who appear in a state of nudity or semi-nude who engage in live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities as defined in this Section.

Nude Model Studio: means any place where a person, who appears in a state of nudity or who displays specified anatomical areas as defined in this Section, is observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any other form of consideration. It shall be considered an exemption from this definition if a person appearing in a state of nudity did so in a modeling class operated:

- (1) by a proprietary school, licensed by the State of Arizona; a college, community college, or university supported entirely or partly by taxation; or
- (2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college or university supported entirely or partly by taxation; or
- (3) in a structure:
 - (a) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;
 - (b) where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

(c) where no more than one (1) nude or semi-nude model is on the premises at any one time.

Sexual Encounter Establishment: means a business or commercial establishment that, as one of its primary business purposes offers for any form of consideration a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities as defined in this Section when one (1) or more of the persons is in a state of nudity or semi-nude. The definition of sex oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

Establishment: means and includes any of the following:

- (1) The opening or commencement of any such business as a new business;
- (2) The conversion of an existing business whether or not a sex oriented business to any of the sex oriented businesses defined in this Section;
- (3) The addition of any of the sex oriented businesses defined in this Section to any other existing sex oriented business; or
- (4) The relocation of any such sex oriented business.

Nudity or State of Nudity: means:

- (1) The appearance of human anus, genitals, or female breast.
- (2) A state of dress which fails to opaquely cover a human anus, genitals or areola of the female breast.

Patron: means a person invited or permitted to enter and remain upon the premises of a sex oriented business as defined in this Section, whether or not for any form of consideration.

Person: means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Public Building: means any building owned, leased or held by the United States, the State, the County, the City/Town, any special district, school district, or any other agency or political subdivision of the State or the United States, which building is used for governmental purposes.

Public Park: means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Town which is under the control, operation, or management of the Town.

Religious Institution: means any church, synagogue, mosque, temple, building or property that is used primarily for religious worship and related religious activities.

Residential Zoning District or Use: means a single family, duplex, townhouse, multiple family, mobile home park, residential subdivision or campground as defined in the Town of Dewey-Humboldt Planning and Zoning Ordinance.

School: means any public or private educational facility including, but not limited to, charter schools, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Semi-Nude: means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body that are covered by supporting straps or devices.

Specified Anatomical Areas as used in this Section: means the male genitals in a state of sexual arousal or the vulva or more intimate parts of the female genitals and may include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above of the areola; or
- (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities as used in this Section: means and includes any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;

- (2) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (3) Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation, or sodomy;
- (4) Excretory functions as part of, or in connection with, any of the activities set forth in (1) through (3) of this Definition.

Viewing Room: means the room, booth or area where a patron of a sex oriented business would ordinarily be positioned while viewing a film, video cassette or other video reproduction, or adult live entertainment as defined in this Section.

C. ESTABLISHMENT AND LOCATION OF SEX ORIENTED BUSINESSES:

The establishment of a sex oriented business shall be permitted only in C3 (Commercial - Minor Industrial), PM (Performance Industrial), M1 (Industrial -General Limited), and M2 (Industrial - Heavy) Zoning Districts and shall be subject to the following spacing restriction:

1. No person shall cause or permit the establishment of any sex oriented business as defined in this Section, within one thousand feet (1,000') of another sex oriented business.
2. No person shall cause or permit the establishment of any sex oriented business as defined in this Section, within five hundred feet (500') of any religious institution, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park, public building, or properties zoned for residential use or used for residential purposes.

D. MEASUREMENT OF DISTANCE: For the purpose of measuring separation distances in this Section:

1. The distance between any two (2) sex oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each business.
2. The distance between any sex oriented business and any religious institution, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park, public building, or any properties zoned for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sex oriented business is

conducted, to the nearest property line of the premises of a religious institution, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park, public building, or any properties zoned for residential use or used for residential purposes.

E. REGULATIONS GOVERNING EXISTING SEX ORIENTED BUSINESSES:

1. Any sex oriented business lawfully operating on June 2, 1999 that is in violation of this Section shall be deemed a non-conforming use. Non-conforming uses shall be governed by Section 202 (Nonconforming Uses and Structures). If two (2) or more sex oriented businesses are within one thousand feet (1,000') of one another and otherwise in a permissible location, the sex oriented business which was first established and continually operating at the particular location is the conforming use, and the later established business is non-conforming.
2. A sex oriented business lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of a religious institution, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization public park, public building, residential zoning district, or residential use within five hundred feet (500') of the sex oriented business.

F. REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS OR ADULT LIVE ENTERTAINMENT IN VIEWING ROOMS. A person who operates or causes to be operated a sex oriented business, other than an adult motel/hotel which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette or other video reproduction, or adult live entertainment which depicts specified sexual activities or specified anatomical areas as defined in this Section, shall comply with the following requirements:

1. Upon application for a building permit or zoning clearance, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required. However, each diagram should be oriented to the north or to some designated street and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six inches (6").
 - a. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than five (5) foot candles as measured at the floor level.

LAND SUBDIVISION REGULATIONS

SECTION 1 GENERAL PROVISIONS

- A. Property within the incorporated limits of the Town may not be subdivided except in accordance with all the provisions of this Regulation.
- B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and other public improvements.
- C. PLATTING STAGES
 - 1. Stage I: Pre-Application Conference. The pre-application conference stage of subdivision planning comprises an investigatory period which precedes actual preparation of preliminary plans by the subdivider. During this stage the subdivider makes known his intentions to the Zoning Administrator and is advised of specified public objectives related to the subject tract and other details regarding platting procedures and requirements.
 - 2. Stage II: Preliminary Plat. The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review, and approval by the Town Council.
 - 3. Stage III: Final Plat. The final plat includes the final design of the subdivision, engineering of public improvements and submittal of the plat and plans by the subdivider, for review and action by the Town Council.
 - a. The subdivider shall submit the final plat to the Town Engineer, who shall review it for completeness and conformity to the approved preliminary plat. If the plat is not complete or does not conform to the preliminary plat, the Town Engineer shall reject the plat.
 - b. If the plat is found complete and in conformance with the approved preliminary plat, the Zoning Administrator shall request that the Town Clerk place the plat on the agenda of the next regular Town Council meeting, whereupon the Town Council shall approve or deny the plat.
 - c. If the Town Council rejects the plat for any reason whatsoever, the reasons therefore shall be recorded in the minutes.
 - d. If the Town Council approves the final plat, the Clerk shall transcribe a certificate of approval upon the plat and have it recorded in the Office of the County Recorder of Yavapai County and distribute prints of the recorded plat

to the County Recorder, County Assessor, Public Works Director, Town Engineer, and Zoning Administrator.

SECTION 2 STREET NAMING

- A. The subdivider shall indicate the street name for public streets on the preliminary plat by projecting existing north-south and east-west street names that fall in alignment. When no current streets are in alignment, the subdivider may propose a name based on the Town street naming policy. All names are subject to final approval by the Town.
- B. Street sign posts shall be placed at all street intersections by the subdivider and shall be in place when street paving is completed. Specification for design, construction, location and installation shall be in accordance with Town roadway standards.

SECTION 3 LAND SPLITS

- A. **PURPOSE.** Land Splits are regulated for the purpose of ensuring each parcel of land within the Town has sufficient public access, provision for water and waste disposal, adequate parcel size and dimensions for the use intended, and availability of public services.
 - 1. This Ordinance will establish a review process for land divisions, other than subdivision, by which owners and prospective purchasers can be advised whether a proposed division of land complies with the Town of Dewey-Humboldt regulations relating to land splits. This review is intended to:
 - 2. Protect and promote the public health, safety convenience and welfare.
 - 3. Assure that newly created lots are of sufficient size to meet the requirements of the applicable zoning classification.
 - 4. Assure that all lots resulting from a land split will have adequate access as specified by section B, below.
- B. **APPLICABILITY.** Any proposed land split as defined by this ordinance shall be submitted to the Zoning Administrator for review.
 - 1. Parcel size and dimensions shall meet the requirements of the underlying Land Use District.
 - 2. Adequate access for ingress/egress shall be provided.
 - 3. Adequate provision for utilities, including electric, water and wastewater service shall be available and such availability shall be indicated on a survey submitted with a request for a land split.

- C. REVIEW PROCEDURES. Preliminary Application Submittal-Prior to any land split being considered for preliminary approval by the Town of Dewey-Humboldt, a property owner shall submit an application containing the following information.
1. A completed application form.
 2. A drawing or sketch showing the proposed land split. The drawing should be fully dimensioned and prepared at a scale which maintains legibility. The drawing or sketch should show the following information:
 - a. Legal description or assessor's parcel number.
 - b. The boundaries of the original parcel prior to the land split.
 - c. Proposed lots, dimensioned.
 - d. The rights-of-way adjacent to or within the property, including streets and easements.
 - e. The locations and dimensions of any existing structures.
 - f. The setbacks of existing buildings and structures from existing and proposed property lines.
 - g. The placement of existing wells and septic systems will be identified on the scale map.
 3. Documentation of the land division history of this parcel. Documentation may consist of assessor's maps and records, deeds, title history search, or any other information that would credibly show the number of land divisions that have occurred from the original parcel since January 1, 1985.
 4. If applicable, a copy of any easement and/or required agreement, or other legal document which permits shared facilities.
 5. Final Application Submittal – Prior to final approval, and recording, the property owner shall submit a fully dimensioned drawing or sketch of the proposed land split produced by a licensed surveyor. The drawing shall contain:
 - a. Legal description
 - b. The boundaries of the original parcel prior to the land split.
 - c. Proposed lots, dimensioned.
 - d. The rights-of-way adjacent to or within the property, including streets and easements.
 - e. The locations and dimensions of any existing structures.
 - f. The setbacks of existing buildings and structures from existing and proposed property lines.

- g. The placement of existing wells and septic systems will be identified on the scale map.
- D. DECISIONS AND FINDINGS. The applicant shall be notified within ten (10) working days after the land split application is filed.
 - 1. If it is determined that the proposed land split constitutes a subdivision, compliance with division 1 or 2 of this Article, as applicable shall be required for the proposed land division.
 - 2. If it is determined that the proposed land split complies with the minimum requirements of this division, a Approval Letter shall be issued to the applicant, together with an approved copy of the land split drawing If it is determined that the proposed land split does not comply with the minimum requirements of this Division, a letter of denial shall be issued to the applicant.
 - 3. If a decision is not issued within the ten (10) day time period for issuance of a decision as required by this Section, the land split shall be deemed not to constitute a subdivision requiring approval as a subdivision plat.
 - 4. Compliances with Town ordinances and regulations not reviewed as part of the land split review process will be determined at the time of application for building permits when more detailed information is provided on the proposed development of each lot.
- E. COMPLIANCE. No building permit or zoning APPROVAL shall be issued for development on any parcel that does not comply with the land split regulations of this Article.

SECTION 4 PRELIMINARY PLAT

- A. SIGNIFICANCE OF PRELIMINARY PLAT APPROVAL. Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary plat approval is based on the following terms:
 - 1. The basic conditions under which approval of the preliminary plat is granted will not be substantially changed prior to the expiration date of the preliminary plat.
 - 2. Approval is valid for a period of twelve (12) months from date of approval. A twelve (12) month extension of the preliminary plat approval may be granted by the Development Services Director ZONING ADMINISTRATOR upon receipt of a letter from the subdivider prior to the expiration date indicating proper cause.
 - 3. Preliminary approval, in itself, does not assure final acceptance of streets for dedication nor continuation of existing development requirements for the tract or its environs.

- B. REQUIRED INFORMATION FOR PRELIMINARY PLAT. The information hereinafter required as part of the preliminary plat submittal shall be shown graphically, by note on plans, or by written report, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred (100) feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring twenty-four (24) by thirty-six (36) inches.
1. Identification and Descriptive Data
 - a. Proposed name of subdivision and its location by section, township and range; reference by dimension and bearing to a section corner or quarter section corner.
 - b. Name, address and phone number of subdivider.
 - c. Name, address and phone number of person preparing plat.
 - d. Scale, north point and date of preparation, including dates of any subsequent revisions.
 - e. A location map which shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it, including main traffic arteries, public transportation lines, shopping areas, elementary and high schools, parks and playgrounds, and churches. This map may be on the preliminary plat if practicable, or if not, a separate map showing title, scale, north point and data shall be provided.
 2. Existing Conditions Data
 - a. Topography by contours or spot elevations related to U.S.G.S. survey datum, or other datum approved by the Town Engineer, shown on the same map as the proposed subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.
 - b. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; direction of flow; location and extent of areas subject to inundation, whether such inundation be frequent, periodic or occasional.
 - c. Location, widths and names of all platted streets, railroads, utility right-of-way of public record, public areas, permanent structures to remain, including Town utilities and municipal corporation lines within or adjacent to the tract. Two (2) copies of a preliminary title report showing the above shall be submitted.
 - d. Name, book and page numbers of adjacent subdivisions, along with county assessor number of all adjacent parcels having a common boundary with the tract.
 - e. By note, the existing land use district classification of the subject and surrounding tracts.

- f. By note, the acreage of the subject tract.
 - g. Boundaries of the tract to be subdivided shall be delineated and fully dimensioned.
3. Proposed Conditions Data
- a. Street layout, including location, width of public and private streets, alleys, crosswalks and easements; connections to adjoining platted tracts. A traffic study may be required if evidence suggests that proposed subdivision may congest public streets or intersections.
 - b. Typical lot dimensions (scaled); dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbered individually; total number of lots.
 - c. Locations, width and use of easements.
 - d. Designation of all land to be dedicated or reserved for public use with use indicated.
 - e. If plat includes land for which multiple-family, commercial or industrial uses are proposed, such areas shall be clearly designated together with existing land use district classification.
 - f. Three (3) copies of any proposed restrictive covenants (deed restrictions).
 - g. Typical lots showing building footprints/envelope dimensioned, with proposed setbacks.
4. Proposed Utility Methods
- a. Statement as to the type of sewage disposal facilities. Additional information shall be provided by the subdivider as required by the Development Services Director ZONING ADMINISTRATOR.
 - b. Statement as to the type of potable water facilities. Additional information shall be provided by the subdivider as required by the Development Services Director ZONING ADMINISTRATOR for evidence of an adequate volume and quality of potable water supply.
 - c. Preliminary calculations and layout of proposed drainage system and locations of retention areas.
 - d. Statement as to the provision of other utilities being supplied to the plat area such as electric, phone, gas, and irrigation.
5. Pre-Application Procedures. A pre-application meeting with Community Development Department staff may be required as part of any application submittal for a subdivision. This meeting is intended to provide the appropriate

information to an applicant regarding, but not limited to, location of floodplains and drainage areas, septic system size and requirements, and conformance of the site plan with Zoning Ordinance requirements. During the meeting staff will also provide advice and assistance regarding filing procedures, improvements required, and subdivision design considerations. Concerns set forth in this pre-application meeting shall be addressed in the plat submittal. The developer should have "sketch" type drawings and documents showing the proposed street layout, topography, drainage issues, and proposed access. The purpose of the pre-application meeting is to provide preliminary identification of potential issues. It is not intended as a complete analysis. Attendance of the applicant's engineer and/or development team is strongly encouraged but not required. The applicant is required to contact a staff member to set up an appointment.

6. Sketch Plan.

- a. The purpose of the Sketch Plan is to determine the feasibility of the proposed development and the capacity of the land to support such development.
- b. To avoid unnecessary and costly revisions, the subdivider shall as specified by these Regulations submit a Sketch Plan of the proposed development after an informal discussion with Department staff. The Sketch Plan shall be circulated to and reviewed by Town and related reviewing agencies to discover development opportunities or apparent constraints prior to accepting a subdivision plat submittal.
- c. A Sketch Plan submittal shall be a precursor to any plat submittal under the following circumstances:
 1. Development tract adjoins different zoning classification(s) with higher intensity/density designation(s).
 2. Project development is to occur in multiple phases.
 3. Difficult development constraints exist such as:
 - a. Topography
 - b. Limited or difficult access
 - c. Limited existing or available utilities
 - d. Within FEMA Floodplain or encumbered by numerous washes or arroyos exhibiting unique drainage constraints
 - e. Sewer not available and effluent disposal opportunities are limited or constrained
 4. All PADs must submit a Sketch Plan.

7. Sketch Plan Contents.
 - a. Vicinity Map
 - b. Name of development and Sketch Plan
 - c. Location by Section, Township and Range (G&SRB&M)
 - d. Reference by dimension and bearing to section corners and quarter-section corners
 - e. Boundaries of development clearly identified
 - f. North arrow
 - g. Scales (both graphic and equivalent inch to feet) using standard engineering intervals. Not to exceed 1" = 200', prefer 1" = 100'. Sheet size no smaller than 24" x 36"; no larger than 42" on a side.
 - h. Date of preparation plus date of any amendments since original submittal
 - i. Names, addresses, phone numbers and notation of relationship to development for landowners, subdivider/development agents, engineers, surveyors, land planners, landscape architects, architects, hydrologists or others responsible for design (include registration numbers)
 - j. Topography by contours relating to U.S.G.S. survey datum (shown on the same map as proposed development) including benchmark used. Base information must be sufficient in order to review. Topography shall be depicted 300' beyond project boundary.
 - k. Proposed land uses and densities by area as well as ownership patterns surrounding land uses and zoning within 300'
 - l. Proposed vehicular, pedestrian and recreational stock traffic circulation plan (access, continuity, traffic flow capacities, secondary emergency access threshold, etc.) Traffic Concept Plan to include:
 1. Overall area map where necessary showing existing and proposed roads and their classification (arterial, collector, residential street) within 1/2 mile of project boundaries. Scale not to exceed 1" = 2,000'.
 2. Identify legal primary and secondary access opportunities, as well as existing or proposed street right-of-way widths.

3. In narrative form, identify general traffic impacts to adjacent property and existing roads, as well as high traffic generation points on site.
 4. Identify existing or proposed trail networks and open space features affected by or intended to be implemented as part of future subdivision design. (NOTE: The Plan may be graphic and/or narrative.)
- m. Drainage Concept Plan Illustrate and discuss in narrative form the proposed methods of handling storm drainage and floodplains that affect property:
1. Depict general pre- and post-development drainage patterns and flow direction(s).
 2. Identify potential detention facilities, where necessary.
- n. Identify in chart or note form on the Sketch Plan Map the following:
1. Total acreage, acreage for each use and each phase
 2. Number units/lots for each type of use and phase
 3. Average area per lot/unit proposed
 4. Percent open space, if any, exclusive of rights-of-way, roadways, building envelopes, and parking areas
 5. Water source (if new source indicate potential well field and storage tank)
 6. Method of refuse removal
 7. Sewer service provider and type, if available
 8. Fire District
 9. Proposed utilities available and provider
 10. Identify unique site conditions, i.e., rock outcroppings, major drainage features, etc.
- o. Requested Variances and Waivers or known deviations from design standards (NOTE: Unique site conditions or apparent development constraints may necessitate submittal of additional information as required.)
- p. If requested by the Town Manager or designee, a map (at a minimum scale of 1":10' for that portion of the lot within 30 feet of the building or structure) identifying the following, as applicable:

1. all trees over 2" outside bark diameter at 4.5 feet above the ground on the uphill side of the tree, indicating canopy size and species, and indicating those trees to be removed; and
 2. all natural topographic features such as watercourses, rock outcrops, native vegetation and trees, and
 3. a map identifying areas of existing manmade scarring and, if proposed, a restoration program.
8. Additional Requirements. Eighteen (18) presentation copies and one (1) copy in digital form of the Sketch Plan shall be submitted to the Department. Within fifteen (15) working days from submittal, the Sketch Plan shall be evaluated and discussed in a formal meeting between the applicant(s), reviewing agency representatives and Department staff. Upon receipt of reviewing agency comments, the Town Manager or designee shall compile agency comments and respond to the applicant or agent as the proposed project relates to the following:
 - a. General Plan or Specific Area (Community) Plan(s)
 - b. Suitability of the site for development, proposed/existing and potential development opportunities and constraints
 - c. The improvements, design and dedication required by Town Improvement Standards
 - d. Zoning Requirements
 - e. Drainage Requirements: A Phase I drainage report in accordance with the requirements of the Town Drainage Criteria shall be submitted as set forth herein in conjunction with a Sketch Plan. The purpose of a Phase I Drainage Report is to review at a conceptual level the feasibility and design characteristics of the proposed subdivision. The drainage study shall identify off-site contributing drainage areas on a 7-1/2' U.S.G.S. Quad Map; analyze existing hydrology conditions and approximate developed hydrologic conditions to make decisions relative to detention; illustrate location of proposed drainage facilities to convey run-off through the site (no sizing of facilities needed); and provide text generally describing the drainage aspects of the site, methods for handling run-off, hydrological methods, and floodplains that affect the property.
 - f. Citizen Participation: Every applicant who is proposing a subdivision of 60 acres or greater shall include a Citizen Participation Plan. The Plan will not be required to commence until 30 days before a legally-required Public Hearing, if any.
9. Approval or Denial of Sketch Plans Submitted with an Application for a Planned Area Development. On or before the twentieth day after the Sketch Plan submittal

date, the Town Manager or designee shall determine whether or not the Sketch Plan meets the purposes of these Regulations and related Town Ordinances and design specifications and shall, where the Town Manager or designee deems it necessary, make specific recommendations to be incorporated by the applicant into a revised Sketch Plan or appropriate subdivision plat submittal. No response from reviewing agencies within the prescribed review period shall be construed as having no objection to the continued processing of the application.

10. Denial of Sketch Plan. If the Town Manager or designee determines that the Sketch Plan submittal is not consistent with the General Plan or Specific Area (Community) Plan(s) and/or determines that the proposed development does not meet Town improvement/design specifications, the Town Manager or designee may deny the Sketch Plan application or request modifications to be incorporated into a revised Sketch Plan prior to authorizing an appropriate subdivision plat submittal.
11. Appeal. If the project developer objects to a decision by the Town Manager or designee to deny a Sketch Plan or any administrative review process or recommended modification to same, the Town Manager or designee's decision may be appealed to the Commission. Upon receipt of a written statement of objection, the matter shall be placed on the agenda for the next available Commission meeting. If the developer objects to the recommendations of the Commission, the Commission's recommendation may be appealed to the Council.

SECTION 5 FINAL PLAT

A. GENERAL REQUIREMENTS FOR FILING

1. The final plat shall be prepared in accordance with this Regulation and shall substantially conform to the approved preliminary plat.
2. Land use proposed shall be in conformance with this Regulation and any amendments needed shall have received final approval prior to the filing of the final plat.
3. Prior to the filing of the final plat, the subdivider shall obtain approval from the applicable utility interests for easement location and width as required for utility purposes.

- B. REQUIRED INFORMATION FOR FINAL PLAT.** The record plat shall be drawn with India ink on linen or Mylar having a left-hand margin of two (2) inches on a sheet size of twenty-four (24) by thirty-six (36) inches. If more than two (2) sheets are required for the drafting of the final plat, an index sheet shall be filed showing the entire subdivision on one sheet and the portion thereof contained on the other sheets. Copies of the record plat shall be reproduced in the form of blue

or black line prints on a white background. The final plat shall be drawn to a scale not to exceed two hundred (200) feet from an accurate survey.

1. Identification Data Required

- a. A title which includes the name of the subdivision and its location by number of section, township, range and county.
- b. Name, address and registration number of seal of the registered civil engineer or registered land surveyor preparing the plat.
- c. Scale, north arrow and date of plat preparation.

2. Survey Data Required

- a. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearing and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- b. Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- c. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced; each of two (2) corners of the subdivision traverse shall be tied by separate course and distance to separate section corner or quarter section corners.
- d. Location of all physical encroachments upon the boundaries of the tract.

3. Descriptive Data Required

- a. Name, right-of-way lines, courses, lengths, width of all public streets, crosswalks and utility easements; radii, points of tangency and central angles of all curvilinear streets; radii of all rounded street line intersections.
- b. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways, as designated by the Town Engineer, shall be dedicated to the public.
- c. All easements for rights-of-way provided for public services or utilities and any limitations of the easements. Construction within the easement shall be limited to utilities, and wood, wire or removable type fencing.
- d. Location and dimensions of all lots.
- e. All lots shall be numbered by consecutive numbers through the plat. "Exceptions," "tracts" and "private parks" shall be so designated, lettered or named, and clearly dimensioned.

- f. Location, dimensions, bearing, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
 - g. Location of all adjoining subdivisions with date, book and page number of recordation noted, or if unrecorded or unsubdivided, so marked.
 - h. Any proposed private deed restrictions or restrictive covenants to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land shall be typewritten and attached to the plat and to each copy submitted. Deed restrictions shall in no way be less restrictive than requirements imposed by the Town of Dewey-Humboldt.
 - i. Acknowledgement from the Arizona Department of water Resources certifying a 100 Year Assured Water Supply for the Plat.
4. Dedication and Acknowledgment
- a. Dedication: Statement of dedication of all streets, crosswalks, drainage ways, pedestrian ways, and other easements for public use by the person holding title of record, by persons holding titles as vendees under land contract, by spouse of said parties, lien holder and all other parties having an interest in the property. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication shall include a written location by section, township and range, of the tract.
 - b. Acknowledgment of dedication: Execution of dedication acknowledged and certified by a notary public.
5. Required Certifications
- a. Certification by the registered civil engineer or registered land surveyor making the plat that the plat is correct and accurate and that the monuments described in it have either been set or located as described. The certification shall be accompanied by the signature and seal of such civil engineer or surveyor.
 - b. Certification by the Zoning Administrator that all lots shown upon the plat conform to this Regulation and are suitable for the purpose for which they are subdivided.
 - c. Certification by the Town Engineer that all engineering conditions and requirements of this Regulation have been complied with.
 - d. Certification by the Town Clerk of the date the plat was approved by the Town Council.
 - e. Certification of recordation by the county recorder.

SECTION 6 SUBDIVISION DESIGN

The purpose of the Subdivision Design Standards is to begin achieving greater diversity within new residential developments relative to lot sizes, subdivision layout, and single-family architecture. The standards set objectives for the developer/home builder to meet and are not intended to restrict or impede creativity and imagination.

A. LOT DESIGN

1. Lot Width

- a. Minimum lot width shall be in accordance with the underlying zoning.
- b. Provide a minimum of three different lot widths (at least five foot differentials) within the same development. No more than 25% of the total number of lots shall be at the minimum lot size.

2. Setbacks

- a. Minimum interior side yard setbacks shall be in accordance with the underlying zoning.
- b. Corner (exterior) side yard setbacks that are adjacent to local streets shall be in accordance with underlying zoning.
- c. Minimum rear yard setbacks shall be in accordance with underlying zoning.
- d. Rear yard setbacks on all lots that back up to arterial streets, railroads, canals, electrical transmission easements, or commercial or industrial districts shall be a minimum of thirty (30) feet. The rear one (1) foot shall be recorded as a non-vehicular access easement.
- e. The space in any required yard shall be open and unobstructed, except for the ordinary projections of chimney flues, outside stairways and balconies, open lattice and other architectural features, provided such features shall not project further than three (3) feet into any required yard, and provided further that in no case shall such projections be nearer than five (5) feet to the property line. Window sills, belt cornices, eaves and other architectural features which occur at least eight (8) feet above grade may encroach three (3) feet into side yards. Shrubs and groundcovers may be planted within any side yard.
- f. Fire places, entertainment centers, and bay windows (including their cornices and eaves) may project into any required yard not more than three (3) feet, provided the sum of such projections on any wall does not exceed one-third (1/3) the length of the wall and provided further that in no case shall such projections be nearer than five (5) feet to any property line.

7. Developers/home builders shall provide a curvilinear street system with safe traffic sight visibilities, particularly at intersections,
 8. Developers shall provide a number of cul-de-sacs with a diversity feature such as a landscaped island, or pedestrian access to common open space.
- C. EASEMENT DESIGN. The width, location and purpose of all easements shall be provided on the final plat.
1. Utility easements shall be located to the front of lots where practicable.
 2. Drainage easements shall be provided for the retention of drainage from subdivision streets. Drainage shall not be shed to adjoining right-of-way.
 3. Natural drainage easements are encouraged to preserve washes and streams. Easements should include a minimum of twenty-five (25) feet of area on either side of a natural drainage area.
 4. The private maintenance of all easements shall be provided for in the recorded CC&Rs for the subdivision.
 5. Landscaping shall be provided by the developer or designee for all easement areas, medians, etc. Maintenance of the landscaping shall be provided for in the recorded CC&Rs for the subdivision.
- D. COMMON AREA DESIGN. Common areas, which can be undisturbed habitat, parks, common pasture, improved pedestrian or equestrian easements, community recreational facilities and play fields are required in every subdivision design in accordance with the following:
1. Developer/home builder shall create and record a set of covenants, conditions, and restrictions, establishing a homeowners' association which shall be responsible for the maintenance of all landscaping in all common areas and adjacent rights-of-way.
 2. Location of the common areas shall be approved on the Final Plat.
 3. Developer/home builder shall provide unique entry features to the development featuring such elements as monument signing, special landscaping, specialty pavement, enhanced fence wall details, boulevard median, etc. (Note: all such elements must be maintained by a homeowners association and must not impede safe traffic visibilities).
 4. Developers shall design and improve retention areas to be useable and accessible, i.e. not inundated by 10-year storm volumes for certain recreational purposes, such as basketball, volleyball, tot-lots, etc., as well as for specific site and architectural amenities such as ramadas, par courses, etc.
 5. A minimum of one tot-lot play area is required per every project unless waived by action of the Town Council. The home builder shall provide more extensive

playground equipment/active adult recreational amenities with larger scale projects with more than one hundred (100) homes. Said playground equipment/active adult recreational amenities shall be subject to approval by the Town of Dewey-Humboldt.

6. Common areas shall be improved prior to the release of any financial guarantee.
7. Acceptance for maintenance responsibility by an approved party must be included on the final plat prior to approval.

E. SINGLE-FAMILY ARCHITECTURE

1. Roof material for residential developments, excluding flat roofs, shall be either all tile (e.g. barrel tile or flat concrete tile) or all composition shingles. A combination of the two within the same development shall be prohibited. Wood shake shingles are prohibited.
2. Each house shall include at least a two-car garage; carports are prohibited.
3. Production home builders within a subdivision shall provide not less than six (6) house colors and three (3) roof colors.
 - a. A minimum of three (3) front elevations for each house plan is required. The same house plan with the same or similar elevation shall not be placed on adjacent lots or directly across the street from one another.
 - b. Home builders shall provide elevations which have altering ridge lines and roof lines.
4. Home builders shall upgrade rear or side elevations along arterial or collector streets and open space areas.
5. Home builders shall de-emphasize garage fronts as the most prominent architectural feature of the dwelling front by incorporating, e.g., side access garages, "in-line" garages, L-shape floor plans, etc., into their product mix.
6. Home builders shall emphasize distinctive architectural details in the front elevations, e.g., covered front entries, covered front porches, door and window details, roof overhangs, parapet walls with cap features, etc.
7. All air conditioning units/mechanical equipment shall be ground mounted and shall not be nearer than five (5) feet to the property line within a required side yard. Roof mounted air conditioning units may be permitted provided they are architecturally screened with a parapet and are perceived as an integral part of the building. Roof mounted mechanical equipment shall require approval from the Land Use Specialist.

F. BUILDING ARRANGEMENT AND SITE DESIGN

1. Pad Location. Pad location is to be identified. The location should minimize disruption of light and views as well as ensure privacy of the surrounding lots. In areas of natural desert, location shall minimize plant and natural grade disruption. Developers/home builders shall be expected to provide reasonable plant salvage/protection of on-site indigenous plant material.
2. Building Mass
 - a. To avoid monotonous linear development, multiple family buildings shall be in small clusters designed as neighborhood units. A cluster shall not include more than thirty (30) units. The number of units in a row is limited to eight (8).
 - b. Offsets in frontages, building mass, facades and other building features are required to create individualized spaces in residential areas.
3. Parking
 - a. Parking shall be interior to multiple family projects. No more than twelve (12) parking spaces will be permitted in a continuous row. Double rows of parking must be separated by a minimum six (6) foot landscaped area.
 - b. If building lots are less than three thousand (3,000) square feet, a minimum of fifteen percent (15%) of the required parking spaces shall be provided as common guest or overflow parking.

SECTION 7 ENGINEERING & CONSTRUCTION PLANS

- A. It shall be the responsibility of the subdivider to have prepared by an engineer, registered in the State of Arizona, a complete set of engineering plans in accordance with all applicable Town Codes, for the construction of all required improvements. Such plans shall be in conformance with the approved preliminary plat.
- B. The Town Engineer shall approve the engineering plans unless they fail to conform with one or more requirements of this Regulation or the plans differ substantially from the plans and specifications approved in conjunction with the preliminary plat.

SECTION 8 GUARANTEE AND WARRANTY OF PUBLIC IMPROVEMENTS

- A. FINANCIAL GUARANTEE. The Town Council shall require the subdivider to guarantee that all required improvements will be completed in a manner satisfactory to the Town using either of the following methods:
 1. A performance bond, an irrevocable letter of credit, assurance of construction of subdivision improvements, funds in a restricted escrow account, or other

financial guarantee approved by the Town Attorney and accepted by the Town Council prior to the recordation of the final plat.

- a. The financial guarantee shall be one hundred (100) percent of the cost of the labor and materials necessary to complete the subdivision.
 - b. The period within which required improvements must be completed shall be specified and shall not exceed two (2) years from the date of final approval.
2. As an alternative procedure, the Town Council may approve a final plat and instruct the Zoning Administrator to withhold the recording of the plat for a period of time to allow the subdivider to complete the required improvements. When the subdivider has completed the required improvements and they have been inspected and approved by the Town Engineer, the plat shall be recorded and the sale of lots may then proceed according to the approved and recorded plat.
- B. **INSPECTION OF IMPROVEMENTS.** Prior to the approval of the required improvements by the Town Engineer, an engineer retained by the subdivider shall certify to the Town that all facilities and improvements to be dedicated to the Town have been constructed in accordance with the requirements of this Regulation. The Town Engineer shall also inspect all improvements to the site and certify that they comply with all specifications as set forth in the approved improvement plans. Any inspection expenses incurred by the Town shall be reimbursed by the subdivider.
- C. **WARRANTY OF IMPROVEMENTS.** The subdivider shall post a performance bond or other sufficient surety to guarantee that all defects in any public facilities or improvements that occur within one (1) year after acceptance of the improvements by the Town shall be corrected by the subdivider.
- D. **DEVELOPMENT AGREEMENT.** The Town shall have the authority to enter into a development agreement with the subdivider to carry out the provisions contained in this Regulation.

SECTION 9 ABANDONMENTS

- A. Any plat or part of a plat may be vacated under the provisions of this Regulation, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat.
- B. The Town Council may abandon streets, easements, and other right-of-way under the appropriate provision(s) of applicable state law and this Regulation.