



CITY OF SIERRA VISTA
PLANNING AND ZONING COMMISSION
OCTOBER 15, 2019
CITY COUNCIL CHAMBERS
1011 N. CORONADO DRIVE
REGULAR MEETING

REGULAR MEETING.....5:00 PM

CALL TO ORDER

ROLL CALL

ACCEPTANCE OF AGENDA

ACCEPTANCE OF MINUTES

- 1. October 1, 2019

CHAIR COMMENTS

CALL TO PUBLIC

OLD BUSINESS

NEW BUSINESS

- 2. **PUBLIC HEARING**
Resolution 1163
Request for Rezoning
700 N. Carmichael Ave.
From NC to SFR-8
- 3. **PUBLIC HEARING**
Resolution 1164
Proposed Development Code Amendments-Accessory Dwelling Units
Section 151.02.004, Definitions
Section 151.06.010, Accessory Dwelling Units
Section 151.22.006, Matrix of Use Permissions by Zoning District

FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS

INFORMATION

Update on Projects

CITY COUNCIL LIAISON COMMENTS

Update on City Council Items

ADJOURNMENT

SIERRA VISTA PLANNING AND ZONING COMMISSION
OCTOBER 1, 2019
CITY COUNCIL CHAMBERS
Meeting Minutes

The regular meeting of the Sierra Vista Planning and Zoning Commission was called to order at 5:00 p.m. in the City Council Chambers.

Members Present: Sharon Lake, Chair
Bradley Snyder, Vice-Chair
Patricia Olson
David Thompson
Robert Karp
Chrysti Lassiter

Members Absent: Steven Miller

Staff Present: Matt McLachlan, Community Development Director
Jeff Pregler, Senior Planner

Council Present: Mayor Pro Tem Gray
Councilmember Umphrey

Others Present: Rick Coffman, Castle & Cooke Arizona, Inc.

ACCEPTANCE OF THE AGENDA:

Mr. Snyder made the motion to accept the agenda. Ms. Olson seconded the motion.

VOTE: Approved by a vote of 6-0

ACCEPTANCE OF THE MINUTES:

1. Mr. Thompson made the motion to accept the minutes of September 17, 2019. The motion was seconded by Ms. Lassiter.

VOTE: Unanimously approved- 6-0.

CHAIR COMMENTS

None

CALL TO THE PUBLIC

Ms. Lake opened the meeting to the public. There being no public requesting to speak, Ms. Lake closed the meeting to the public.

OLD BUSINESS:

None.

NEW BUSINESS

2. PUBLIC HEARING

Resolution 1162

Holiday at PDS Phase 5 Preliminary Plat, Lots 1-59.

Mr. Pregler gave the staff presentation. He stated that *the proposed subdivision consists of 11.56 acres (MOL) and is currently vacant. The property was formerly used for the Pueblo Del Sol (PDS) Mobile Home Park. The property is located adjacent to the earlier phases of the Holiday subdivision and will have access to the same amenities such as access to the country club and swimming pools. Access to the site will be from Resort Drive which connects to Canyon De Flores Drive.*

The Holiday at PDS , Phase 5 subdivision plat will consist of 59 lots. The zoning on the property is Multi-Family Residential (MFR). The developer is proposing to construct single family detached homes on the property. Article 151.22.010, Multi-Family Residential Zoning District, requires a minimum lot size of 4,500 square feet for all single-family detached residences. The developer is exceeding this lot size requirement.

The streets will be private and have a total width of 31 feet. All private streets are required to meet the same minimum pavement cross-section and construction standards as public streets. The sewer systems will be public and the responsibility of the City of Sierra Vista. Pueblo Del Sol (PDS) Water Company will provide water for the subdivision. The PDS Water company was provided a designation of adequate water supply by the Arizona Department of Water Resources (ADWR) on May 17, 2013. Therefore, the subdivision does meet the water adequacy requirements stated in the Development Code.

The City notified all property owners within 500 feet of the property of the proposed subdivision plat. The City received no comments from the adjacent property owners. The Development Review Committee recommended unanimous approval of the plat at their meeting on September 25, 2019.

COMMISSION COMMENTS:

Mr. Karp asked if the Development Code required subdivisions to provide open space based on acreage or number of lots. Mr. Pregler stated that there is not a specific requirement that subdivisions provide open/park space. However, the General Plan does require within the City limits a level of service for parkland (10 acres for every 1,000 residents). Mr. McLachlan stated that there will be impact fees for recreational uses instituted once the impact fee moratorium expires. The specific amount is still being evaluated.

Mr. Snyder asked if the 6 acre property south of Canyon De Flores Drive was going to be developed. Mr. Coffman, from Castle & Cooke Arizona, Inc. stated that the parcel will be developed for single family homes.

Mr. Snyder asked about the development timeline for Holiday at PDS, Phase 5. Mr. Coffman stated that development will begin as soon as the final plat is approved.

VOTE: The Commission voted unanimously to recommend approval of the Holiday at PDS, Phase 5 preliminary plat to the Mayor and City Council, with a vote of 6-0.

3. **Discussion on the Proposed Code Amendments-Accessory Dwelling Units**

Section 151.02.004, Definitions

Section 151.06.010, Accessory Dwelling Units

Section 151.22.006, Matrix of Use Permissions by Zoning District

Mr. Pregler gave the staff presentation by providing an overview of the proposed amendments related to Accessory Dwelling Units.

Section 151.02.004, Definitions. *The proposed amendment is to revise the definition of Accessory Dwelling Unit to state: "A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure." Mr. Pregler stated that the current definition describes an accessory dwelling unit as only being detached from the principal structure. The proposed definition would describe accessory dwelling units as both attached and detached structures.*

Section 151.06.010, Accessory Dwelling Units. *The addition of this Section to the Development Code provides for development standards and an application process for accessory dwelling units. Mr. Pregler described the amendments:*

A. Location. The accessory dwelling unit may be added to or included within the principal dwelling unit or located in a detached structure. Detached accessory dwelling units shall be entirely located behind the front face of the principal structure.

B. Approval Process. One accessory dwelling unit is permitted per lot provided the Community Development Director or his or her designee first approves the proposed accessory dwelling unit and a standard building permit is issued.

C. Application Requirements. Requests shall be made using an application form provided by the Department of Community Development. A plot plan and architectural elevations illustrating conformance with the development standards shall be included with the submittal.

D. Public Comment. No less than thirty (30) days prior to a building permit is issued, the City shall provide written notice by first class mail to each of the directly adjacent property owners to the applicant's property as documented in the Cochise County Recorder's Office records. The notice shall include the plot plan, architectural elevations of the proposed accessory dwelling unit, a description of the applicable development review standards, and the procedure for providing comment on the application. Comments received indicating non-compliance with the development standards shall be reviewed by the Director of Community Development or designee and may require a revision to the original submittal.

E. Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.

F. Number of Occupants. No more than two occupants may reside in an accessory dwelling unit.

Basic Development Standards.

1. Additions to an existing structure or newly detached accessory dwelling unit shall be designed consistent with the existing roof pitch, siding and windows of the principal dwelling unit.

2. The building height of detached accessory dwelling units shall not exceed fifteen (15) feet.

3. The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the accessory dwelling unit, including landscape screening, fencing, and window and door placement.

4. Detached accessory dwelling units shall be a minimum of 5 (five) feet from the side and rear property lines.

5. There shall be at least five (5) feet of separation between a detached accessory structure and any other building on the property.

6. The gross floor area of the accessory dwelling unit shall not exceed fifty (50) percent of the livable floor area of the principal dwelling unit or eight hundred (800) square feet, whichever is less.

7. The accessory dwelling unit shall not contain more than one bedroom.

Section 151.22.006, Matrix of Use Permissions by Zoning District. The amendments to this Section allow accessory dwelling units as a permitted use within the Urban Ranch (UR), Single Family Residence (SFR), and Multi-Family Residence (MFR) Zoning districts.

COMMISSION COMMENTS:

Mr. Karp asked staff to confirm the maximum floor area requirements for accessory dwelling units (Basic Development Standard No. 6) . In reviewing the amendment, Mr. McLachlan stated that the language should state that the livable floor area of the accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or eight hundred (800) square feet, whichever is less. Mr. Pregler will revise the language to reflect this change. Mr. Pregler further stated that the term habitable will replace the term livable to be more consistent with the nomenclature in the building codes.

Mr. Karp asked why staff removed the development standard prohibiting accessory dwelling units from having a separate address, water meter, utility meter, driveway or parking area. Mr. McLachlan stated that the language was removed because it was determined to be too restrictive. He stated that there may be situations where additional parking is appropriate for the accessory dwelling unit such as construction of a garage whereas the previously addressed standard would have prohibited such parking flexibility. Also, he stated that restricting a separate address on a rental serves no public purpose especially if the accessory dwelling unit is being used to supplement the number of affordable housing units in the City.

Mr. Karp also asked why staff removed the development standard that required accessory dwelling units to have materials, colors and architectural styles harmonious with the principal structure. Mr. Pregler stated that this verbiage has been reworded and incorporated into Basic Development Standard No. 1.

Mr. Karp raised some concerns about accessory dwelling units being used as short term rentals. Specifically, he indicated that there will be no means to control short term rental units because of both state legislation limiting local zoning restrictions and proposed amendment allowing such units to be reviewed administratively rather than through the current conditional use permit process. He further stated that accessory dwelling units should require approval through the CUP process because it allows for public input, which is important because the nature and character of the single family residential zoning district will change as a result of the short term rental units.

Mr. Karp asked if the City is receiving the sales tax from the Air B&B's. Mayor Pro Tem Gray stated that Air B&B collects all the sales tax revenue and sends it to the state, whom disperses the tax to the individual jurisdictions. Mr. Karp also indicated that the smaller short term rental units would typically not need to pay the rental tax as the number of units would make them exempt from the tax. He further explains that the units therefore, would be in direct competition with the hotels which are required to pay the rental tax.

Mr. Thompson stated that one of the purposes of accessory dwelling units is to provide housing for a disabled family member. Mr. McLachlan stated that accessory dwelling units can be used for this purpose and are sometimes called mother in-law suites. Mr. Snyder explained that with the aging population, many accessory dwelling units will be used to care for family members.

Ms. Olson asked how the proposed code amendments would impact the property owners interested in constructing accessory dwelling units. Mr. McLachlan stated the new amendments allow for a predictable review process that require objective standards to be addressed.

FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANOUNCEMENTS

None

INFORMATION

Mr. Pregler stated that there is a request for rezoning scheduled for the next Commission meeting. The request is to change the zoning designation from Neighborhood Convenience (NC) to Single Family Residence-8.

CITY COUNCIL LIAISON COMMENTS:

No additional Council liaison comments.

ADJOURNMENT

The meeting adjourned at approximately 5:50 p.m.

SHARON LAKE
Chair
Planning & Zoning Commission

MATT MCLACHLAN, AICP
Executive Secretary
Planning & Zoning Commission

JEFF PREGLER, AICP
Recording Secretary

STAFF MEMORANDUM

TO:	Planning and Zoning Commission
THRU:	Matt McLachlan, AICP, Community Development Director
FROM:	Jeff Pregler, AICP, Senior Planner
MEETING DATE:	October 15, 2019
CASE NO:	RZ 2019-001 Wisniewski Rezoning
SUBJECT:	Resolution 1163, Request for Rezoning from Neighborhood Convenience to Single Family Residence-8 on property located at 700 N. Carmichael Avenue
REQUESTED ACTION	I move that Resolution 1163, a proposal to rezone parcel #106-62-074 from Neighborhood Convenience to Single Family Residence-8, as shown on Exhibit A, be recommended for approval to the Mayor and City Council.

I. GENERAL INFORMATION

A. Requests

The applicants, John and Jenifer Wisniewski, are seeking approval of the following requests:

1. Amendment of the City's Official Zoning Map from NC, Neighborhood Convenience to SFR-8, Single Family Residence-8 as depicted and described in Exhibit "A" of Resolution 1163.

B. Location

700 N. Carmichael Avenue (Parcel ID# 106-62-074)

C. Site Area

8,100 square feet (MOL)

II. BACKGROUND

A. Proposal/Summary

This is a request to rezone the property located at 700 N. Carmichael Avenue, from Neighborhood Convenience (NC) to Single Family Residential-8 (SFR-8). The applicant is proposing to repurpose the existing vacant commercial building on the property into a single-family residence. Since the property will have a residential use, a rezoning to a single-family residential zoning district is required.

The property was incorporated as part of the original Articles of incorporation in 1956 and was designated with a zoning classification of R-1, which allowed for medium density residential development. The property was rezoned in 1968 to C-1 which permitted low impact neighborhood businesses. In 1986, after adoption of the Development Code, the property was given a Neighborhood Convenience (NC) zoning designation which is the current zoning designation. The existing vacant building on the property was previously used as a church.



B. Development Considerations

A building permit will be required for the necessary renovations to adapt the existing building for residential purposes.

C. Summary Recommendation

Staff recommends approval of the rezoning request.

III. REVIEW CRITERIA

No rezoning or map amendment shall be recommended for approval or receive a final action of approval unless a positive finding based upon substantial competent evidence, either presented at a public hearing held by the Commission, or reviewed personally by the Commission members, is made on each of the following:

A. Standards

1. *The need and justification for the change.*
2. *The rezoning is consistent with the goals and objectives of VISTA 2030.*
3. *Whether the proposed rezoning benefits the general public welfare and does not constitute a granting of special privileges to an individual.*

B. Analysis

1. Site Suitability

The property is in an area that is predominately zoned for medium density residential development. The zoning district north and west of the property is Single Family Residential-8 (SFR-8) and the zoning district to the south is Single Family Residential-6 (SFR-6). The properties directly east of the property are Carmichael Elementary School and Len Roberts Park. Rezoning the property to SFR-8 is consistent with the existing density and land uses in the area.

2. Ability to Serve

The subject property is located on the corner of N. Carmichael Avenue and W. Tacoma Street. According to the latest City traffic counts, N. Carmichael Avenue has a total of 1,559 annual daily trips and W. Tacoma Street has a total of 888 annual daily trips. Both roadways function and are functionally classified as local residential streets. According to the Institute of Traffic Engineers (ITE) Trip Generation Report, a single-family residence generates 10 vehicle trips per day. No significant impact on the existing level of service will result from the rezoning.

A 12-inch sewer line is located in the N. Carmichael Avenue right-of-way which is adequate to accommodate the proposed residential use.

3. Compatible with Surrounding Area

The building on the property has remained vacant for several years because commercial development would be challenging due to required setbacks, buffers, and parking standards. In addition, the intensity of commercial development could potentially create negative impacts on the

adjacent residences. For these reasons, the highest, best and most compatible use for the property is residential.

4. Consistency with the General Plan

The request will be consistent with the land use designation in the City of Sierra Vista General Plan (VISTA 2030) which has assigned a Medium-Density land designation to the property. According to VISTA 2030, the SFR-8 zoning district falls under the category of a Medium-Density land designation.

Goal 1-1, Increase citizen participation in the governmental decision process;

Goal 13-3, Promote the adaptive reuse of buildings;

III PUBLIC CORRESPONDENCE/COMMENT

The City sent out public notification to all property owners within 500-feet of the property and has received no comments.

RESOLUTION 1163

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING THE GOALS AND POLICIES OF VISTA 2030, THE CITY OF SIERRA VISTA GENERAL PLAN; RECOMMENDING AN AMENDMENT TO THE CITY ZONING DISTRICT MAP CHANGING THE ZONING OF PROPERTY LOCATED IN A PORTION OF SECTION 34, T21S, R20E, ON PARCEL 106-62-074, AS SHOWN IN EXHIBIT A, FROM NEIGHBORHOOD CONVENIENCE (NC) TO SINGLE FAMILY RESIDENCE-8 (GC) AND; DIRECTING THE EXECUTIVE SECRETARY TO TRANSMIT THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AND COMMENTS TO THE CITY COUNCIL.

WHEREAS, in accordance with the provisions of Article 151, Section 31 of the City Code, John and Jenifer Wisniewski for the property shown on Exhibit A, have submitted an application to amend the zoning on this property from NC, Neighborhood Convenience to SFR-8, Single Family Residence-8; and

WHEREAS, this request for amendment has been duly advertised for a public hearing under the provisions of A.R.S. Section 9-462.04; and

WHEREAS, A.R.S., Section 9-462.04, and Article 151, Section 31 of the City Code require the Planning and Zoning Commission to review and make a recommendation of such requests for amendment to the City Council; and

WHEREAS, it is the policy of the City of Sierra Vista to only approve those amendments which shall; 1) justify the need for the change; 2) be consistent with the goals and objectives of the General Plan; 3) ensure the proposed amendment benefits the general public welfare and does not provide a special privilege to an individual.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the following Goals and Policies of VISTA 2030, the City of Sierra Vista General Development Plan are reaffirmed: Goal 1-1, Increase citizen participation in the governmental decision process; Goal 13-3, Promote the adaptive reuse of buildings.

SECTION 2

That an amendment to the City Zoning District map from NC to SFR-8 for a portion of Section 34, T21S, R20E, on parcel 106-62-074, as shown in Exhibit A, be, and hereby is recommended to the City Council for approval.

SECTION 3

That the Executive Secretary be, and hereby is, directed to transmit the Planning and Zoning Commission's recommendation and comments to the City Council.

PASSED AND APPROVED BY THE CHAIRPERSON AND MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 15TH DAY OF OCTOBER, 2019.

SHARON LAKE
Chairperson

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

JEFF PREGLER
Planner

RESOLUTION 1163
PAGE TWO OF TWO

EXHIBIT A

A portion of the Northwest quarter of Section 34, Township 21 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;

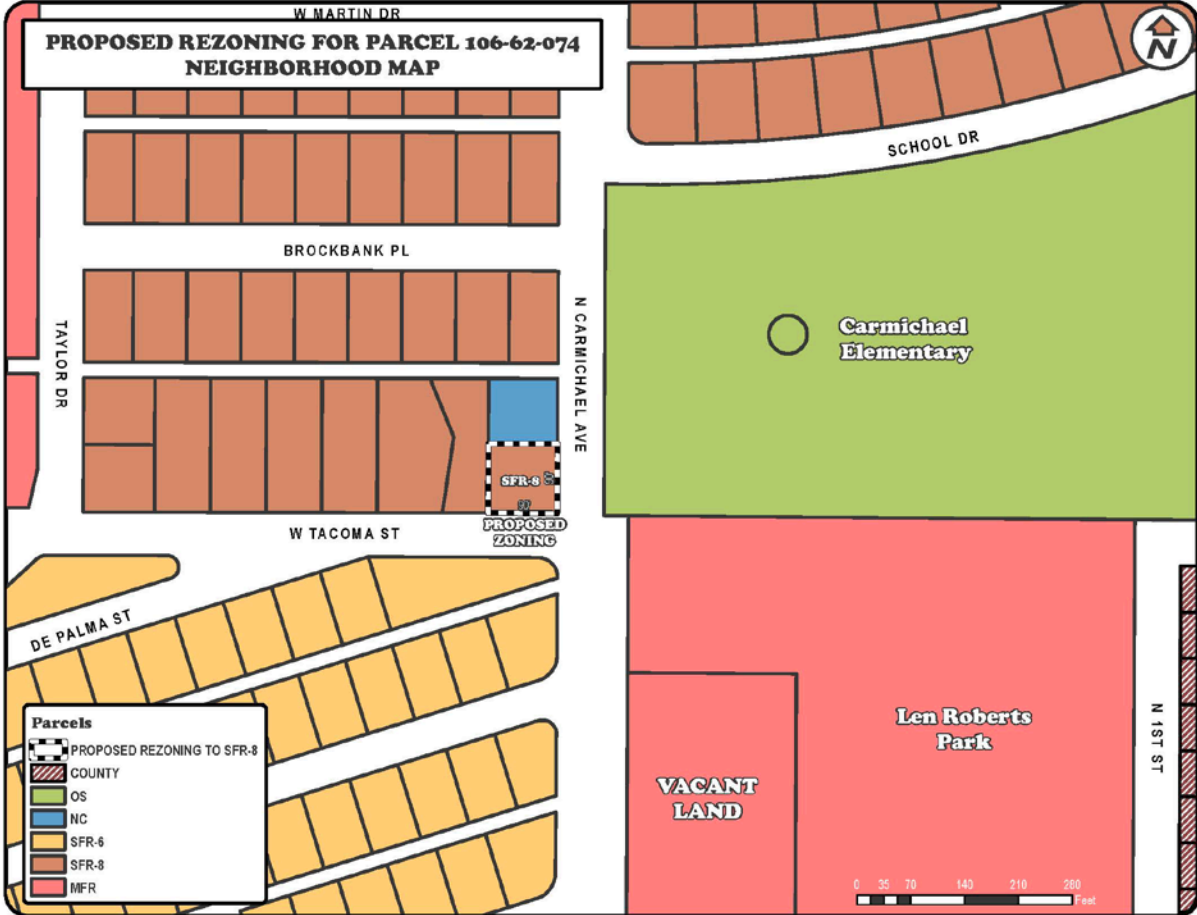
BEGINNING at a point which is South 89°51'15" West, a distance of 60.00 feet from the Southeast corner of the Northwest quarter of said Section 34, said point being the intersection of the North boundary of Tacoma Avenue and the West boundary of North Carmichael Avenue;

Thence going South 89°51'15" West along the North boundary of Tacoma Avenue, a distance of 90.00 feet;

Thence North 00°01'15" West. a distance of 90.00 feet;

Thence North 89°51'15" East, a distance of 90.00 feet to a point on the West boundary of North Carmichael Avenue;

Thence South 00°01'15" East along the West boundary of North Carmichael Avenue for 90.00 feet to the POINT OF BEGINNING.



STAFF MEMORANDUM

TO:	Planning and Zoning Commission
FROM:	Jeff Pregler AICP, Senior Planner
MEETING DATE:	October 15, 2019
SUBJECT:	PUBLIC HEARING Development Code Amendments Accessory Dwelling Units Section 151.02.004, Definitions Section 151.06.010 Accessory Dwelling Units Section 151.22.006, Matrix of use Permissions by Zoning District
REQUESTED ACTION:	I move that Resolution 1164 , providing for text amendments to Development Code Section 151.02.004, Definitions; Section 151.06.010, Accessory Dwelling Units, and Section 151.22.006, Matrix of Use Permissions by Zoning District, as shown in Exhibit A, be recommended for approval to the Mayor and City Council.

BACKGROUND:

The Development Code does not currently incorporate development standards for Accessory Dwelling Units (ADU). Past practice has been to add standards as conditions of a Conditional Use Permit. The Planning & Zoning Commission and staff have determined that creating specific development standards is the most effective way to regulate ADU's. As such, the proposed amendments include specific development criteria for the construction and placement of ADU's. Staff researched a number of codes from other local jurisdictions to help create the proposed standards. .

The Commission has held a number of work sessions on these amendments. The first work session was held on September 3, 2019. The second work session was held on September 17, 2019. The third work session was held on October 1, 2019. The Commission provided a number of recommendations during the work sessions which have been integrated into the proposed amendments.

ANALYSIS

Section 151.02.004, Definitions

The current definition for accessory dwelling unit conflicts with the proposed development standards in Section 151.06.010. For example, the current definition indicates that ADU's apply only to detached structures, while the proposed development standards describe an ADU as being both attached to the principal structure and detached. Therefore, it is proposed that the existing definition be removed and replaced with the following: An accessory dwelling is "a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure."

Section 151.06.010 Accessory Dwelling Unit

This Section was created to provide development standards and an application and review process for accessory dwelling units. The Development Code currently requires that property owners obtain a Conditional Use Permit (CUP) prior to the construction of an accessory dwelling unit. The CUP process involves notification of property owners within 500 feet of the requested ADU property and requires public hearings before the Planning & Zoning Commission and the City Council. The proposed development standards in this section, are intended to provide objective review criteria which minimize the negative impacts of ADU's on adjacent properties. The development standards reflect the conditions typically attached to conditional use permits.

During the Commission work sessions there was discussion about the processing of accessory dwelling units. Specifically, whether the ADU's should continue to be processed through the Conditional Use Permit process or administratively approved. A consensus of the Commission indicated that, with the development standards in place, that ADU's should be reviewed and approved administratively. The Commission also recommended that neighbor notification be integrated into the administrative review process. Therefore, an administrative application and review process was included in this Section that also requires adjacent neighbor notification and comment.

Article 151.22.006-Matrix of Use Permissions by Zoning District

As previously discussed, a consensus of the Commission indicated ADU's should be processed administratively. Therefore, the amendments to this Section changes the use classification for

accessory dwellings units from Conditional to Permitted within the Urban Ranch (UR), Single Family Residence (SFR) and Multi-Family Residence (MFR) zoning district.

Public Comments

Staff has not received any public comments on the proposed amendments.

RESOLUTION 1164

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; BY RECOMMENDING APPROVAL OF AMENDMENTS TO CHAPTER 151 OF THE CITY CODE OF ORDINANCES, THE DEVELOPMENT CODE, AS SHOWN ON EXHIBIT A; AND DIRECTING THE EXECUTIVE SECRETARY TO TRANSMIT THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AND COMMENTS TO THE CITY COUNCIL.

WHEREAS, the provisions of A.R.S. 9-462.04 and Chapter 151, Development Code, of the City Code of Ordinances, allow text amendments to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.31 of the Development Code and established policy, the City of Sierra Vista, has proposed amendments to the following: Section 151.02.004, Definitions; Section 151.06.010, Accessory Dwelling Units, and Article 151.22.006, Matrix of Use Permissions by Zoning District; and

WHEREAS, Article 151.31 of the Development Code requires that the Planning and Zoning Commission review all applications for text amendments, and to forward recommendation on the application to the City Council; and

WHEREAS, as required by Article 151.31 of the Development Code, the Planning & Zoning Commission held a public hearing on the application, after proper notice had been given; and

WHEREAS, the Planning and Zoning Commission considered all of the facts of the application and the comments of the citizens at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

The Planning and Zoning Commission reaffirms settled policy for recommending Development Code text amendments to City Council.

SECTION 2

That text amendments to Chapter 151 of the City Code of Ordinances, the Development Code, as shown on Exhibit "A" are hereby recommended to the Mayor and City Council.

SECTION 3

That the Executive Secretary be, and hereby is, directed to transmit the Planning and Zoning Commission's recommendation and comments to the City Council.

RECOMMENDED FOR APPROVAL BY THE CHAIRPERSON AND MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA THIS 15TH DAY OF OCTOBER, 2019.

SHARON LAKE
Chairperson

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Jeff Pregler, AICP,

EXHIBIT A

DEVELOPMENT CODE TEXT AMENDMENTS ACCESSORY DWELLING UNITS

SECTION 151.02.004-DEFINITIONS

SECTION 151.06.010 ACCESSORY DWELLING UNITS

SECTION 151.22.006-MATRIX OF USE PERMISSIONS BY ZONING DISTRICT

SECTION 151.02.004 DEFINITIONS

Section 151.02.004 Definitions

When used in this Code, the following terms shall have the meanings herein ascribed to them:

A Scale Sound Level

The measurement of sound approximating the auditory sensitivity of the human ear and used to measure the relative noisiness or annoyance of common sounds.

Abut

Physically touch or border on or to share a common boundary, property line, or right-of-way.

Access

The place, means, or ways by which pedestrians, vehicles, or both shall have safe, adequate, and usable ingress/egress to a property or use. A private access is an access not in public ownership and controlled by means of deed, dedication, or easement

Accessory Dwelling Unit

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

~~A dwelling unit on the same lot with and of a nature customarily incidental and subordinate to the principal's structure or use. This definition shall include any structure, or portion of a structure, other than the principal structure or use, wherein kitchen facilities and provisions for sanitation (shower, tub and/or water closet) are provided. Such accessory structure shall not be constructed or placed in any minimum required yard or open space. Habitable space that has access from within a dwelling unit through a common wall is considered attached and not defined as an accessory dwelling unit.~~

Accessory Structure or Use

A use of land or of a building or structure, or portion thereof customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure. An accessory structure shall be built either simultaneously or after the construction of the principal structure. Such accessory structures can include restroom facilities, to include a sink, shower, and water closet, provided they meet applicable plumbing codes.

**SECTION 151.06.010-
ACCESSORY DWELLING UNITS**

ARTICLE 151.06 SPECIAL REGULATIONS FOR PARTICULAR USES

Sections:

- 151.06.001 Purpose
- 151.06.002 Adult Uses
- 151.06.003 Alternative Energy Systems
- 151.06.004 Home Based Businesses
- 151.06.005 Medical Marijuana Dispensary
- 151.06.006 Medical Marijuana Cultivation or Infusion Facility
- 151.06.007 Temporary Uses
- 151.06.008 Communications Facilities
- 151.06.009 Mobile Food Vendors
- [151.06.010 Accessory Dwelling Units](#)

Section 151.06.001 Purpose

Some uses have special impacts or special needs that cannot be addressed by the normal use of dimensional restrictions of the zoning districts. Many of these uses have similar characteristics that can be identified in advance. This enables the City to establish standards for all of these uses. This article establishes those standards. These standards must be complied with for each type of use identified in this article, regardless of their location.

(Ord. 2016-002, passed 2-25-16)

Section 151.06.002 Adult Uses

A. Separation Requirements

Adult bookstore, adult cabaret, adult conversation/ rap parlor, adult hotel or motel, adult massage parlor or health club, adult mini-motion picture theater, adult motion picture theater, adult sauna or bathhouse or similar adult uses, shall be located in a manner:

1. That any of the above uses do not locate within 1,000 feet of the following:
 - a. A residential zoning district;
 - b. A church, synagogue, temple or other place of worship;
 - c. A school;
 - d. A designated park site;

- e. A public governmental building; or
- f. A child care center.

A petition requesting a waiver of all, or a portion of, this requirement may be presented to the Director of Community Development and must be signed by 51 percent of the owners of property within the 1,000 feet area.

The petition and request will be forwarded to the Planning and Zoning Commission for their recommendation and then to the City Council who may waive all, or a portion of, the distance requirement.

2. That any of the adult-oriented uses shall not be located within 1,000 feet of another adult-oriented use. A request may be made for a waiver of all or a portion of this requirement to the Director of Community Development. The request will be forwarded to the Planning and Zoning Commission, who will make a recommendation to the City Council. The Council may waive all or part of the distance requirement if it is found:

- a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Code will be observed; and
- b. That the proposed use will not enlarge or encourage the development of a concentration of adult businesses; and
- c. That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or non-residential; and
- d. That all applicable regulations of this Code will be observed.

3. Measurement of distance. The distance between any two adult businesses shall be measured in a straight line, without regard to intervening structures, from the closest property line of each business. The distance between the adult business and the other uses noted in 1 above shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult business to the closest property line of the uses noted in subsection 1 above.

4. Any of the above-mentioned adult businesses may not display its stock in trade depicting, describing, or relating to sexual activities in such manner as to be subject to public view from outside the establishment including, but not limited to, view from public sidewalks, streets, arcades, hallways or passageways.
(Ord. 2016-002, passed 2-25-16)

Section 151.06.003 Alternative Energy Systems

A. It is the intent of this section to provide for and encourage the development, installation, and use of alternative sources and systems of energy that result in the conservation of conventional energy sources.

B. The alternative energy systems contemplated include: solar space heating systems, solar water heating systems, geothermal systems, wind power generating systems, photovoltaic conversion systems, and more efficient on-site waste treatment and disposal to include the production and utilization of methane gas and other usable by-products.

C. The evaluation and consideration for approval of alternative energy systems may be considered on a case-by-case basis in certain zoning districts as provided under Section 151.22.006, Matrix of Use Permissions by Zoning District.

D. Application for construction, installation, and use of alternative energy systems will follow the normal building permit process. Approval includes the intent of the City that direct access to sunlight and air shall be preserved and protected from occlusion, obstruction, interference, or other detrimental or impairing actions or obstructions. In subdivision or planned unit development projects, the use of restrictive covenants is encouraged in order to ensure perpetual light and air easements over adjacent or adjoining lots or parcels. Nothing in this section shall be construed as aggravating or otherwise interfering with agreements or contracts between private parties with respect to obtaining light and air easements between adjoining parties or landowners. (Ord. 2016-002, passed 2-25-16)

Section 151.06.004 Home Based Businesses

This Section establishes rules and regulations for home-based businesses operating within the City limits. These rules and regulations ensure that the general character of the residential neighborhood is maintained.

General Provisions

1. A home-based business permit shall be obtained by the home-based business owner. If the home-based business owner does not own the property, the property owner must give written permission to operate the business on the property. A copy of the owner's letter must be attached to the home-based business application.

2. A day care home is not regulated as a home-based business for zoning purposes.

3. Automotive service and repair of vehicles not owned or leased by the occupants of the property, nail salons, animal kennels, and medical services are not

allowed in residential neighborhoods and are, therefore, not permitted to operate under a home-based business permit.

B. Review Standards. The City shall review the home-based business application and issue a permit provided the proposed use does not violate the standards of this Article.

1. The residential character of the property shall be maintained and show no indications that a home-based business is being conducted on the premises (other than signage as allowed in Article 151.10, Sign Regulations).

2. Customers may patronize a home-based business between the hours of 6:00 a.m. to 8:00 p.m.

3. The home-based business must occupy no more than 25 percent of the gross floor area of the principal building or take place within an accessory structure approved by the City.

4. Remodeling the home or installing mechanical and/or electrical equipment not customarily found in a residential dwelling, when specifically needed to accommodate the home-based business, is not allowed.

5. Parts or materials related to the home-based business shall be screened from public view by either an opaque structure or vegetation and will be limited to the interior of the structure or the side and rear yards of the property.

6. A home-based business is limited to one full-time employee or equivalent in addition to those employees residing at the residence.

7. Increases in traffic and parking generated by the home-based business should not be noticeable to the neighborhood. The Institute of Transportation Engineers (ITE) Trip Generation Handbook will be used to determine traffic standards.

8. Employees not working at the residence may not congregate at the home to perform daily operational activities.

9. The signage for a home-based business shall be in accordance with Article 151.10.

10. Noise, vibrations, odors, heat, or glare in a home-based business shall not be detectable beyond the property line or as stated in Chapters 93 and 150 of the City Code.

11. The storage of hazardous materials in a home-based business must comply with the International Building Code and International Fire Code.

12. A home-based business may not have a semi-tractor/trailer deliver goods to the residence nor use one in the daily operations of the business.

13. A home-based business that uses heavy equipment, such as construction equipment, must store the equipment at a commercial location.

C. Permit Revocation. The City may revoke a home-based business permit if the business violates any of the provisions of this Article, violates any terms or conditions of the permit, or fails to pay the City Business License fee.

D. Short-Term Sales Exempt. A home-based business permit is not required when conducting short-term sales from a residence. Time frames for short-term sales shall not exceed three days for any single event and a total of ten days per year.

E. Validity of Permits. The provisions of this Article shall apply to all home-based businesses in the City.

(Ord. 2016-002, passed 2-25-16)

Section 151.06.005 Medical Marijuana Dispensary

A. Prior to establishing a medical marijuana dispensary, the applicant shall provide the City with the following information:

1. The name(s) and location(s) of the offsite medical marijuana cultivation or infusion facility associated with the cultivation operation.

2. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804.B.1(c).

3. A survey by a land surveyor registered to practice in the State of Arizona showing the location of the nearest medical marijuana dispensary, cultivation, or infusion facility location if within 500 feet. The survey must have the surveyor's seal.

4. A site plan showing the exterior features of the building including the parking lot, landscaping, driveways, sidewalks, and accessible parking spaces.

5. A floor plan showing the primary entrance of the facility and the waiting room to receive patients, as well as the separate enclosed, locked, and secured area for dispensing medical marijuana to qualified patients or designated caregivers, as required by the Arizona Medical Marijuana Act. The primary entrance should be kept clear of barriers, landscaping, and similar obstructions so that it is clearly visible from public streets, sidewalks, or driveways.

6. Building permits for occupancy change, if necessary.

7. A security plan that complies with Arizona Department of Health Services (ADHS) security requirements and provides for adequate lighting, alarms, security cameras, and locks in order to ensure the safety of persons and to prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

B. Development and Locational Requirements

1. The dispensary shall be located in a permanent building and may not be located in a kiosk, trailer, cargo container, or motor vehicle.

2. The dispensary shall be a maximum of 2,000 gross square feet.

3. The dispensary shall only be located in a visible storefront-type location that provides easy views of the dispensary entrance and its window from a public street or parking lot. The windows shall not be impeded to prevent law enforcement personnel from seeing into the dispensary.

4. The dispensary shall not be located within 500 feet of a building with the same type of use; the distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.

5. The dispensary shall not be located within 500 feet of a residentially zoned property; the distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.

6. The dispensary shall not be located within 500 feet of a preschool, kindergarten, elementary, secondary, or high school or place of worship, public park, or public community center. The 500-foot distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.

C. Operational Requirements:

1. The dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 7:00 p.m. After hours and during hours of darkness, the dispensary shall illuminate all areas of the premises, including adjacent public sidewalks, so that all areas are readily visible by law enforcement personnel.

2. The dispensary shall not allow marijuana to be consumed by patients on the premises of the dispensary. The term "premises" includes the actual building, as well as any accessory structures, parking lot, or parking areas that are part of the approved location.

3. Drive-through services are prohibited.

4. A “No Loitering” sign shall be posted on the front exterior of the premises.

5. The dispensary shall provide for proper disposal of marijuana remnants or by-products and such shall not be placed in the facility's exterior refuse containers. (Ord. 2016-002, passed 2-25-16)

Section 151.06.006 Medical Marijuana Cultivation or Infusion Facility

A. Prior to establishing a medical marijuana cultivation or infusion facility, the applicant shall provide the City with the following information:

1. The name(s) and location(s) of the offsite medical marijuana dispensary associated with the cultivation operation.

2. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804.B.1(c) and

3. A survey sealed by a land surveyor registered to practice in the State of Arizona showing the location of the nearest medical marijuana dispensary, cultivation or infusion facility location if within 500 feet.

4. Site plan showing the layout of the exterior including such items as the parking lot, landscaping, driveways, and sidewalks.

5. A floor plan.

6. Building permits for occupancy change, if necessary.

7. A security plan that complies with ADHS security requirements and provides for adequate lighting, alarms, security cameras and locks in order to ensure the safety of persons and to prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

B. Development and Locational Requirements

1. The cultivation or infusion facility shall be located in a permanent building and may not locate in a kiosk, trailer, cargo container or motor vehicle.

2. The cultivation or infusion facility shall only be located in an enclosed locked building.

3. The cultivation or infusion facility shall not be located within 500 feet of the same type of use. This distance shall be measured from the exterior walls of the

building or portion thereof in which the businesses are conducted or proposed to be conducted.

4. The cultivation or infusion facility shall not be located within 500 feet of a residentially zoned property. This distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.

5. The cultivation or infusion facility shall not be located within 500 feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center. This distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.

C. Operational Requirements

1. The cultivation or infusion facility shall only be accessible to registered nonprofit medical marijuana dispensary agents associated in the registry with a nonprofit medical marijuana dispensary. During hours of darkness, the cultivation or infusion facility shall illuminate all areas of the premises, including adjacent public sidewalks, so that all areas are readily visible by law enforcement personnel.

2. Marijuana shall not be consumed on the premises of the cultivation or infusion facility. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas which are part of the approved location.

3. "No Loitering" sign shall be posted on the front exterior of the premises.

4. The cultivation or infusion facility shall provide for proper disposal of marijuana remnants or by-products, and not to be placed within the facility's exterior refuse containers.

(Ord. 2016-002, passed 2-25-16)

Section 151.06.007 Temporary Uses

A. Authorized Temporary Uses

1. Temporary uses shall be limited to the following:

- a. General and Seasonal Retail Sales and Food Vendors;
- b. Special Events;
- c. Model Homes, Temporary Real Estate Offices;

- d. Construction Trailer;
- e. Temporary Shelter; and
- f. Temporary Storage Containers.

B. Permit Requirements

1. All requests for temporary use permits shall be submitted to the City at least five working days before the event on a form supplied by the City and shall contain required information.

2. All temporary structures shall comply with the requirements of the applicable building codes.

3. Documentation from the County Health Department on the adequate arrangement of temporary sanitation facilities may be required.

4. A traffic control plan shall be provided if deemed necessary by the City.

5. If tenting is to be used, an affidavit of the dates the tenting was last treated with flame retardant solution.

6. Temporary structures are not required to comply with the district setback requirements.

7. All requests for temporary use permits shall be accompanied by a plot plan or survey showing the nature of the activity and temporary improvements involved, and a time period for which the permit is requested.

8. Adequate utility, drainage, refuse management, emergency services and access, parking, and similar necessary facilities and services shall be available for the use.

9. Special Events on public property or right-of-way and non-commercial Small Special Events on private property shall not require temporary use approval under this Section.

10. Unless specified otherwise by this Code, no temporary use permit shall be issued for more than a 90-day period.

11. Upon a showing of unusual circumstances, the City Manager or his (her) designee may grant one extension of the original approval period. No future extensions will be permitted.

C. Permit Conditions

1. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within fifteen (15) days after closing the event.

2. No permanent or temporary lighting shall be installed without an electrical permit and inspection by the City and shall meet the requirements of Article 151.11, Outdoor Light Control.

3. The failure of the applicant to fulfill the requirements of any temporary use permit issued under the provisions of this Code may result in the revocation of the permit and denial of future permits. Upon written notice, the City can revoke a temporary use permit upon violation of any provision of this Code or permit condition in order to protect public health, safety, and general welfare.

D. Additional Requirements

1. Construction Trailers

a. The use shall be located on the site of an active construction project.

b. The area shall be maintained so as to prevent dust and debris from impacting adjoining property.

c. The applicant shall obtain a building or construction permit prior to the issuance of a temporary permit.

d. The temporary use may be permitted for a maximum period of twelve (12) months.

2. Model Homes, Temporary Real Estate Offices

a. The use shall be located only in districts where the structures may be erected and occupied for residential purposes.

b. The use shall be located on the same site as the units or project with which it is connected. Construction on the project shall be kept active and the sales office shall not be used to market off-site developments.

c. At least five (5) off-street parking spaces shall be provided on the same lot or a contiguous lot. The parking area shall be landscaped and mulched; wheel stops shall be utilized to delineate individual parking spaces.

d. No more than ten percent (10%) of all units or a maximum of ten (10) units, whichever is less, may be permitted as model homes.

e. The temporary use may be permitted for a maximum period of thirty-six (36) months, or upon the sale or lease of all the dwelling units in the project, whichever occurs first.

3. Retail Promotional Activities Affiliated with an Existing Business

a. Tents to be utilized for the temporary sales or display of retail items may be permitted in any commercial or industrial district provided the area is immediately adjacent to the place where such goods are usually sold. The sale of seasonal items and food vendors may be allowed on vacant lots or in a parking lot when the applicant can demonstrate that all parking requirements will be maintained.

b. Sufficient area shall be provided for off-street parking and loading.

c. Illuminating fixtures shall not emit glare or light which impacts adjoining residential properties and shall meet the requirements of Article 151.11, Outdoor Light Control.

d. Ingress and egress from the use shall be provided in a manner which ensures sufficient vehicle maneuverability, and vehicle and pedestrian safety.

e. All electrical connections shall meet the requirements of the applicable building codes.

f. The temporary use permit for retail promotional activities affiliated with an existing business may be authorized for a maximum consecutive period of five (5) days per quarter unless an extension is granted by the City. The sale of seasonal items and food vendors may be permitted for up to forty-five (45) days in one location unless an extension is granted by the City.

4. Temporary Shelter

a. In cases where fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a recreational vehicle on the single-family lot is permitted during the rehabilitation or construction period while there is an active building permit.

b. The recreational vehicle shall have water and sanitary facilities.

c. The maximum length of the temporary use permit shall be one year.

d. The recreational vehicle shall be removed from the property within 30 days after the issuance of an occupancy permit for the new or rehabilitated residence.

5. Temporary Storage Containers

a. Temporary storage containers shall be allowed for temporary storage not to exceed thirty (30) days in residential districts and ninety (90) days in nonresidential districts without a permit, per calendar year. Portable storage units that exceed these time limits must receive Temporary Use approval for a specified time, and subject to other conditions that the City deems necessary. No temporary use shall exceed sixty (60) days in residential districts and one hundred and twenty (120) days in nonresidential districts unless there is an active building permit on the property, resulting in the need for temporary storage.

b. Temporary storage containers in residential districts shall not exceed eight (8) feet in width, eight (8) feet in height, and sixteen (16) feet in length.

c. A sticker shall be affixed to all temporary storage containers indicating the date on which the unit is delivered to the property, or at the request of the City, the property owner shall produce a valid invoice indicating the date the unit was delivered to the property.

d. No temporary storage container shall interfere with, or obstruct, any right-of-way, drainage, traffic circulation, sidewalk, visibility for pedestrian or traffic circulation, or emergency access.

e. Temporary storage containers in residential districts shall be located on a driveway or other improved surface.

f. Temporary storage containers in non-residential districts shall be located to the rear of buildings and screened to the maximum extent possible.

g. The Building Official in the event of a natural disaster may waive these requirements where the City or County has received a state or federal disaster declaration.
(Ord. 2016-002, passed 2-25-16)

Section 151.06.008 Communications Facilities

A. Intent

1. The intent of this section is to establish general guidelines for the siting of towers and other structures used for the provision of communication services, including but not limited to wireless telecommunications and associated antenna, ground equipment, and accessory structures related to wireless telecommunications infrastructure, and to provide for the health, safety, and general welfare of the public from:

- a. Potential injury to citizens and damage to property from falling towers or items falling from a tower;
- b. Potential injury to people while playing around towers and their appurtenant compounds;
- c. Potential aesthetic harm to residential communities; and
- d. Potential negative economic impacts on the scenic tourist industry.

B. Goals

1. The goals of this Section are to encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community; strongly encourage the joint use of new and existing tower sites; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; establish review procedures to ensure that applications for telecommunications facilities are acted upon within a reasonable period of time; and enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.

C. Definitions

1. Accessory Antennas: A facility that is an accessory to an existing use or structure, and is clearly incidental to or subordinate in terms of purpose, area and extent.

2. Alternative Structure: A structure that is not primarily constructed for the purpose of supporting antennas but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, buildings, water tanks, light stanchions, pole signs, billboards, church steeples and electric power transmission towers.

3. Amateur Radio Antenna: An arrangement of wires or metal rods used in the sending and receiving of electromagnetic waves and as authorized by the issuance of an amateur radio license by the FCC, provided that the transmission and reception of such electromagnetic waves is compliant with all FCC regulations.

4. Ancillary Structure: Equipment, devices and structures associated with a wireless communications facility, including but not limited to: concrete slabs on grade, guy anchors, generators, feed lines, mounting hardware, pedestals, electrical risers and transmission cable supports; however, specifically excluding fencing, equipment cabinets, towers, alternative structures, and antenna elements.

5. Antenna: Any exterior apparatus designed for communications through the sending and/or receiving of electromagnetic waves.

6. Camouflage Techniques: Sometimes referred to as a concealed or stealth facility. A tower or antenna designed to unobtrusively blend into the existing surroundings, be disguised so as to not have the appearance of a communications facility, or be designed or located in such a manner that the tower or antenna is not easily discernable from surrounding properties. These types of facilities may be attached or freestanding. Attached facilities may be camouflaged through the use of paint to match the building or structure, and through the use of faux windows, dormers or other architectural features that blend in with the building or structure. Examples of freestanding facilities include the form and shape of a tree, bell tower, steeple, clock tower, light standard, flagpole and other techniques which serve to diminish the visual impact of the tower or antenna.

7. Co-Location: The practice of installing and operating multiple antenna systems, owned or controlled by multiple wireless service providers, and/or radio common carrier licensees on the same tower, antenna support structure, or alternative structure using different and separate antenna, feed lines, equipment cabinets, generators and other radio frequency generating equipment.

8. Communication Facilities: is the general term used to collectively describe all the various communication towers, antennas, networks, systems, arrays, equipment, devices and structures defined in this Section.

10. Equipment Compound: The fenced area surrounding the ground-based wireless communication facility that includes the following: the tower or antenna support structure's framework and ancillary structures such as equipment necessary to operate the antenna, cabinets, shelters, pedestals, emergency generators and other similar structures.

11. FAA: Federal Aviation Administration.

12. FCC: Federal Communications Commission.

13. Geographic Service Area: An area designated by a wireless provider or operator for a new base station and antenna elements, produced in accordance with generally accepted principles of wireless engineering.

14. Height: The distance measured from ground level to the ultimate highest point on the tower or other structure, even if the highest point on the tower or structure is the antenna.

15. Monopole Tower: A style of free-standing tower consisting of a single shaft usually composed of two or more hollow sections used to conceal all feed lines

that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices.

16. Primary Use: The predominant use of the land or structure.

17. Substantial Change: A modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.

b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;

c. For any eligible support structure, it involves installation of more than standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets, or for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure. Please refer to Chapter 92, Wireless Facilities in Public Right-of- Way, of the City Code of Ordinances for specific development and submittal requirements for wireless facilities within the right-of-way;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds in paragraphs a. through d. of this definition.

18. Tower: Any structure designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

C. Inventory of Existing Sites and Geographic Service Area; Other Information Required

1. Every applicant for a telecommunications antenna and/or tower shall provide an inventory of its existing facilities within the City and within one-quarter ($\frac{1}{4}$) mile beyond the City limits. This inventory shall include specific information about location, height, design and service limitation of each facility.

2. Each applicant shall also include a description of the geographic service area of the proposed facility.

3. If requested by the City, the applicant shall provide whatever technical and other information the City deems necessary to determine issues such as whether these regulations prohibit or have the effect of prohibiting service to the community or would interfere with existing service. At a minimum, this information should include a radio frequency propagation plot plan indicating the coverage of existing facilities, coverage prediction, and design radius, together with an analysis from the applicant's RF Engineer that the coverage cannot be provided by an existing telecommunications (including co-locations), structure, utility distribution tower or other site, including a review of existing structures within the proposed service area, and why they were found to be unacceptable.

D. Accessory Telecommunications Antenna and Ancillary Structure

1. An accessory telecommunications antenna and/or ancillary structure shall be permitted by right in all zoning districts subject to the following requirements:

a. The antenna is installed as accessory to any existing tower or other alternative structure appropriate for antenna location; including, but not limited to, a multi-storied building (with the exception of any residential building containing fewer than five units), sign, light pole, water tower, steeple, or transmission tower located outside of the public right-of-way; and

b. The antenna shall not add more than twenty (20) feet in height to the existing tower or alternative structure; and

c. Other supporting equipment used in conjunction with the antenna shall be allowed as an accessory structure provided the equipment is appropriately screened or camouflaged; and

d. The antenna and supporting equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure to make the facility as visually unobtrusive as possible. Where the antenna is attached to an existing structure other than a co-location on an existing communications or electric transmission tower, alternative materials, textures and camouflage techniques shall be utilized to conceal the facility; and

e. Artificial lighting shall not be utilized unless required by the FAA or other applicable authority. Any required lighting shall be designed to minimize disturbance to adjoining properties and views; and

f. A building permit from the City shall be required; and

g. For antenna that co-locates on existing towers or support structures, outside of the public right-of-way, a licensed professional engineer shall certify that the tower or support structure can support the number of shared users without structural or technological interference.

E. Telecommunications Towers

1. Telecommunications Towers shall be permitted by right as an accessory use on non-residentially zoned or used property, including City-owned property, or as a primary use on property located within the General Commercial, Light Industrial, Industrial Park and Heavy Industrial zoning districts; provided, however, any telecommunications tower located within 150 feet of a property zoned or used for residential purposes shall be subject to the conditional use review and approval procedures under Article 151.26 of this Code.

2. The minimum setback distance from the property line shall be equal to 110 percent of the height of the proposed tower; provided, however, when the subject property adjoins a property zoned or used for residential purposes, the minimum setback distance shall be equal to twice the height of the proposed tower from the residentially zoned property line, excluding the property on which the proposed tower is located. The Development Review Committee may reduce the required setback for towers that do not adjoin residentially zoned property and are constructed using breakpoint design technology as certified by a registered professional engineer which in that case the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater.

3. Any tower proposed to exceed sixty (60) feet in height shall be subject to the conditional use review and approval procedures provided under Article 151.26 of this Code.

4. Towers shall be engineered and constructed to encourage and allow for future co-location by other service providers. All towers taller than sixty (60) feet in

height shall be engineered and constructed to accommodate no less than three (3) antenna arrays.

5. Tower guys and accessory facilities must satisfy the minimum setback requirements as set forth in this Code for the particular district.

6. Towers shall either maintain a galvanized steel finish, or subject to any standards of the FAA, and be painted a neutral color to reduce visual obtrusiveness. Camouflage techniques shall be utilized where feasible and, and if determined infeasible, the applicant shall submit a written justification as to the reason.

7. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. All lights on towers and antennas of any height shall be up-shielded.

8. Supporting equipment shall be designed to blend in with the natural setting or built environment through the use of color, screening, materials, textures or other technique.

9. Supporting equipment shall be fully concealed behind a masonry wall enclosure painted a neutral color.

10. The exterior perimeter of the masonry wall enclosure shall contain a minimum fifteen (15) foot wide landscape perimeter buffer containing at least one (1) row of large species trees with a minimum twelve (12) foot tall and two and one-half (2.5) inch diameter (caliper) and five (5) foot spread, twenty-five (25) foot on center. Shrubs capable of creating a continuous hedge and obtaining a height of at least six (6) feet shall be planted, minimum three (3) gallon and twenty-four (24) inches at the time of planting, five (5) foot on center. The City may administratively modify these requirements based on site constraints where the alternate landscape plan will fulfill the intent of this screening requirement.

11. Towers shall not be used for advertising.

12. Signage is required to be placed on the antenna support structure, equipment cabinets, or fence for the purpose of identifying the antenna support structure (either by the ASR registration number or other identifying information) as well as the party responsible for the operation and maintenance of the facility.

13. Towers shall only be permitted where the applicant has provided substantial competent evidence demonstrating that existing towers or structures cannot accommodate and provide the proposed telecommunications service for any of the following reasons:

a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related requirements.

d. Existing towers or structures would cause electromagnetic interference to existing or proposed antenna.

e. The costs or contractual provisions to adapt an existing tower or structure exceed the development costs for a new tower.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable or unable to provide adequate telecommunications service.

g. A visual line of site analysis, including photo-simulated post construction renderings shall be submitted to enable the City to assess the visual impact upon surrounding properties.

F. Amateur Radio Antennas

1. Amateur radio antennas and any ancillary structures shall be permitted by right as an accessory use in all Single-Family Residential Zoning Districts, provided the principal residence is a single-family detached structure.

2. Amateur radio antennas shall meet the following installation standards if they meet both of these criteria: 1) The antenna is connected to a permanent mounting or support structure; 2) The base diameter of the antenna is greater than 2.5 inches.

a. The height shall not exceed 70 feet above ground level, measured from the base of the support structure or other structure or building to which an amateur radio antenna array is attached.

b. The antennas and ancillary structures shall be located within the rear yard and must be located on the same lot as the principal structure.

c. The antenna ancillary structures shall be made of corrosion-resistant materials.

d. The antenna and ancillary structures shall be setback from a property line a distance equal to 50 percent of the antenna's height as measured in subsection 2 above.

e. A building permit shall be required containing appropriate engineering data confirming compliance with all regulations set forth in the building code in effect at the time of the application submission.

f. Any proposed antenna that exceeds the maximum height requirement as stated in subsection 2 above, shall be subject to the conditional use review and approval procedures provided under Article 151.26 of this Code.

G. Federal Requirements and Safety Standards

1. All towers and antennas must meet or exceed current standards and regulations of the FAA and FCC, and any other agency of the federal government with authority to regulate towers and antennas. If such standards are changed, the owners of the towers and antennas governed by this Code shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute a violation of this Code.

2. If upon inspection, the City Building Official at any time finds that the structural integrity of the tower or antenna constitutes a danger to persons or property, the owner of the tower or antenna shall be given written notice of the condition and shall have fifteen (15) days to make the tower or antenna structurally sound in accordance with the standard set forth in the applicable codes.

H. Maintenance

1. The owner of any communication facility is responsible for maintaining all required landscaping and ancillary structures in good condition and in accordance with permit conditions as determined by the City. The City will notify the owner to replace or repair any portion of the communication facility that falls in disrepair or fails to maintain the approved design aesthetic. The owner shall correct any violation under this section within 60 days. Any violation of this section shall be subject to the penalties provided under Section 151.32.004 and may result in the revocation of the original permit.

I. Removal of Abandoned Towers and Antennas

1. Any tower or antenna that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such tower or antenna shall remove same within sixty (60) days of receipt from the City notifying the owner of such abandonment. If such tower or antenna is not removed within sixty (60) days, the facility shall be in violation of this Code. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower or antenna.

J. Variance Procedures

1. Any request to deviate from the requirements of this Section shall be processed in accordance with the requirements of Article 151.30 of this Code.

2. In addition to the standards of Section 151.30.005 of this Code, the applicant shall be required to demonstrate that the regulation prevents the applicant from providing service to the area, and that other options for providing service are not available or reasonable.

K. Approval Process

1. All applications for telecommunications antenna and towers shall be reviewed for completeness. If any item required by this Section 151.04.018, or as required elsewhere by this Code, is not provided, the application shall be deemed incomplete.

2. Applicants shall be notified within 20 business days whether the application is complete. If the application is determined to be incomplete, the City shall identify the missing items or deficiencies that the applicant must correct and/or resubmit. After the information is resubmitted, the City shall have an additional 20 days to make a determination of completeness.

3. Once a determination has been made that an application is complete, applications for accessory telecommunications antenna shall be processed within 45 business days, and applications for telecommunications towers as a primary use shall be processed within 90 business days, unless the application is scheduled for City Council action at the regularly scheduled meeting following the 90-day period.

4. The applicant and the City may mutually agree upon a modification or waiver of these timeframes.

L. Permit Levels

1. Level 1. The development order (building permit) issued by the City to an individual, corporation, partnership, or other entity to engage in the creation of:

a. An accessory telecommunications antenna or ancillary structure.

b. Amateur radio antennas installed with permanent mounting or support, or antennas that have a base diameter greater than 2.5 inches.

c. A modification to an existing, lawfully constructed tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (1) Collocation of new transmission equipment;
- (2) Removal of transmission equipment; or
- (3) Replacement of transmission equipment.

2. Level 2. The development order (modified site plan and/or building permit) issued by the City to an individual, corporation, partnership, or other entity to engage in the creation of:

- a. A telecommunications tower that is 60 feet or less in height .

3. Level 3. The conditional use permit issued by the City Council, pursuant to the public hearing process and requirements set forth in Article 151.26 of this Code, to an individual, corporation, partnership, or other entity to engage in the creation of:

- a. A telecommunications tower that exceeds 60 feet in height or is located within 150 feet of a property zoned or used for residential purposes.

- b. Amateur radio antennas that exceed 70 feet or antennas with a base diameter that exceed 12 inches.
(Ord. 2016-002, passed 2-25-16; Am. Ord. 2018-005, passed 3-22-18)

Section 151.06.009 Mobile Food Vendors

A. Minimum Requirements and Restrictions

1. Mobile food vendors shall have and maintain the authority or permission to use the parcel of private property on which the mobile vending operation is located, and shall provide, and update as necessary, written evidence to the Community Development Director of that authorization or permission.

2. The use of a portable generator or connection to a source of electricity shall comply with the minimum requirements of the National Electrical Code, as adopted under Article 150.01 of the City Code, or in a manner approved by the Building Official.

3. Illicit connection or discharge to any wastewater collection system is prohibited pursuant to Chapter 50 of the City Code.

4. Mobile food vending units shall not be placed or located within the clear vision area as defined under Section 151.04.009 of this Code.

5. No mobile vending unit shall operate at any location other than that established on the plot plan submitted with the application as required by this Section.

6. Any mobile vending unit shall be removed from the site during the hours of non- operation.

7. The area within which a mobile food vendor is operating shall at all times be kept clean and free from litter, garbage, rubble, and debris.

8. A mobile food vendor shall not make use of any outdoor cooking facilities, including grills.

9. Temporary structures, such as portable tables, chairs, and awnings may be used in the conduct of operations in a safe and approved manner.

10. Advertising shall be permitted on the mobile food vending unit only to identify the name of the product or name of the vendor, and the posting of prices. No temporary signs are allowed.

B. Permit Required

1. It shall be unlawful for any mobile food vendor, except those operating on an itinerant basis, to engage in business within the city without first obtaining a permit. In addition to the requirements of subsection A, the Community Development Director or Fire Marshal may impose additional conditions of approval deemed necessary to protect the public interest, which shall be stated on a written permit certificate.

2. The permit certificate shall be valid for one (1) year from the date of issuance unless sooner suspended or revoked. Failure to abide by the conditions of approval of subsection A and any additional conditions included in the permit by the Community Development Director shall be grounds for immediate suspension and/or revocation of the permit.

3. The permit certificate shall be attached to the mobile vending unit where it is readily visible.

4. The permit fee shall be \$25.00.

C. Exceptions. The provisions of this Section shall not apply to itinerant vendors, festivals, community projects or public events which occur on a periodic basis and which are specifically approved by the City Council or City Manager and/or his or her designee.

(Ord. 2016-003, passed 4-14-16)

Section 151.06.010- Accessory Dwelling Units

A. *Location.* The accessory dwelling unit may be added to or included within the principal dwelling unit or located in a detached structure. Detached accessory dwelling units shall be entirely located behind the front face of the principal structure.

B. *Approval Process.* One accessory dwelling unit is permitted per lot provided the Community Development Director or his or her designee first approves the proposed accessory dwelling unit and a standard building permit is issued.

C. *Application Requirements.* Requests shall be made using an application form provided by the Department of Community Development. A plot plan and architectural elevations illustrating conformance with the development standards shall be included with the submittal.

D. *Public Comment.* No less than thirty (30) days prior to a building permit is issued, the City shall provide written notice by first class mail to each of the directly adjacent property owners to the applicant's property as documented in the Cochise County Recorder's Office records. The notice shall include the plot plan, architectural elevations of the proposed accessory dwelling unit, a description of the applicable development review standards, and the procedure for providing comment on the application. Comments received indicating non-compliance with the development standards shall be reviewed by the Director of Community Development or designee and may require a revision to the original submittal.

E. *Subdivision.* Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.

F. *Number of Occupants.* No more than two occupants may reside in an accessory dwelling unit.

G. *Basic Development Standards.*

1. *Additions to an existing structure or newly detached accessory dwelling unit shall be designed consistent with the existing roof pitch, siding and windows of the principal dwelling unit.*

2. *The building height of detached accessory dwelling units shall not exceed fifteen (15) feet.*

3. *The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the accessory dwelling unit, including landscape screening, fencing, and window and door placement.*

4. Detached accessory dwelling units shall be a minimum of 5 (five) feet from the side and rear property lines.

5. There shall be at least five (5) feet of separation between a detached accessory structure and any other building on the property.

6. The habitable floor area of the accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or eight hundred (800) square feet, whichever is less.

7. The accessory dwelling unit shall not contain more than one bedroom.

DRAFT

SECTION 151.22.006
MATRIX OF USE PERMISSIONS BY
ZONING DISTRICT

ARTICLE 151.22 DISTRICT REGULATIONS

Sections:

- 151.22.001 Establishment of Districts
- 151.22.002 Required Conformity to District Regulations
- 151.22.003 Classification of Annexed Areas
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- 151.22.007 Reserved for Future Use
- 151.22.008 UR - Urban Ranch
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- 151.22.020 Reserved for Future Use
- 151.22.021 Reserved for Future Use
- 151.22.022 IP - Industrial Park
- 151.22.023 LI - Light Industry
- 151.22.024 HI - Heavy Industry
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- 151.22.026 Reserved for Future Use
- 151.22.027 OS/PF - Open Space/Public Facilities
- 151.22.028 AA - Airport Airspace District
- 151.22.029 FH - Flood Hazard

Section 151.22.001 Establishment of Districts

In order to classify, regulate, restrict, and separate the use of land, buildings, and structures, and to regulate and limit the type, height, and bulk of buildings and structures in the various districts; and to regulate the area of yards and other open areas abutting buildings and structures and to regulate the density of population, the City of Sierra Vista is hereby divided into the following districts:

	District Name	District Abbreviations
A.	Residential Districts	
	Urban Ranch (minimum of 1 acre)	UR
	Single Family Residence (minimum of 36,000 sq. ft. lot)	SFR36
	Single Family Residence (minimum of 36,000 sq. ft. lot)	SFR18

	District Name	District Abbreviations
	Single Family Residence (minimum of 36,000 sq. ft. lot)	SFR12
	Single Family Residence (minimum of 36,000 sq. ft. lot)	SFR8
	Single Family Residence (minimum of 36,000 sq. ft. lot)	SFR6
	Multi-Family Residence (minimum of 4,500 sq. ft. lot)	MFR
	Manufactured Home Residence	MHR
	Recreational Vehicle	RV
	District Name	District Abbreviations
B.	Commercial Districts	
	Neighborhood Convenience	NC
	Light Commercial	LC
	Office Professional	OP
	General Commercial	GC
	District Name	District Abbreviations
C.	Industrial Districts	
	Industrial Park	IP
	Light Industry	LI
	Heavy Industry	HI
	District Name	District Abbreviations
D.	Open Space/Public Facilities	OS/PF
	District Name	District Abbreviations
E.	Airport Airspace	AA
	District Name	District Abbreviations
F.	Flood Hazard	FH
	District Name	District Abbreviations
G.	Specific Plan	SP

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 834, passed 3-9-89; Am. Ord. 2007-006, passed 4-26-07)

Section 151.22.002 Required Conformity to District Regulations

The regulations set by this Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied, erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
1. To exceed the height or bulk;
 2. To accommodate or house a greater number of families;
 3. To occupy a greater percentage of lot area;
 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Code.

C. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except as hereinafter provided.

D. No yard or lot existing at the time of passing of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86)

Section 151.22.003 Classification of Annexed Areas

All territory which may hereafter be annexed to the City of Sierra Vista shall, at the time of annexation, be assigned temporary City zoning equivalent to the County classifications as shown on the official zoning map of Cochise County. This temporary zoning shall be in effect for six months unless sooner rezoned by the Council.

Six months after the annexation is final, the Council shall, after proper notice and a public hearing as required by Article 151.31 of this Code, officially zone all the annexed property with City zoning classifications.

Within this six-month period, any owner of land included within the annexed area may apply for a rezoning of his property utilizing the procedures set forth in Article 151.31 of this Code.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86)

Section 151.22.004 Classification of Vacated Streets

Whenever a public street or other public right-of-way is vacated by official action of the Council, the zoning districts adjoining each side of such street, alley or right-of-way shall automatically be extended to the center line thereof, and all land area thus vacated shall then and henceforth be subject to all regulations of the extended districts.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86)

Section 151.22.005 Official Zoning Map

A. Establishment. The areas and boundaries of zoning districts are hereby established as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Code.

B. Identification. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk. Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time be made or published, the Official Zoning Map located in the Office of the City Clerk shall be the final authority as to the current zoning status of land areas, buildings and other structures in the City.

C. Changes. If, in accordance with the provisions of this Code, changes are made in district boundaries or in other matters portrayed on the Official Zoning Map, such changes shall be made by the Director of Community Development on the map promptly after the amendment has been approved by the City Council, together with an entry signed by the City Clerk certifying to the accuracy and date. No changes, of any nature, shall be made in the Official Zoning Map, or matter shown thereon, except in conformity with the provisions of this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Code and punishable as hereinafter provided in Article 151.32.

D. Replacement. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of the number of changes and additions, the Council may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, and be attested by the City Clerk, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____ of the City of Sierra Vista, Arizona."

E. Interpretation. Where, due to scale, lack of detail, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction or conflict as to the intended location of any district boundary shown thereof, the exact location of such boundary shall be determined by the Director of Community Development. In reaching his determination, he shall apply the following standards:

1. Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the center lines of streets, alleys or rights-of-way, unless otherwise fixed by dimensions shown on the Official Zoning Map.
2. In subdivided property or where a zoning district boundary divides a lot, the exact location of such boundary unless same is indicated by dimensions shown on the Official Zoning Map, shall be determined by use of the map scale shown thereon.
3. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the Zoning Administrator shall determine and fix the location of said line in accordance with the purposes and intent of this Code. ('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 804, passed 3-24-88)

Section 151.22.006 Matrix of Use Permissions by Zoning District

A. Use Permissions by Zoning District. No building, structure or land shall be used, nor shall any use be established unless it complies with the requirements of this Code.

1. *Principal Uses (P)* are those principal uses that are allowable on a property within each zoning district as provided in this Section.

USE CLASSIFICATIONS	ZONING DISTRICT												
	UR, Urban Ranch	SFR, Single Family Residence	MFR, Multiple Family Residence	MHR, Manufactured Home Residential	RVP, Recreational Vehicle Park	NC, Neighborhood Commercial	LC, Limited Commercial	OP, Office Professional	GC, General Commercial	LI, Light Industrial	IP, Industrial Park/LI, Light Industry	HI, Heavy Industrial	OS, Open Space
Adult Care Home (6 or less adults)	P	P	P	NC	NC	C	C	C	C	NC	NC	NC	NC
Adult Care Home (7 to 15 adults)	C	C	C	NC	NC	X	P	P	P	NC	NC	NC	NC
Bed and Breakfast	P	C	C	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Campground, Developed	NC	NC	NC	NC	C	NC	NC	NC	NC	NC	NC	NC	P**
Campground, Primitive	NC	NC	NC	NC	NC	NC	NC	NC	NC*	NC	NC	NC	P**
Congregate Care Facility	C	NC	P	NC	NC	C	P	P	P	NC	NC	NC	NC
Day Care Home	P	P	P	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Dormitory	NC	NC	P	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Dwelling, Multi-Family	NC	NC	P	NC	NC	NC	NC	NC	P	NC	NC	NC	NC
Dwelling, Single-Family Attached (Townhome)	NC	P	P	NC	NC	NC	NC	NC	P	NC	NC	NC	NC
Dwelling, Single-Family Detached	P	P	P	P	A	NC	NC	NC	NC	NC	NC	NC	NC
Dwelling, Single-Family Semi-Detached	NC	P	P	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Dwelling, Two-Family or Duplex	NC	NC	P	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Emergency Shelters	NC	C	NC	NC	NC	NC	NC	NC	C	NC	NC	NC	NC
Hotel/Motel	NC	NC	NC	NC	NC	NC	P	P	P	NC	NC	NC	NC
Nursing Home (6 or less persons)	P	P	P	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
Nursing Home (7 or more persons)	C	C	C	NC	NC	C	P	P	P	NC	NC	NC	NC
Recreational Vehicle	NC	NC	NC	NC/ P** *	P	NC	NC	NC	NC	NC	NC	NC	NC
Residential Treatment Facilities & Recovery Homes (6 or less persons)	P	P	P	NC	NC	C	C	C	C	NC	NC	NC	NC

USE CLASSIFICATIONS	ZONING DISTRICT												
	UR, Urban Ranch	SFR, Single Family Residence	MFR, Multiple Family Residence	MHR, Manufactured Home Residential	RVP, Recreational Vehicle Park	NC, Neighborhood Commercial	LC, Limited Commercial	OP, Office Professional	GC, General Commercial	LI, Light Industrial	IP, Industrial Park/LI, Light Industry	HI, Heavy Industrial	OS, Open Space
Motion Picture Theater/Cinema	NC	NC	NC	NC	NC	NC	NC	NC	P	NC	NC	NC	NC
Pet Shop	NC	NC	NC	NC	NC	NC	P	NC	P	NC	NC	NC	NC
Plant Nursery	NC	NC	NC	NC	NC	NC	NC	NC	P	NC	NC	NC	NC
Retail Food Establishment	NC	NC	P(1)	NC	NC	P(3)	P	NC	P	NC	NC	NC	NC
Retail Sales	NC	NC	P(1)	NC(2)	A(2)	P(3)	P	P(4)	P	A	A	NC	NC
Vehicle Rental Establishment	NC	NC	NC	NC	NC	NC	NC	NC	P	NC	NC	NC	NC
Vehicle Repair, Major	NC	NC	NC	NC	NC	NC	NC	NC	P	P	NC	NC	NC
Vehicle Repair, Minor	NC	NC	NC	NC	NC	NC	P	NC	P	P	NC	NC	NC
Vehicle Sales Establishment	NC	NC	NC	NC	NC	NC	NC	NC	P	NC	NC	NC	NC
(1) Limited to mixed-use buildings only. (2) Limited to component uses located entirely within a social and recreational center located no less than 100 feet from any property line of the park site in Manufactured Home Parks and RV Parks. (3) Limited to 3,000 square feet of gross floor area per use. (4) Limited to 1,000 square feet of gross floor area per use.													
BUSINESS AND PROFESSIONAL SERVICES													
Animal Hospital	C	NC	NC	NC	NC	NC	PC	PC	PC	CC	NC	NC	NC
Business and Professional Office	NC	NC	C(1)	NC(2)	A(2)	NC	P	P	P	P	P	NC	NC
Business Service Establishment	NC	NC	NC	NC	NC	P(4)	P	P	P	P	P	NC	NC
Financial Institution	NC	NC	NC	NC	NC	P(4)	P	P	P	NC	NC	NC	NC
Health and Fitness Studio	NC	NC	NC	NC	NC	NC	P	P	P	P	P	NC	NC
Health Care Institution	NC	NC	NC	NC	NC	NC	P(3)	P	P	C	P	NC	NC
Hospital	NC	NC	NC	NC	NC	NC	P(3)	NC	P	P	NC	NC	NC
Personal Service Establishment	NC	NC	P(1)	NC	NC	P(4)	P	P	P	NC	NC	NC	NC
Pet Grooming Service	NC	NC	NC	NC	NC	P(4)	P	P	P	NC	NC	NC	NC
Research and	NC	NC	NC	NC	NC	NC	P	P	P	P	P	NC	NC

USE CLASSIFICATIONS	ZONING DISTRICT												
	UR, Urban Ranch	SFR, Single Family Residence	MFR, Multiple Family Residence	MHR, Manufactured Home Residential	RVP, Recreational Vehicle Park	NC, Neighborhood Commercial	LC, Limited Commercial	OP, Office Professional	GC, General Commercial	LI, Light Industrial	IP, Industrial Park/LI, Light Industry	HI, Heavy Industrial	OS, Open Space
Development													
INDUSTRIAL													
Construction Material Establishment	NC	NC	NC	NC	NC	NC	NC	NC	P	P	P	P	NC
Construction Service Establishment	NC	NC	NC	NC	NC	NC	NC	NC	P	P	P	P	NC
Crematorium	NC	NC	NC	NC	NC	NC	NC	NC	NC	P	NC	P	NC
Distribution Center	NC	NC	NC	NC	NC	NC	NC	NC	NC	P	P	P	NC
Impound Yards	NC	NC	NC	NC	NC	NC	NC	NC	P	P	NC	P	NC
Industrial Workshops and Services	NC	NC	NC	NC	NC	NC	NC	NC	P	P	P	P	NC
Junk Yard	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	P	NC
Landscape Service Establishments	NC	NC	NC	NC	NC	NC	NC	NC	P	P	P	P	NC
Manufacturing - Heavy	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	P	NC
Manufacturing - Light	NC	NC	NC	NC	NC	NC	NC	NC	P/C(5)	P	P	P	NC
Medical Marijuana Cultivation/Infusion Facility	NC	NC	NC	NC	NC	NC	NC	NC	NC	P	P	P	NC
Microbrewery/Micro-Distillery	NC	NC	NC	NC	NC	NC	NC	NC	P	P	P	NC	NC
Mineral Extraction	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	C	NC
Motor Freight Terminal	NC	NC	NC	NC	NC	NC	NC	NC	NC	P	C	P	NC
Motor Pool Facility	NC	NC	NC	NC	NC	NC	NC	NC	NC	P	C	P	NC
Outdoor Storage	NC	NC	NC	NC	NC	NC	NC	NC	C	A	A	P	NC
Warehouse	NC	NC	NC	NC	NC	NC	NC	NC	A	P	P	P	NC
Wholesale Trade	NC	NC	NC	NC	NC	NC	NC	NC	P	P	P	P	NC

- (1) Limited to mixed-use buildings only.
(2) Limited to component uses located entirely within a social and recreational center located no less than 100 feet from any property line of the park site in Manufactured Home Parks and RV Parks.
(3) Limited to 3,000 square feet of gross floor area per use.

USE CLASSIFICATIONS	ZONING DISTRICT											
	UR, Urban Ranch	SFR, Single Family Residence	MFR, Multiple Family Residence	MHR, Manufactured Home Residential	RVP, Recreational Vehicle Park	NC, Neighborhood Commercial	LC, Limited Commercial	OP, Office Professional	GC, General Commercial	LI, Light Industrial	IP, Industrial Park/LI, Light Industry	HI, Heavy Industrial

(4) Limited to 1,000 square feet of gross floor area per use.
(5) Conditional use permit is required when light industrial use fronts Fry Boulevard or when adjoining an existing residential use.

PUBLIC/SEMI-PUBLIC

Accessory Telecommunications Antenna/Ancillary Structures	A(7)	A(7)	A(7)	A(7)	A(7)	A	A	A	A	A	A	A	A
Airport	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	P
Alternative Energy Systems	P	A	A	A	A	A	A	A	P	P	P	P	P
Cemeteries	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	P
Columbarium	C	C	C	C	C	C	C	C	C	C	C	C	C
Community Gardens	P	P	P	P	P	P	P	P	P	P	P	NC	P
Community Service Uses	NC	NC	NC	NC	NC	P	P	P	P	P	P	NC	P
Funeral Home/Mortuary	NC	NC	NC	NC	NC	P	P	P	P	NC	NC	NC	NC
Golf Courses, Public or Private	P	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	P
Heavy Utility Service	NC	NC	NC	NC	NC	NC	NC	NC	C	P	P	P	C
Light Utility Services	C	C	C	C	C	P	P	P	P	P	P	P	P
Museums, Cultural Centers & Similar Uses	P	P	P	P	P	P	P	P	P	NC	NC	NC	P
Parks and Recreation Facilities	A	A	A	A	A	A	A	A	A	NC	NC	NC	P
Place of Worship	C	C	C	C	C	C	C	C	C	C	C	NC	C
Private Clubs	C	C	C	NC	NC	P	P	P	P	C	C	NC	NC
Public Education Facilities & Charter Schools	P	P	P	P	P	P	P	P	P	P	P	P	P
School of General Education, Private	C	NC	NC	NC	NC	C	C	C	C	NC	NC	NC	NC

USE CLASSIFICATIONS	ZONING DISTRICT												
	UR, Urban Ranch	SFR, Single Family Residence	MFR, Multiple Family Residence	MHR, Manufactured Home Residential	RVP, Recreational Vehicle Park	NC, Neighborhood Commercial	LC, Limited Commercial	OP, Office Professional	GC, General Commercial	LI, Light Industrial	IP, Industrial Park/LI, Light Industry	HI, Heavy Industrial	OS, Open Space
School of Special Education, Private	C	NC	NC	NC	NC	P	P	P	P	NC	NC	NC	NC
Social Service Agency/Non-Profit	C	C	C	NC	NC	P	P	P	P	C	C	NC	P
Telecommunications Tower													
When Located on Non-Residentially Used Property													
60 feet in height or less and not located within 150 feet of a property zoned or used for residential purposes	A	A	A	A	A	A	A	A	P	P	P	P	P(6)
60 feet in height or more and/or located within 150 feet of a property zones or used for residential purposes	C	C	C	C	C	C	C	C	C	C	C	C	C(6)
When Located on Residentially Used Property	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC

(6) Stand alone telecommunications towers on City-owned property with an active recreational use are not permitted.

(7) Not permitted when attached to any single story building or residential building containing fewer than five dwelling units.