



CITY OF SIERRA VISTA
PLANNING AND ZONING COMMISSION
SEPTEMBER 3, 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. Minutes of August 13, 2019

CHAIR COMMENTS

CALL TO PUBLIC

OLD BUSINESS

NEW BUSINESS

2. **Discussion Item Only-No Action Taken on This Item**
Proposed Development Code Amendments to the following Articles and Sections:

Section 151.04.004, Dumping or Disposal of Rubbish
Section 151.06.004, Home Based Business
Section 151.06.010, Accessory Dwelling Units
Article 151.10, Sign Regulations

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
August 13, 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
David Thompson
Robert Karp
Chrysti Lassiter
Steven Miller

Members Absent: Patricia Olson

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

Council Present: Mayor Pro Tem Rachel Gray

Others Present: None

ACCEPTANCE OF THE AGENDA:

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

VOTE: Approved by a vote of 6-0

ACCEPTANCE OF THE MINUTES:

1. Mr. Miller made the motion to accept the minutes of June 18, 2019. The motion was seconded by Mr. Thompson.

VOTE: Unanimously approved- 6-0.

CHAIR COMMENTS

None

CALL TO THE PUBLIC

Ms. Lake opened the meeting to the public.

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

OLD BUSINESS:

None

NEW BUSINESS

2. Discussion Item Only-No Action Taken on This Item
2019-2020 Work Program-Proposed Code Amendments

Mr. Pregler provided a Powerpoint presentation about the 2019-2020 work program which was supplemented with the following written information:

The Community Development Department regularly reviews current code provisions and procedures to identify ways in which the staff and the City can improve efficiencies, clarify requirements and help residents and business owners move through the system more easily. This practice is consistent with previous City Council Strategic Plan initiatives which have mandated the reduction of obsolete or unnecessary code provisions in expectation of making city government accountable, collaborative and efficient.

The following work program is intended to provide the Commission an advance opportunity to consider potential amendments to local regulations prior to an ordinance(s) being drafted and formal public hearing processes being initiated, so that staff can receive Commission input or hear concerns regarding the potential amendments and incorporate those into the draft language for public review and comment.

This year the work program will be achieved in two separate phases. The first phase will consist of amendments to the Development Code. The second phase will be a review and analysis of the VISTA 2030 General Plan Strategies and Goals. As you may recall, the General Plan was ratified by the voters in November of 2014. Per state law, Staff is required to provide an annual report to the City Council on the status of the Plan's implementation. Since this will be the first status update since 2014, Staff will be presenting the 17 Elements incrementally over the course of six months to provide a thorough review of each section. The tentative schedule for the Work Program is as follows:

PHASE I: DEVELOPMENT CODE AMENDMENTS:

Start Date: August 2019

Completion Date: December 2019

PHASE II: GENERAL PLAN REVIEW

Start Date: January 2020

Completion Date: June 2020

Since Phase 1 of the work program will be initiated first, only the recommended Development Code amendments for the upcoming year will be presented. A separate memo in January will discuss the implementation of the General Plan.

PROPOSED AMENDMENTS

Article 151.03, Administration and Enforcement. *A complete revision of this Section due to obsolete processes and regulations as they relate to Zoning Compliances, Building Permits, and Occupancy Permits. The last major update of this Section was in 1998.*

Article 151.04, Supplementary District Regulations. *Removal of obsolete and duplicative language. Specifically, Section 151.04.004, Dumping or Disposal of Rubbish, which prohibits the dumping and disposal of debris, garbage, industrial wastes, etc., is already addressed in the Building and Property Maintenance Codes. Therefore, this Section in the Development Code can be removed.*

Article 151.06, Special Regulations for Particular Uses-*Consider revising one Section within this Article.*

Section 151.06.004, Home Based Businesses-The City has received a number of property maintenance complaints regarding the repair of vehicles on residential properties. Specifically, the concerns relate to the number of vehicles under repair and the placement of the vehicles often located within the front yard of the properties. The Home Based Business regulations prohibit automotive service and repair of vehicles not owned or leased by the occupants of the property. However, the regulations do not prohibit an individual from repairing their own vehicles on the property for purposes of selling the vehicle in the future. In some instances, this could be numerous vehicles at one time. As a result, the recommended amendment is to prohibit the sale of more than one vehicle at a time on residential properties. This prohibition would allow for more clear enforcement action on this activity when the City receives complaints.

Article 151.08, Public Improvement Standards-*Consider revising three separate Sections within this Article.*

Section 151.08.004, Street Design Standards- The City Council approved amendments to the Traffic Circulation Plan (TCP) on June 27, 2019, which reclassified the functional street classification of certain roadways. This Section currently provides for design standards and roadway profiles for public streets based on their functional roadway classification. The Commission raised the question about amending the roadway design standards during review of the TCP amendments. Amendments to the design standards that can considered include right-of-way widths, roadway pavement widths, bicycle lane widths, and multi-use path requirements,

Section 151.08.005, Street Access Standards- This Section regulates access points along public roadways. The functional classification of a roadway has a direct correlation to access management. Again, the Commission had some interest in revising the access management policy during review of the TCP amendments. Amendments to this section to be considered includes revising the required number of access points and their locations along public roadways.

Section 151.08.013, Wireless Communications Facilities- *This Section relates to requirements for communications towers located on City property. This language is duplicative and staff is proposing to remove this Section.*

Article 151.10, Sign Regulations- *Current language in this Article requires that the sign panels inserted within a multi-tenant or shopping center free-standing sign be a minimum of nine square feet. The original intent of this requirement was to make the panels and lettering large enough to be easily seen by drivers, thus decreasing the amount of time that the driver is not focused on the roadway.*

The maximum sign face of a multi-tenant or shopping center sign is 75 square feet. The concern is that the minimum panel size requirement potentially limits the number of panels that can be inserted into the sign, ultimately prohibiting some businesses in the building or shopping center from advertising on the sign. The potential amendment would eliminate the minimum panel size requirement, thus allowing additional sign panel flexibility.

Article 151.16, Water Conservation- *Water conservation regulations were incorporated into the Development Code in 1986. Throughout the years, the breadth and scope of the regulations have increased. Based on an analysis of other Arizona communities, the City is considering additional water conservation measures. Potential amendments include water usage maximums for commercial developments, extending the no-turf policy to multi-family residential and manufactured home residential developments, and requirements for water saving devices and features for residential landscaping.*

Article 151.17, Access Standards- *This Article also provides access management standards for public roadways. There is duplicative and conflicting language with Section 151.08.005. Staff recommends removing this Article from the Development Code.*

Article 151.19, Subdivision Platting Procedures- *This Article provides for subdivision plat submittal and approval processes. However, this Section does not address the processing of lot splits or minor subdivisions. Staff recommends including processes that will streamline the review and approval of these types of developments.*

The Article also includes a Section on improvement securities. The City requires improvement securities from a developer for the construction of public improvements such as curb, gutter, sidewalk, and sewer. These improvements are typically constructed during the development of the subdivision. Staff recommends adding language that clarifies the timing on the release of the securities back to the developer. The current code language requires a full release of the security once all public improvements have been constructed and approved by the City. In some instances, the developer is unable to sell a new home to a potential buyer until the security is released. Adding a process to allow for partial or incremental security releases when a portion of the improvements are completed is more reflective of the phased construction schedule that most developers practice and also allows the developer more flexibility when selling the homes.

Article 151.22, District Regulations-*There are two proposed amendments to this Article.*

The first proposed amendment relates to amending the Matrix of Use Permissions by allowing private schools within residential zoning districts to apply for a Conditional Use Permit rather than maintaining a complete prohibition. Many private schools are associated with churches which are typically located within residential zoning districts. The Conditional Use Permit process would provide an avenue for discussion and approval. As a reminder, the Conditional Use Permit requires a neighborhood meeting and public hearings before the Planning & Zoning Commission and the City Council.

Another proposed amendment relates to Accessory Dwelling Units (ADU's). The Development Code does not currently incorporate setback requirements for ADU's. Past practice has been to require that the ADU meet, as a minimum, the building separation requirements in the International Building Code. To clarify site location requirements, staff is recommending that building setbacks for ADU's be included in the Development Code. This language would be inserted in Sections 151.22..008, Urban Ranch; 151.22.009, Single Family Residence; and 151.22.010, Multi-Family Residence.

Processing Review fees:

In addition to the code amendments, staff recommends an analysis of the building and planning processing review fees. These are more commonly known as application fees and are typically required to be paid prior to review of a project. The last update to these fees was in 2013. Staff will be considering a number of factors when determining the fees such as a comparison of other communities.

Staff then asked for the Commission's comments and questions relating to the work program.

Mr. Karp asked if the Planning & Zoning Commission would be reviewing both the Code amendments and the General Plan elements in conjunction with the City Council and other Commissions. Mr. Pregler stated that there is the possibility of having a joint work session with the City Council on the General Plan Elements and a work session with the Environmental Affairs Commission to discuss the potential water conservation measures.

Mr. Miller when addressing the potential amendments to Section 151.08, Street Design Standards and Access Management, stated that he expects staff to provide expert data and analysis to the Commission on these issues. Mr. McLachlan indicated that Public Works staff would be involved in the process to provide the technical perspective on the amendments. Mr. McLachlan also added that the form or the aesthetics of the roadways should also be a discussion item when addressing these amendments.

Mr. Miller clarified, when referring to the proposed water conservation amendments to Section 151.16, that the decrease in allowed turf for multi-family developments, only applies to new development. Mr. Pregler stated that he is correct, only new multi-family development would be effected. Mr. Karp asked how the reduction of turf in multi-family

would be measured. Mr. Pregler said, that the amendment would reduce the overall percentage allowed for the entire site.

Mr. Thompson asked if the City had impact fees. Mr. McLachlan stated the existing moratorium on impact fees was extended through June 30, 2020. He mentioned that a consultant has been hired to provide recommendations about any changes to the impact fees.

Staff asked the Commission to prioritize the amendments. The Commission recommended that the simple housekeeping amendments such as the sign code amendment and the home based business amendments be processed first. Amendments that require additional discussion and research such as water conservation, subdivision plats, and street design are recommended to be processed at a later time.

Mr. Snyder stated, when referencing the proposed amendments to the Article 151.19, Subdivisions, that there are not too many instances of individual lot splits in the City. Mr. McLachlan stated that there is currently a request from an owner that wants to split a parcel within an existing platted subdivision. The proposed minor subdivision process or lot division process would provide a streamlined review of such a request.

FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANOUNCEMENTS

None

INFORMATION

Mr. Pregler stated that the 33 Flavors ice cream shop had recently opened. He also mentioned that the City had a pre-submittal meeting with a developer who was interested in constructing a dental office at the northeast corner of Wilcox Drive and Bel Aire Place. Mr. McLachlan stated that the City has a pre-application meeting with Circle K which is looking to move their existing store from Rainbow Way and State Highway 90 to the southeast corner of State Route 90 and Avenida Del Sol.

CITY COUNCIL LIAISON COMMENTS:

Mayor Pro Tem Gray stated that the Spot Light Breakfast was positive, indicating that sales tax revenue was up and the housing market was healthy. She also stated that the City Council Strategic Plan was released and was available to view on the City website.

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 |
| FROM: | Jeff Pregler AICP, Senior Planner |
| MEETING DATE: | September 3, 2019 |
| SUBJECT: | Implementation of FY 19-20 Work Program |
| REQUESTED ACTION: | Discussion on Potential Code Amendments |

BACKGROUND:

The Planning & Zoning Commission, in working with Staff on its Annual Work Program prioritized the processing of Development Code amendments. The four amendments discussed in this memo were ranked as the highest priority because many of them are considered minor revisions and as such does not require lengthy research and discussion.

The four Development Code amendments relate to the following Sections and Articles:

- 1) Section 151.04.004, Dumping or Disposal of Rubbish
- 2) Section 151.06.004, Home Based Business
- 3) Section 151.06.010, Accessory Dwelling Units
- 3) Article 151.10, Sign Regulations

ANALYSIS

Article 151.04, Supplementary District Regulations. Removal of obsolete and duplicative language. Specifically, *Section 151.04.004, Dumping or Disposal of Rubbish*, which prohibits the dumping and disposal of debris, garbage, industrial wastes, etc., is already addressed in the Building and Property Maintenance Codes. Therefore, the amendment is to remove this entire Section.

Article 151.06, Special Regulations for Particular Uses-Revising one Section and adding one Section within this Article.

Section 151.06.004, Home Based Businesses-The City has received a number of property maintenance complaints regarding the repair of vehicles on residential properties. Specifically, the concerns relate to the number of vehicles under repair and the placement of the vehicles often located within the front yard of the properties. The Home Based Business regulations prohibit automotive service and repair of vehicles not owned or leased by the occupants of the property. However, the regulations do not prohibit an individual from repairing their own vehicles on the property for purposes of selling the vehicle in the future. In some instances, this could be numerous vehicles at one time. As a result, the proposed amendment is to prohibit the sale of more than one vehicle at a time on residential properties. This prohibition would allow for more clear enforcement action on this activity when the City receives complaints.

Adding Section 151.06.010, Accessory Dwelling Units. 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. Staff has determined that creating specific development standards is the most effective way to regulate ADU's. As such, the proposed amendment 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.

Article 151.10, Sign Regulations-Current language in this Article requires that the sign panels inserted within a multi-tenant or shopping center free-standing sign be a minimum of nine square feet. The original intent of this requirement was to make the panels and lettering large enough to be easily seen by drivers, thus decreasing the amount of time that the driver is not focused on the roadway.

The maximum sign face of a multi-tenant or shopping center sign is 75 square feet. The concern is that the minimum panel size requirement potentially limits the number of panels that can be inserted into the sign, ultimately prohibiting some businesses in the building or shopping center from advertising on the sign. The proposed amendment would eliminate the minimum panel size requirement, thus allowing additional sign panel flexibility.

ARTICLE 151.04 SUPPLEMENTARY DISTRICT REGULATIONS

Sections:

- 151.04.001 Purpose
- 151.04.002 Buildings Under Construction
- 151.04.003 Moving of Buildings
- ~~151.04.004 Dumping or Disposal of Rubbish~~
- 151.04.00~~4~~⁵ Exceptions to Height Limitations
- 151.04.00~~5~~⁶ Administrative Modification of Dimensional Standards
- 151.04.00~~6~~⁷ Projections Into Required Yards in Residential Districts
- 151.04.00~~7~~⁸ Yards and Setbacks, General Usage
- 151.04.00~~8~~⁹ Clear-Vision Area
- 151.04.00~~9~~¹⁰ Fences and Walls
- 151.04.01~~0~~¹¹ Swimming Pools
- 151.04.01~~1~~² Unsuitable Land
- 151.04.01~~2~~³ Grading Requirements
- 151.04.01~~3~~⁴ Required Drainage Facilities
- 151.04.01~~4~~⁵ Parking of Miscellaneous Vehicles and Trailers in Residential Districts

Section 151.04.001 Purpose

The provisions of this Article establish standards and regulations for on-site development of all lots within the City.

(Ord. 743, passed 4-10-86)

Section 151.04.002 Buildings Under Construction

Nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Code and upon which actual building construction has been diligently carried forth. Actual construction is defined to include the placing of construction materials in the permanent location and fastened in permanent manner; except that where demolition or removal of an existing building has been substantially begun to prepare for rebuilding, such demolition or removal shall be deemed to be actual construction.

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

Section 151.04.003 Moving of Buildings

No building or structure, which has been wholly or partially erected on any premises, shall be moved to or be placed upon any other premises until a permit for the removal and relocation has been issued by the Director of Community Development. Any such building or structure shall conform to all provisions of this Code in the same manner as a new building or structure.

No such building or structure shall be used or occupied until a Certificate of Occupancy has been issued, as provided in Section 151.03.005 of this Code.

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

~~Section 151.04.004 Dumping or Disposal of Rubbish~~

~~The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish or other refuse, or industrial wastes or by-products, shall be prohibited in every district except as provided herein.~~

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

Section 151.04.004⁵ Exceptions to Height Limitations

Height regulations established elsewhere in this Code shall not apply to the following:

- A. In any zoning district - church spires, belfries, cupolas, and domes that are not built for human occupancy; monuments; water towers; flagpoles; non-commercial radio or television antennas; and star watch equipment;
- B. In commercial or industrial zoning districts - parapet walls extending not more than 4 feet above the height of the building and any elevator housings;
- C. In industrial districts - chimneys, smokestacks, derricks, and conveyors; to grain elevators or similar structures used in the industrial processes.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2010-017, passed 9-23-10)

Section 151.04.004⁵6 Administrative Modification of Dimensional Standards

A. Applicability

1. In accordance with the provisions of this Section, staff may modify a required building setback in cases where the following conditions apply:

a. For properties located outside the Infill Incentive District Area:

(1) The subject property contains an existing single-family dwelling unit; and

(2) The modified setback results in a building setback of no less than five feet from a rear or side property line unless the subject property abuts a platted alleyway or dedicated drainageway in which case a modified setback shall provide no less than one-foot of building setback from a rear or side property line that abuts a platted alleyway or dedicated drainageway.

b. For properties located inside of an Infill Incentive District Area:

(1) The subject property is used or proposed to be used for residential purposes; and

(2) The modified setback results in a building setback of no less than five feet from a rear or side property line unless the subject property abuts a platted alleyway or dedicated drainageway in which case a modified setback shall provide no less than one-foot of building setback from a rear or side property line that abuts a platted alleyway or dedicated drainageway.

(3) The modified setback results in a building setback of no less than fifteen feet from a front lot line adjoining the primary frontage or no less than ten feet from a front lot line adjoining the secondary frontage (on corner lots); provided, however, no setback modification shall be granted for that portion of a front facade containing an enclosed garage or carport.

2. In accordance with the provisions of this Section, staff may modify the maximum fence or wall height on properties used for residential purposes, provided however, any existing wall proposed to be elevated shall be certified by a professional engineer or architect registered in the State of Arizona as being able to support the modification in accordance with local building codes.

B. Application. Requests shall be made on application forms provided by the Department of Community Development.

C. The City shall notify, by mail, the property owner(s) most affected by the proposed request. The notice shall include a sketch plan of the site.

D. Standards. The City shall grant a modification of the setback after these following standards have been met:

1. The request shall not substantially reduce the amount of privacy that would otherwise be enjoyed by nearby residents. This is determined by the responses from adjacent property owners and staff observations.

2. Significant views of prominent land forms or parks from nearby properties will not be obstructed any more than would occur if the request was granted.

3. Traffic visibility on adjoining streets will not be adversely affected;

4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way;

5. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

6. The proposal will not interfere with the daily living activities or injure the rights of adjacent property owners. This is determined by the responses from the adjacent property owners and staff observations.

E. Determination by the City

1. The City shall review all the submitted information and provide a written response to the petitioner of the action.

2. The City shall approve the application if all the standards as stated in 151.04.006.D are met. Once granted, the building permit may be issued. The permit must be issued within 120 days of the granting of the request. Approval of the request does not set precedent; each request is reviewed on an individual basis.

3. The request shall be denied if the standards as stated in 151.04.006.D are not met. The decision shall indicate the reasons why the request was denied.

F. Fees. Fees for administrative modifications shall be determined according to a schedule established by the Council.

G. Appeals to the Hearing Officer. Any aggrieved person may appeal the decision of the City to the Hearing Officer, which will be heard in accordance with Section 151.30.008. Upon filing an appeal, the applicant shall pay a filing fee established by the Council.

(Ord. 2004-013, passed 11-9-04; Am. Ord. 2010-017, passed 9-23-10; Am. Ord. 2018-002, passed 2-8-18)

Section 151.04.006~~7~~ Projections into Required Yards in Residential Districts

A. Ground-mounted, suspended- or window-type air conditioning units, evaporative coolers, or forced-air furnaces and swimming pools, spa or hot tub equipment, or other

similar equipment may project over or onto any required side or required rear yard provided that they are not closer than 2 feet to any lot line when installed.

B. Awnings, open fire balconies, and fire escape stairs may project not more than 5 feet over any required yard provided that they are not closer than 2 feet to any lot line when installed.

C. Cornices and eaves may project not more than 3 feet over any required yard provided that they are no closer than 2 feet to any lot line.

D. Sills, leaders, belt courses, and similar ornamental features may not project more than 6 inches over or into any required yard. A chimney or pilaster may project not more than 18 inches into any required yard provided that it is not more than 8 feet in width.

E. Bay or greenhouse windows, whether supported on their own foundations or not, may project not more than 2 feet over or into any required yard provided that they are not more than 8 feet in width on the outside plane of the bay.

F. Unroofed terraces, patios, steps, or similar features may not extend over 3 feet above grade when projecting into any required yard.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 896, passed 1-23-92)

Section 151.04.0078 Yards and Setbacks, General Usage

A. Except as provided elsewhere in this Code, no compressor unit, condensing unit, cooling tower, evaporative condenser, or similar device located on the ground shall be located closer to any interior lot line than the minimum setback required for the main building. All such devices shall discharge air in a direction other than toward any lot line within 25 feet of such device.

B. Where future street lines have been officially established by the Council, all required setbacks shall be measured from future property lines.

C. Satellite antennas shall not be erected in the required front or side yards.

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

Section 151.04.0089 Clear-Vision Area

A. Clear-Vision Areas at Street Intersections. Development shall be setback or restricted near certain street intersections in order to provide a minimum clear-vision area. Clear-vision areas shall be determined for each controlled street intersecting a

thru or uncontrolled street. The determination of the clear-vision area for each controlled street shall be made according to Diagram 1 using the minimum corner sight distance listed in Table A.

TABLE A
MINIMUM CORNER SIGHT DISTANCE

BY TYPE OF STREET OR DESIGN SPEED

| <i>Type of Through Street</i> | <i>Design Speed</i> | <i>A-B, A-C Distance in Feet</i> |
|---|----------------------------|---|
| Principal Arterial | 55 mph | 550 |
| Major Arterial | 45 mph | 450 |
| Minor Arterial | 40 mph | 400 |
| Collector | 30 mph | 300 |
| Local | 25 mph | 250 |
| Note: To determine corner sight distance for speeds not included in this table, multiply the speed by 10 to calculate the distance. | | |

B. Clear-Vision Areas at Driveways. Clear-vision areas at driveways, including private driveways to public streets in residential, commercial, or industrial districts shall have a minimum clear-vision area as determined by Diagram 1 and Table A. For driveways, point A shall be no closer than 10 feet behind the curb of the public street being accessed.

The clear-vision area for each driveway shall be illustrated on every site plan submitted to the City for approval.

C. Obstructions in the Clear-Vision Area. There shall be no fence, structure, wall, or sign, higher than 3 feet and no landscaping between a height of 3 feet and 8 feet within the Clear Vision Area for driveways, alleys, and street intersections. Obstructions in the Clear Vision Area for residential driveways shall not be regulated. The height shall be measured from the top of the curb, or where no curb exists, from the established street centerline grade.

D. The preceding provisions shall not apply to the following:

1. A public utility structure;
2. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective and permitted as a non-conforming structure as provided by Section 151.24.002.G;
3. An official warning sign or signal;

4. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 854, passed 1-25-90; Am. Ord. 2010-017, passed 9-23-10)

Section 151.04.009~~10~~ Fences and Walls

A. A fence or wall may be erected in any residential zoning district if it meets the following requirements:

1. Maximum height and setback requirements: (measured from highest grade on either side of the fence):

a. In a side and rear yard setback, the maximum height of a fence or wall shall not exceed 6 feet except for the following:

(1) A fence or wall can be constructed 8 feet above grade within the buildable area of the principal structure as long as all requirements of the International Building Code are met.

(2) Medical Marijuana Cultivation Facility walls shall be constructed 10 feet above grade within the buildable area of the principal structure as long as all appropriate requirements of the International Building Code and the Arizona Department of Health Services are met.

b. Additional height can be requested by applying for the Administrative Modification process as described in Section 151.04.006, Administrative Modification;

c. In a front yard setback, the maximum height of an opaque fence or wall shall not exceed 4 feet on properties less than 10,000 square feet or shall not exceed 5 feet on properties larger than 10,000 square feet;

d. No opaque fence or wall exceeding 3 feet high shall be erected in the clear-vision area of a driveway, alley, or intersection;

e. All fences and walls are to be constructed on private property and out of any public right-of-way, public drainageways, and publically dedicated easements.

B. No fence on the exterior of the property shall contain barbed wire, razor ribbon, electrical current or charge of electricity, broken glass, or similar hazardous materials or devices. However, fences in commercial or industrial districts which enclose storage areas, transformers, antennae, or other high value or dangerous installation areas may

have barbed wire or razor ribbon connected so long as they are located more than 6 feet above grade. Where the keeping of livestock is permitted, barbed wire is allowed.

C. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence that is or has become dangerous to public safety, health, or welfare shall be considered a violation of this Code.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 934, passed 10-28-93; Am. Ord. 2003-014, passed 8-14-03; Am. Ord. 2010-017, passed 9-23-10; Am. Ord. 2011-004, passed 5-12-11)

Section 151.04.010~~4~~ Swimming Pools

A. No swimming pool or other body of water intended for bathing 2 feet or greater in depth and longer than 4 feet in the largest linear dimension shall be located in any required front or side yard nor shall any such pool or body of water intended for bathing be closer than 4 feet to any lot line.

B. Whether it is accessory to a residential or a business use, every swimming pool or body of water intended for bathing 2 feet or greater in depth and longer than 4 feet in the largest linear dimension shall be enclosed by a fence, wall, or other structure in conformance with the provisions of the International Building Code.

C. Under no circumstances shall a pool intended for bathing be drained into an alley or other public right-of-way except that draining to a street or alley capable of carrying the run-off may be authorized by permit from the City. The Director of Community Development may permit the use of an on-site dry well for pool drainage. Any such dry well shall be subject to the requirements of A.R.S. §§ 49-331 through 336, which requires a permit from the ADHS (Arizona Department of Health Services) and any provisions contained in Section 151.22.029, Flood Hazard.

D. Any structure built over a swimming pool or body of water intended for bathing, whether rigid, semi-rigid or inflatable is considered to be an accessory structure as defined in Section 151.02.004 and must meet the requirements of the adopted International Building Codes. Plans must be submitted to the Department of Community Development for approval prior to commencement of initial construction.

E. New swimming pools, spas, and hot tubs shall be required to have a cover. The permit application shall note the type of cover proposed. Covers shall be of a solid (not mesh) design.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 874, passed 1-10-91; Am. Ord. 896, passed 1-23-92; Am. Ord. 2003-005, passed 2-13-03; Am. Ord. 2005-010, passed 6-9-05)

Section 151.04.01~~1~~² Unsuitable Land

Property may not be developed if, in the opinion of the City, based on the written recommendation of the Director of Community Development, the land is unsuitable for the proposed use by reason of adverse topography, adverse soils, earth surface subsidence, high water table, periodic flooding, lack of water, or other natural or man-made hazards to life. However, the City may approve development of such land upon receipt of evidence from the developer's professional engineer's justification acceptable to the Director of Public Works that the construction of specific improvements can be expected to render the land usable, in which case, construction upon such land shall be prohibited until the specified public improvements have been designed by the developer's professional engineer, approved by the City Engineer, and construction has been guaranteed.

(Ord. 743, passed 4-10-86; Am. Ord. 875, passed 1-10-91; Am. Ord. 1043, passed 9-11-97)

Section 151.04.01~~2~~³ Grading Requirements

A. Cuts. Cut slopes shall not exceed in steepness a 3:1 (horizontal to vertical) ratio unless recommended by a certified soils engineer and approved by the City Engineer. Slopes between 3:1 and 4:1 ratio shall receive an approved slope treatment such as dumped rip rap, grouted rip rap, or concrete. Slopes flatter than 4:1 may require a slope treatment such as hydroseeding, decomposed granite, or as determined by the City Engineer. Slopes flatter than 4:1 and located in the public right-of-way shall require a slope treatment such as hydroseeding, decomposed granite, or as determined by the City Engineer.

B. Fill. Fill slopes shall not exceed in steepness a 4:1 (horizontal to vertical) ratio. All fills shall receive an approved slope treatment such as hydroseeding, decomposed granite, or as determined by the City Engineer.

1. Ground Preparations. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil and other unsuitable materials; scarify to provide a bond with new fill and where slopes are steeper than 15 percent and the height is greater than 5 feet, by benching into a competent material as determined by a certified soils engineering report and approved by the City Engineer.

2. Structural Fill Material. Detrimental amounts of organic material shall not be permitted in structural fills. Burial of tree stumps will not be allowed on any site other than an approved solid waste disposal site. No rock or similar material greater than 6 inches in diameter shall be placed in a structural fill. The City Engineer may permit placement of larger rock if the soils engineering report devises a method to continuously inspect placement and certify stability of rock disposal areas having no overlapping with physical improvements, and is a minimum of 5 feet below grade measured vertically.

3. Structural Fill Compaction. Structural fill will be compacted to a minimum of 95 percent of maximum density. The soils engineer shall certify all structural fills as meeting minimum bearing capacity for the intended use and meeting minimum compacted density of 95 percent.

4. Non-Structural Fills. Fill materials and landscape berms will be compacted to at least 90 percent maximum density by reasonable mechanical means.

(Ord. 743, passed 4-10-86; Am. Ord. 875, passed 1-10-91; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2008-010, passed 5-8-08; Am. Ord. 2010-017, passed 9-23-10)

Section 151.04.0134 Required Drainage Facilities

A. All roof and foundation drains may be discharged either to:

1. a street or an alley, or
2. a public or approved private storm drain, or
3. a natural drainageway, if adjacent to the lot, or
4. to an on-site storage facility.(i.e. rain storage tank)
5. to depressed landscaped areas with a sufficient buffer from building foundation.
6. other as approved by the City Engineer.

B. The design of drainage facilities that involve discharges to a public works improvement or public property shall be reviewed and approved by the Director of Public Works prior to issuance of a building permit by the Director of Community Development. The Director of Community Development may permit the use of an on-site detention, retention, or dry well located in the rear yard for such drainage, provided the design is reviewed and approved by the Director of Public Works. Any such dry well shall be subject to the requirements of A.R.S. §§ 49-331 through 336 which requires a permit from the ADEQ. See Section 151.22.029, Flood Hazard, for applicable provisions when location of dry wells falls within the flood prone area.

C. Subsurface drainage facilities may be required in areas of fill if it is determined by a geologist or certified soils engineer that there will exist a groundwater situation that could cause stabilization problems. Any subsurface natural spring or field tile shall be piped to an approved drainage facility.

(Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 875, passed 1-10-91; Am. Ord. 1043, passed 9-11-97)

Section 151.04.01~~4~~⁵ Parking of Miscellaneous Vehicles and Trailers in Residential Zoning Districts

A. In residential zoning districts, no recreational vehicles, boat trailers, horse trailers, and similar trailers shall be parked or stored so as to interfere with the clear vision area as described by Section 151.04.009 or project into any right-of-way. No such vehicle so parked or stored shall be used for living purposes for more than 14 consecutive days.

B. No commercial or industrial type equipment to include: tractors, backhoes, bulldozers, trenchers, cranes, or other similar equipment, may be parked in an area visible to the public for more than 48 hours in any residential zoning district except when the equipment is being used for construction purposes on the site.

(Ord. 743, passed 4-10-86; Am. Ord. 982, passed 5-25-95)

Editor's notes:

Am. Ord. 2016-002, passed 2-25-16, renamed Article from General Regulations to Supplementary District Regulations.

Am. Ord. 2016-002, passed 2-25-16, removed Section 151.04.017 and relocated text to Section 151.06.003.

Am. Ord. 1086, passed 2-11-99. Amended Section 151.04.018. Language subsequently removed and relocated to Section 151.06.008 per Am. Ord. 2016-002, passed 2-25-16.

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 [sales, 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. [For the purposes of this Section, automotive sales shall mean the sale of two or more vehicles on the property at any given time.](#)

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 be 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. If permitted, Accessory Dwelling Units may be located on a parcel if it meets the following requirements:

1. Lot Coverage Area. The maximum lot coverage area shall not exceed 65 percent of the total rear and side yards.

2. Location Restrictions. Accessory structures shall not be located in front of any principal structure.

3. Maximum Height. 15 feet.

4. Setback Requirements: Accessory Dwelling Units shall conform to the following setback requirements:

a. The minimum setback to a rear or side property line shall be five (5) feet; provided however the minimum setback may be reduced to one (1) foot if the side or rear property line abuts a platted alleyway or dedicated drainageway.

b. The minimum building separation between the Accessory Dwelling Unit and any other building on the property shall be five (5) feet.

5. The principal structure on the lot in which an Accessory Dwelling Unit is constructed shall be occupied by the owner of the property, as reflected in the title records obtained from the Cochise County Recorder's Office.

6. Accessory Dwelling Units shall not contain more than one bedroom.

7. Number of Occupants. No more than two occupants may reside in an Accessory Dwelling Unit at any one time.

8. A separate address, water meter, utility meter, driveway or parking area shall not be provided;

9. The materials, colors and architectural style of the Accessory Dwelling Unit shall be harmonious to the principal residence.

10. The livable floor area shall not exceed fifty (50) percent of the livable floor area of the principal residence.

11. 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.

12. Prior to the issuance of a building permit, a plot plan illustrating conformance with these requirements shall be submitted and approved.

ARTICLE 151.10 SIGN REGULATIONS

Sections:

- 151.10.001 Purpose
- 151.10.002 Measurement of Signs
- 151.10.003 Applicability
- 151.10.004 Portable Signs
- 151.10.005 Prohibited Signs
- 151.10.006 Electronic Message Centers
- 151.10.007 Residential Zoning Districts SFR, MFR, MHR, or RV
- 151.10.008 Commercial and Industrial Zoning Districts NC, LC, OP, GC, LI, HI, IP
- 151.10.009 Height Reduction of Legal Nonconforming Freestanding Signs
- 151.10.010 Non-Legal Nonconforming Freestanding Signs
- 151.10.011 Special Use Permits
- 151.10.012 Street Address in Signs
- 151.10.013 Removal of Certain Signs

Section 151.10.001 Purpose

It is the purpose of this article to regulate signs. Regulations put forth in this Article promote traffic safety, safeguard public health and comfort, facilitate police and fire protection, enhance community appearance, and protect the character of the City. The sign regulations are designed for maximum sign legibility and effectiveness and to prevent the over concentration, improper placement, and excessive height, bulk, and area of the signs. Residential, commercial, and industrial signs are generally intended to be located in those zoning districts where the activities are allowed and where signs directly relate to the activities on the premises.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 834, passed 3-9-89; Am. Ord. 2005-021, passed 11-22-05)

Section 151.10.002 Measurement of Signs

A. When signs are made of individual, fabricated, or painted letters mounted directly on an opaque building facade or building projections of permanent construction the area shall be computed by measuring the sum of the squared-off area of individual letters.

B. For all other types of signs, the area shall include the entire area within a single contiguous perimeter enclosing the extreme limits of the sign. However, the perimeter measurements shall not include any structural elements located outside the limits of the

sign and not forming an integral part of the display.

C. The total square footage of all face surfaces of a spherical or multi-faced sign shall not exceed twice the allowable square footage of a single-faced sign.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2005-021, passed 11-22-05)

Section 151.10.003 Applicability

This Article regulates all signs within the City. The City must approve a sign permit before any sign is constructed, re-constructed, altered, repaired, used, or changed with the exception of the signs listed under Section 151.10.004, Portable Signs.

A. A newly constructed sign that may consist of new footings, pole, frame, electric, and sign face.

B. Signs changing a business name or wording over a sign face. If the sign face change is located on a currently legal nonconforming sign, the face change shall not expand the nonconformity (Article 151.24, Nonconforming Uses).

C. Any repairs or renovations to a sign that changes the height, area, location, or original sign face.

(Ord. 2005-021, passed 11-22-05; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.004 Portable Signs

Portable signs are any signs not permanently affixed to a building, structure, or the ground.

Portable signs are allowed only in compliance with the provisions of Table A and require a portable sign permit prior to the display of the sign except where noted. Political signs shall be in conformance with A.R.S. § 16-1019.

| TABLE A PORTABLE SIGNS | |
|--|---|
| APPLICABLE REQUIREMENTS TO ALL ZONING DISTRICTS | |
| Placement | Shall not be allowed in the City public right-of-way, unless otherwise specified, and be located in a location that is not hazardous to public safety, does not obstruct the clear vision area, or interfere with ADA requirements. Signs cannot be located on City owned structures or buildings. Placement requirements applicable to non-commercial portable signage. |

| | |
|-------------------------|---|
| Height and Width | Refer to Table A for height and width standards for individual temporary sign types. All sign height is measured from the highest adjacent street grade. |
| Prohibited Elements | Moving, flashing, or intermittent electrical pulsation signs including any signs that are Moved by either human or mechanical means. Animation Reflective materials |
| Design and Construction | Of sufficient weight and durability or anchored appropriately to withstand wind gusts, storms, etc. |
| Exemptions | Government Signs Sign Walkers Signs that cannot be viewed from a public street Residential Yard Signs Post and Panel Signs A-Frame Feather Banners |

TABLE A PORTABLE SIGNS

COMMERCIAL, INDUSTRIAL, AND OTHER NON-RESIDENTIAL ZONES

| Duration | Size | Height | Placement | Number |
|----------|------|--------|-----------|--------|
|----------|------|--------|-----------|--------|

Attached Banner Sign

| | | | | |
|--|--|---|---|--|
| 90 days maximum per year. Additional display time granted between Thanksgiving and New Year's Day. | 1.5 square feet for every linear foot of building frontage or 1.5 per every 5 feet of linear lot frontage. | Cannot extend above the roofline of the building. | Wall or building on property requesting the sign. | Per building/lot frontage measurement. |
|--|--|---|---|--|

Detached Banner Sign/H-Frame Signs/Ground Supported Signs

| | | | | |
|--|-------------------------|-----------------|--|--------------------------|
| 90 days maximum per year. Additional display time granted between Thanksgiving and New Year's Day. | 32 square feet maximum. | 6-foot maximum. | On property requesting the sign, and located outside the Clear Vision Triangle as defined in Section 151.04.009. | One per street frontage. |
|--|-------------------------|-----------------|--|--------------------------|

Post and Panel Signs

| | | | | |
|--|-------------------------|------------------|--|--------------------------|
| Duration of the activity. Removed 7 days after conclusion of activity. | 32 square feet maximum. | 10-foot maximum. | On property requesting the sign, and located outside the Clear Vision Triangle as defined in Section 151.04.010. | One per street frontage. |
|--|-------------------------|------------------|--|--------------------------|

| | | | | |
|--|---------------------------------------|---------------------------------------|--|--|
| <i>Air Puppets</i> | | | | |
| Weekends and holidays. | No specific size requirement. | Cannot exceed zoning district height. | On property requesting the sign. Setback a distance of 1:1 from a public pedestrian way. | One per business name and one per shopping center, industrial park, or commercial or industrial subdivision. |
| <i>Inflatable or Windblown Signs</i> | | | | |
| 90 days maximum per year. Additional display time granted between Thanksgiving and New Year's Day. | 32 square feet maximum. | Cannot exceed zoning district height. | On property requesting the sign. | No minimum number. |
| <i>A-Frame</i> | | | | |
| No maximum. | 12 square feet maximum per sign face. | 4 foot maximum. | On property requesting the sign. | One per street frontage. |
| <i>Special Event Directional Sign</i> | | | | |
| A maximum of 7 days prior to the event. Removed within three days following the event. | 32 square feet maximum. | 6 feet maximum. | On property requesting sign, off-site with property owner permission, public right-of-way. | No minimum number. |
| <i>Sign Walkers</i> | | | | |
| No maximum. | N/A | N/A | On property requesting the sign, and public sidewalks, but not within roadway medians. | No minimum number. |
| RESIDENTIAL ZONING DISTRICTS | | | | |
| Duration | Size | Height | Placement | Number |
| <i>Yard Sign</i> | | | | |
| A maximum of 30 days. | 4 square feet maximum. | 3 feet maximum. | Located on property requesting sign or off-site with permission of property owner. | A maximum of one per location. |
| <i>Post and Panel Signs</i> | | | | |
| Duration of activity and removed seven days upon completion of activity. | 32 square feet maximum. | 10 feet maximum. | Located on the property requesting the sign. | One per street frontage. |

(Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 857, passed 4-26-90; Am. Ord. 988, passed 9-28-95; Am. Ord. 1012, passed 7-25-96; Am. Ord.

1148, passed 9-26-02; Am. Ord. 2005-021, passed 11-22-05; Am. Ord. 2007-016, passed 9-27-07; Am. Ord. 2011-005, passed 5-12-11; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.005 Prohibited Signs

It shall be unlawful for any person to erect, display, or maintain a sign or advertising structure as described below.

A. Moving or flashing signs or advertising structures, including any signs that are moved by either human or mechanical means. The prohibited flashing signs include any signs with intermittent electrical pulsations. Exceptions shall include time and temperature signs and sign walkers.

B. Signs that are hazardous to traffic, imitate official government signs (i.e., Stop, Danger, Caution, etc.), or obstruct visibility creating a hazard.

C. Windblown signs, such as posters, pennants, streamers, balloons, air puppets propelled by forced air, or other inflated objects except as provided for in Section 151.10.004, Portable Signs. Excluded from this definition is a flag of any government or governmental agency.

D. Portable signs except as permitted in Section 151.10.004, Portable Signs.

E. All signs with more than 25-watt lamps or bulbs exposed to direct view, any reflective or power spot bulbs, strings of light bulbs, or spotlights with the following exceptions.

1. Time-and-temperature signs can use 33-watt bulbs.
2. Holiday decorations are excluded.

F. Electronic Message Centers, unless they meet the criteria in Section 151.10.006:

G. Reader Boards.

H. Off-premise signs, including billboards, except as provided in Section 151.10.004, Portable Signs.

I. Signs or portion thereof which:

1. Obstruct a fire exit, stairway, or standpipe;
2. Interfere with an exit to any window or any room located above the first floor of any building;

3. Obstruct any door or required exit from any building;

4. Obstruct or redirect any required light or ventilation.

J. Signs erected in a residential zoning district with information other than allowed under Section 151.10.004, Portable Signs.

K. Sandwich board signs or A-frame signs, except as permitted in Section 151.10.004, Portable Signs.

L. Roof signs as defined in Section 151.02.004, Definitions.

M. Signs less than 6 feet horizontally or 12 feet vertically away from overhead electrical conductors energized with 440 volts or more. (Overhead electrical conductors, either bare or insulated, installed above the ground, except those enclosed in rigid iron conduit or other material of equal strength.)

N. Signs on Parked Vehicles. Signs or advertising on parked vehicles or trailers are prohibited unless the vehicles or trailers are primarily used in conducting business and the signs advertise or identify the business and the products or services offered on the premises. This paragraph shall not apply to signs affixed to vehicles or trailers used as public carriers, businesses, taxis, or vehicles when operating during the normal course of business.

O. Obscene signs.

(Ord. 743, passed 4-10-86; Am. Ord. 828, passed 12-13-88; Am. Ord. 834, passed 3-9-88; Am. Ord. 861, passed 6-28-90; Am. Ord. 982, passed 5-25-95; Am. Ord. 988, passed 9-28-95; Am. Ord. 1148, passed 9-26-02; Am. Ord. 2005-021, passed 11-22-05; Am. Ord. 2007-019, passed 12-13-07; Am. Ord. 2008-020, passed 12-11-08; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.006 Electronic Message Centers

A. Number of Signs

1. Single Business

One 2-sided free-standing sign per business. Should there be more than one existing sign on the property that conforms with the current sign height, area, and separation requirements, the electronic message centers can replace each of these signs.

2. Multi-Tenant Building

One 2-sided free-standing sign per lot. Should there be more than one existing sign on the property that conforms with the current sign height, area, and separation requirements, the electronic message centers can replace each of these signs.

3. Shopping Center/Commercial Subdivision

One 2-sided free-standing sign per access. Should there be more than one existing sign on the property that conforms with the current sign height, area, and separation requirements, the electronic message centers can replace each of these signs.

B. Height of Signs

1. The maximum height shall not exceed 15 feet on properties fronting State Route 90, State Route 92, and Fry Boulevard east of Coronado Drive.

2. The maximum height shall not exceed 10 feet when located in all other locations not described in subsection 1 above.

C. Area of Signs

1. Single Business

The total sign area for a free-standing sign shall not exceed 32 square feet per sign face.

2. Multi-Tenant Building

The sign face area for the electronic display portion of the sign shall not exceed 32 square feet. For additional size and height standards related to free-standing signs for multi-tenant buildings, refer to Section 151.10.008.C.

3. Shopping Center/Commercial Subdivision

The sign face area for the electronic display shall not exceed 32 square feet. For additional size and height standards related to free-standing signs for shopping centers/commercial subdivisions, refer to Section 151.10.008.E.

D. Animation of Signs. The animation of signs which includes the blinking, scrolling, moving, and changing of brightness intensity, of either text or images is prohibited.

E. Message Transition. The transition between messages shall be instantaneous.

F. Length of Message Display. The minimum length to display a message shall be 15 seconds.

G. Message Display. The EMC shall not display advertising for any off-site

business. However, promotion of community and charity events can be displayed provided the requirements for animation, message transition, and length of message display are met.

H. Sign Brightness

1. For signs located in commercial and industrial areas the maximum lumination level from sunset to sunrise shall not exceed 100 nits. For signs located in or signs adjacent to residential zoning districts that shine directly onto residences, the maximum lumination level shall not exceed 100 nits.

2. Signs shall be required to be equipped with photo cell sensors that are factory locked to dim the sign to an appropriate light level during daylight hours. The photo cell sensors shall also dim the sign at night to the required nit level as stated in this section. An affidavit from the manufacturer attesting to the brightness level shall be submitted with the sign permit application.

3. The electronic message center portion of the sign shall be turned off when the business activities cease. Signs shall include timers that will automatically turn off the digital display.

4. Electronic message centers shall not have a white background.

5. Signs located within or signs adjacent to residential zoning districts that directly shine onto residences, shall be turned off between the hours of 10:00 pm and sunrise.

I. Location. Signs shall be placed a minimum of 5 feet from any property line, be located on private property, not project over any portion of a street, sidewalk, or other public right-of-way, and cannot conflict with any clear vision area.

J. Non-Conforming Signs. Non-conforming signs can be converted to EMC's provided the following criteria are met:

1. The sign brightness does not exceed the sign lumination level for EMC's as described in this Section.

2. The electronic or digital display portion of the sign cannot exceed 32 square feet.

3. The sign height and face area are reduced to the following ratios:

| Existing Height (ft.) | Proposed Height | Proposed Face Area (sf.) |
|-----------------------|-----------------|--------------------------|
| +50-30 | Reduced by 50% | 64 |
| 29-21 | Reduced by 25% | 56 |
| 20-16 | Reduced by 10% | 48 |
| 15-0 | Reduced by 0% | 32 |

(Ord. 2015-003, passed 5-28-15; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.007 Residential Zoning Districts SFR, MFR, MHR, or RV

A. Freestanding Entryway Signs in Single-Family Residential Zoning Districts

1. Area. The total sign area of the sign shall not exceed 32 square feet.
2. Height and Clearance. The maximum height shall not exceed 4 feet.
3. Location. Signs shall be placed a minimum of 5 feet from any property line, be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area.
4. Number. Limited to two freestanding or two wall signs per main entrance.
5. The City shall have a copy of an acceptable agreement describing who is responsible for sign maintenance prior to issuing a sign permit.

B. Wall Signs in Single-Family Residential Zoning Districts

1. Area. The total sign area shall not exceed 4 square feet.
2. Location. Located on the structure in which the business is conducted. (principal or accessory structure)
3. Number. Limited to one non-illuminated sign.

C. Signs For Multi-Dwelling Uses in Residential Zoning Districts

1. Freestanding Sign for Multi Dwelling Uses in Residential Zoning Districts
 - a. Area. The total sign area of a freestanding sign shall not exceed 32 square feet.
 - b. Height and Clearance. The maximum height shall not exceed 6 feet.
 - c. Location. Signs shall be placed a minimum of 5 feet from any property line, be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area.
 - d. Number. Freestanding signs shall be limited to one sign for each access into the site. There shall be at least 100 linear feet separating each sign.

e. Sign Illumination

(1) Internally illuminated signs shall not have white backgrounds. This requirement shall apply to any sign required to obtain a sign permit.

(2) Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign.

2. Wall Signs for Multi-Dwelling Uses in Residential Zoning Districts

a. Area. The total sign area of wall signs shall be 32 square feet per building frontage.

b. Height and Clearance. Wall signs shall not extend above the roofline or the top of a parapet wall.

3. The City shall have a copy of an acceptable agreement describing who is responsible for sign maintenance prior to issuing a sign permit.

D. Permitted Conditional Uses. Free-standing signs for approved conditional uses in residential zoning districts shall have a total sign area of 32 square feet and a maximum height of 6 feet.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 877, passed 2-28-91; Am. Ord. 2005-021, passed 11-22-05; Am. Ord. 2015-003, passed 5-28-15; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.008 Commercial and Industrial Zoning Districts NC, LC, OP, GC, LI, HI, IP

A. Freestanding Sign for a Single Business in Commercial or Industrial Zoning Districts

1. Area. The total sign area of a freestanding sign for a single business in commercial or industrial zoning districts shall be 32 square feet for each side of the sign.

2. Height and Clearance

a. The maximum height shall not exceed 15 feet on properties fronting State Route 90, State Route 92, and Fry Boulevard east of Coronado Drive.

b. The maximum height shall not exceed 10 feet when located in all other locations not described in subsection a above.

c. The height of a sign may increase with the decrease in the number of signs as calculated in subsection 4.

3. Location. Signs shall be placed a minimum of 5 feet from any property line, be located on private property, not project over any portion of a street, sidewalk, or other public right-of-way, and cannot conflict with any clear vision area.

4. Number

a. Freestanding signs for a single business in commercial or industrial zoning districts shall be limited to one multi-faced freestanding sign identifying the business, designating the principal goods or products, and facilities or services available on the premises. One additional freestanding sign may be erected on a single street frontage of 450-599 linear feet, two additional signs for 600-749 linear feet, or three additional signs for 750 linear feet or greater. For a lot sharing more than one street frontage, each street frontage will be calculated separately.

b. There shall be at least 100 linear feet separating each sign.

c. The property owner can choose to construct fewer signs than allowed in order to increase sign height. Each allowed sign omitted may add 2 feet in height to another sign.

5. Sign Illumination

a. Internally illuminated signs shall not have white backgrounds. This requirement shall apply to any sign required to obtain a sign permit.

b. Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign.

c. Vacant sign faces shall have a completely dark or opaque background.

6. Pole Cover. For all new pole sign structures, the sign structure must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, irons, cables, internal back framing, bracing, etc.). Exceptions can be made if the uncovered poles are part of the overall site architecture.

7. Landscaping. All new sign structures associated with a site plan shall be constructed within a landscaped area or island.

B. Wall Signs for a Single Business in Commercial or Industrial Zoning Districts

1. Area. The total area for wall signs for a single business in commercial or

industrial zoning districts shall be 2 square feet per linear foot of building frontage or 2 square feet per each 5 linear feet of lot frontage. Bulletin board signs are limited to 15 square feet and do not count toward the overall allowed wall signage.

2. Height and Clearance. Signs shall not extend above the roofline or the top of a parapet wall.

3. Maximum Square Footage for Multiple Frontages. On buildings that have more than one building frontage, each frontage can be used to calculate the overall signage square footage.

4. Transferability of Wall Signage. Wall signs for a single business in commercial or industrial zoning districts can be transferred, in whole or in part, to any building wall provided the aggregate area does not exceed the total allowed signage area.

5. Awning or Canopy Signs. The gross surface area of an awning or canopy sign shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. The total area of an awning or canopy sign shall be included as part of the total wall signage.

C. Freestanding Signs for a Multi-Tenant Building in Commercial or Industrial Zoning Districts

1. Area. The total sign area of a freestanding sign for a multi-tenant building in commercial or industrial zoning districts shall be 75 square feet of which at least 15 percent shall be dedicated to the building identification. ~~Changeable directory panels identifying the tenants in the building can be used provided each panel is a minimum of 9 square feet.~~ The sign shall use materials that blend architecturally with the building.

2. Height and Clearance

a. The maximum height shall not exceed 15 feet on properties fronting State Route 90, State Route 92, and Fry Boulevard east of Coronado Drive.

b. The maximum height shall not exceed 10 feet when located in all other locations not described in subsection a above.

c. The height of a sign may increase with the decrease in the number of signs as calculated in subsection 4.

3. Location. Signs shall be placed a minimum of 5 feet from any property line, be located on private property, not project over any portion of a street, sidewalk, or other public right-of-way; and cannot conflict with any clear vision area.

4. Number

a. Freestanding signs for a multi-tenant building in commercial or industrial zoning districts shall be limited to one multi-faced free-standing sign identifying the businesses, designating the principal goods or products, and facilities or services available on the premises. One additional freestanding sign may be erected on a single street frontage of 450-599 linear feet, two additional signs for 600-749 linear feet, or three additional signs for 750 linear feet or greater. For a lot sharing more than one street frontage, each street frontage will be calculated separately.

b. There shall be at least 100 linear feet separating each sign.

c. The property owner can choose to construct fewer signs than allowed in order to increase sign height. Each allowed sign omitted may add 2 feet in height to another sign.

5. Sign Illumination

a. Internally illuminated signs shall not have white backgrounds. This requirement shall apply to any sign required to obtain a sign permit.

b. Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign.

c. Vacant tenant identification panels shall have a completely dark or opaque background.

6. Pole Cover. For all new pole sign structures, the sign structure must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, irons, cables, internal back framing, bracing, etc.). Exceptions can be made if the uncovered poles are part of the overall site architecture.

7. Landscaping. All new sign structures associated with a site plan shall be constructed within a landscaped area or island.

D. Wall Signs for a Multi-Tenant Building in Commercial or Industrial Zoning Districts

1. Area. The total sign area of wall signs for a multi-tenant building in commercial or industrial zoning districts shall be 2 square feet per linear foot of building frontage or 2 square feet per each 5 linear feet of lot frontage. Bulletin board signs are limited to 15 square feet and do not count toward the overall allowed wall signage.

2. Height and Clearance. Signs shall not extend above the roofline or the top of a parapet wall.

3. Maximum Square Footage for Multiple Frontages. On buildings that have more

than one building frontage, each frontage can be used to calculate overall signage square footage.

4. Transferability of Wall Signage. Wall signs for a multi-tenant building in commercial or industrial zoning districts can be transferred, in whole or in part, to any building wall provided the aggregate area does not exceed the total allowed signage area.

5. Awning or Canopy Signs. The gross surface area of an awning or canopy sign shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. The total area of an awning or canopy sign shall be included as part of the total wall signage.

E. Freestanding Signs for a Shopping Center, Industrial Park, or Commercial or Industrial Subdivision

1. Area. The total sign area of a freestanding sign for a center, park, or commercial or industrial subdivision shall be 75 square feet of which at least 15 percent shall be dedicated to the identification of the center or subdivision. ~~Changeable directory panels identifying the tenants in the center or subdivision can be used provided each panel is a minimum of 9 square feet.~~ The sign shall use materials that blend architecturally with the center, park, or subdivision.

2. Height and Clearance

a. The maximum height shall not exceed 15 feet on properties fronting State Route 90, State Route 92, and Fry Boulevard east of Coronado Drive.

b. The maximum height shall not exceed 10 feet when located in all other locations not described in subsection a above.

3. Location. Signs shall be placed a minimum of 5 feet from any property line, be located on private property, not project over any portion of a street, sidewalk, or other public right-of-way, and cannot conflict with any clear vision area.

4. Number

a. Freestanding signs for a center, park, or commercial or industrial subdivision shall be limited to one freestanding sign for each access into the site.

b. There shall be at least 100 linear feet separating each sign.

5. Freestanding signs for a center, park, or commercial or industrial subdivision shall be prohibited on a single lot or parcel of property.

6. Sign Illumination

a. Internally illuminated signs shall not have white backgrounds. This requirement shall apply to any sign required to obtain a sign permit.

b. Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign.

c. Vacant tenant identification panels shall have a completely dark or opaque background.

7. Pole Cover. For all new pole sign structures, the sign structure must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, irons, cables, internal back framing, bracing, etc.). Exceptions can be made if the uncovered poles are part of the overall site architecture.

8. Landscaping. All new sign structures associated with a site plan shall be constructed within a landscaped area or island.

F. Wall Signs for a Shopping Center, Industrial Park, or Commercial or Industrial Subdivision

1. Area. The total sign area of wall signs for tenants in a multi-tenant building in a center, park, or commercial or industrial subdivision shall be as follows:

a. Each tenant shall be allowed at least 24 square feet of total sign area.

b. Each tenant shall have a total sign area of 2 square feet per linear foot of building frontage or 2 square feet per each 5 linear feet of lot frontage.

2. Height and Clearance. Signs shall not extend above the roofline or the top of a parapet wall.

3. Transferability of Wall Signage. All signs for tenants in multi-tenant buildings within a center, park, or commercial or industrial subdivision may not be transferred. Signs must be placed on the building in which the business or use is located.

4. Awning or Canopy Signs. The gross surface area of an awning or canopy sign shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. The total area of an awning or canopy sign shall be included as part of the total wall signage.

G. Directional Signs

1. Area. The total sign area shall not exceed 3 square feet.

2. Height. The maximum height shall not exceed a maximum of 3 feet.

3. Location. The signs shall be located on private property not project over any portion of a street, sidewalk, or other public right-of-way, and cannot conflict with any clear vision area.

(’76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 857, passed 4-26-90; Am. Ord. 982, passed 5-25-95; Am. Ord. 2005-021, passed 11-22-05; Am. Ord. 2015-003, passed 5-28-15; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.009 Height Reduction of Legal Nonconforming Freestanding Signs

The following process is provided as an incentive to reduce the height of (currently classified) legal nonconforming freestanding signs.

(For a definition of legal nonconforming signs and non-legal nonconforming signs, please see Section 151.24.002.E of the Development Code.)

A. Incentives to Reduce the Height of Legal Nonconforming Freestanding Signs

1. The incentive to reduce the height of currently classified legal nonconforming freestanding signs is to allow wall signage to be 2 square feet per linear foot of building frontage or 2 square feet per each 5 linear feet of lot frontage. Other than the allowances for total sign area, all other wall signage requirements are applicable. In order to receive this increase in total sign area, the following changes must be made:

a. All legal nonconforming freestanding signs on a site must be reduced to a maximum of 10 feet high.

b. Freestanding signs must have pole covers attached to the bottom of the sign unless the uncovered poles are part of the overall site architecture.

2. The total sign area of a legal nonconforming freestanding sign can remain at current size.

(Ord. 2005-021, passed 11-22-0; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.010 Non-Legal Nonconforming Freestanding Signs

Current signs that are classified as non-legal nonconforming freestanding signs, as defined in Section 151.24.002.E, must be brought into conformance or removed from

the premises. However as an alternative to removing the sign, the total sign area can remain at its current size provided the height of the sign is reduced to a maximum of 10 feet high when measured from the adjoining street pavement. Other sign regulations (other than size and height) apply.

(Ord. 743, passed 4-10-86; Am. Ord. 2005-021, passed 11-22-05; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.011 Special Use Permits

A Special Use Permit is used to request variations to this Article so that there can be increases in and a cohesive theme between all signage that are placed at a center, park, or associated subdivision. To obtain a Special Use Permit, the applicant must demonstrate the need for the additional signage and identify the architectural elements. Since the City will be making an exception to its code, it will be looking to the applicant to make the sign and building architectural elements as aesthetically pleasing as possible.

A Special Use Permit can be obtained for (1) new and existing residential or commercial subdivisions or (2) new and existing shopping centers or industrial parks. Special Use Permits cannot be used for a single business on a single lot. The Special Use Permit process cannot be used to exceed the standards for the electronic or digital display portion of signs.

The process for a Special Use Permit requires the Permit to be recommended by the Commission and approved by the Council. The meeting notifications are given to the community through a published notice and posting on the property 15 days before the hearing. Any appeals of the Commission or Council decision will go to the Hearing Officer under the provisions of Article

151.30, Appeals and Variances.

A. Comprehensive Sign Plan. To receive a comprehensive sign plan special use permit, the applicant must address (1) the need for additional signage and (2) how the signs will architecturally blend with the buildings. Additional information to be included in the application will be the size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the City. The sign areas and densities requested must conform to the intent of this Article.

B. Special Sign District. As an exception to the subdivision, center, or park special use permit limitations, the owners of 60 percent or more of the street frontage, in linear feet, on both sides of the street in any defined area, may petition the City for the formation of a special sign district for the purpose of creating an integrated special sign theme in the area.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 804, passed 3-24-88; Am. Ord. 857, passed 4-26-90; Am. Ord. 982, passed 5-25-95; Am. Ord. 988, passed 9-28-95; Am. Ord. 1012, passed 7-25-96; Am. Ord. 2005-021, passed 11-22-05; Am. Ord. 2015-003, passed 5-28-15; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.012 Street Address in Signs

When street addresses are placed on any freestanding signs in commercial or industrial zoning districts, the numbers shall be at least 6 inches high and clearly legible from the street. Street numbers do not count towards the measurement of the sign face area. (Ord. 743, passed 4-10-86; Am. Ord. 982, passed 5-25-95; Am. Ord. 2005-021, passed 11-22-05; Am. Ord. 2018-004, passed 3-22-18)

Section 151.10.013 Removal of Certain Signs

On or after the effective date of this code, any signs that no longer advertise a legitimate business or product sold at the location, shall be removed by the owner, agent, or person having the beneficial use of the building or property on which the signs are located. The signs shall be removed within ten days after receiving written notification from the City. If the signs are not removed within the time specified in the letter, the Director of Community Development is authorized to remove the signs at the expense of the owner of the building or property on which the signs are located.

(Ord. 743, passed 4-10-86; Am. Ord. 834, passed 3-9-89; Am. Ord. 2005-021, passed 11-22-05; Am. Ord. 2018-004, passed 3-22-18)