

ORDINANCE NUMBER 730

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING ORDINANCE BY AMENDING SECTIONS 201, 402, 404, 418 and 419, REGARDING DRIVE-THROUGH FACILITIES; INITIAL ZONING ON ANNEXATION; HEIGHT REGULATIONS; AND SHOW ANIMALS.

WHEREAS, The City of Cottonwood Planning and Zoning Commission has recommended that the City Council update and amend certain provisions of the City's Zoning Ordinance; and

WHEREAS, the City Council finds that the amendments recommended by the Planning and Zoning Commission are appropriate and in the City's best interests.

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

Section 1. That Article II, Section 201 of the Zoning Ordinance is hereby amended by deleting the definition DRIVE-IN, and adding a new definition as follows:

DRIVE-IN/DRIVE-THROUGH ELEMENT – An element of an establishment which allows for providing goods or services to patrons within motor vehicles.

Section 2. That Section 402. LOCATION AND BOUNDARIES OF DISTRICTS., C. Annexed Territory, of the Zoning Ordinance is hereby amended by deleting Section C in its entirety and adding a new Section 402.C, as follows:

SECTION 402. LOCATION AND BOUNDARIES OF DISTRICTS.

C. Annexed Territory: The City Council shall, within 60 days after adoption of an annexation ordinance, adopt zoning classifications that permit densities and uses not greater than those permitted by the county immediately before annexation, in accordance with ARS § 9-471.M, or any successor statute.

Section 3. That SECTION 404. GENERAL PROVISIONS. H. HEIGHT REGULATIONS, of the Zoning Ordinance is hereby amended by deleting Subsections 7 – 10 in their entirety and adding new Subsections 7 – 12 as follows:

H. HEIGHT REGULATIONS.

7. Monuments, Memorials, and Statues: Height limits for freestanding or attached monuments, memorials, symbolic representations, statues, art installations or similar structures shall be subject to the following:
 - a. Review and approval through the Design Review process which shall consider the height and size of a proposed structure in terms of scale, proportion and relationship to the surrounding context, including buildings, site plan layout, landscape features, streets and pedestrian areas, and which may limit such height to lower than the maximum allowed by this Section based on the specific considerations of the site so as to achieve an integrated design for the development;
 - b. Shall not exceed 25 feet in height above the prevailing finished grade; and
 - c. All such structures or installations must meet the setback standards for the underlying zoning district.
8. Flagpoles: A flagpole shall be located so that if it should collapse, its reclining length would be contained on the property on which it was installed, unless approved in conformance with Section 404.H.10 of this Zoning Ordinance.
9. Wireless Communication Facilities: So as to ensure the protection of scenic view resources in and around Cottonwood, which otherwise define a significant and valued aspect of the character of the city, the following regulations shall apply to new and expanded wireless communication facilities:
 - a. The regulations contained in this Ordinance are intended to be in compliance with the Federal Telecommunications Act of 1996, which shall supersede any regulations contained herein;
 - b. The overall height of any wireless communications structure, antenna and/or antenna array shall not be greater than a maximum of sixty (60) feet from the ground to the highest physical point on the structure, provided, however, that a wireless communications structure, antenna and/or antenna array up to ninety (90) feet from the ground to the highest physical point on the structure may be permitted in any zoning district other than the R-1 District and the Old Town Historic District with the approval of the City Council, upon a showing by the applicant

that the additional height is the least intrusive means of filling a significant gap in a wireless communications provider's coverage within the City. In making this determination and allowing a wireless communications structure, antenna and/or antenna array to exceed the sixty (60) foot height limitation by up to thirty (30) additional feet, the City Council shall consider the findings and recommendations of the Planning and Zoning Commission, which shall hold a public hearing on any proposal to exceed the sixty (60) foot height limitation. The Council may or may not hold a separate hearing on the proposal following its receipt of the Commission's findings and recommendations, and may impose reasonable conditions on its approval of any proposal to exceed the sixty (60) foot height limitation, either based on the recommendations of the Commission or on its own motion;

- c. Encourage the location and colocation of wireless communications equipment on existing structures thereby minimizing adverse visual, aesthetic and public safety impacts, and effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
- d. Wireless communication facilities shall be discouraged within any Historic District or in proximity to any historic properties in the City of Cottonwood unless designed in a manner that avoids adversely impacting such historic resources through the use of design techniques that minimize or hide the facility; and

10. Location of Structures: All structures specified in subsections 8 and 9 of this Section 404.H that are proposed to be located nearer to the property line than the height of the proposed structure shall be accompanied by structural engineering plans. The location of the structure is subject to the approval of the City Engineer and the Building Official based on review of the structural engineering plans. Structural engineering plans shall demonstrate that the structure will not fall onto public rights-of-way, sidewalks, occupied buildings, or the buildable area of an adjacent property as prescribed by the applicable Zoning Ordinance Property Development Standards and must contain the following:

- a. An Arizona Technical Registrant's seal;
- b. Calculations based on local design criteria, and
- c. A site plan showing approximate area of collapse if the structure were to fall.

11. Solar and Wind Energy Devices:

- a. Solar Devices: Solar energy equipment mounted on rooftops may exceed the maximum allowable height for the zoning district by up to five (5) feet.
- b. Wind Energy Devices: In Industrial, Agricultural Residential or Community Facility zoning districts with a minimum five (5) acre site no more than one accessory wind energy device per parcel or development site may be installed on a freestanding pole or support structure, not to exceed 60' in height at its highest point above grade and subject to obtaining a building permit. Such structure shall be located and constructed so that if it should collapse, its reclining length would be contained on the property on which it was installed.

12. Airport Height Restrictions: No building or structure shall be erected, altered, or maintained within any existing or proposed portions of Cottonwood Airport property, Cottonwood Industrial Airpark or any related airspace that has a height in excess of the height limitations established by that zoning district or as per any special restrictions for such established by the FAA, the Cottonwood Airport Master Plan or any other related regulations, including Building Restriction Lines or Runway Protection Zones, so as to protect the safety and integrity of the airport functions.

Section 4. That Section 404. GENERAL PROVISIONS., O. ANIMALS AND PETS.,

2. Show Animals, of the Zoning Ordinance is hereby amended by deleting Subsection 2 and 3 in their entirety and adding a new Section O. 2. and 3., as follows:

2. Show Animals: The keeping of animals as show projects is allowable by permit only, for those residing on a property within any Residential Zoning District. A complete permit application must be submitted annually to the Planning and Zoning Department, and approvals may be granted based on the following criteria:

- a. Pens, stables, cages, and other shelters for animals listed in Category A or Category B shall not be located within 25 feet of any property line. Carports or garages attached to a residence shall not be used to contain such show projects.
- b. The care and keeping of all animals shall be subject to the regulations of the City of Cottonwood Municipal Code. All structures shall be kept in

a neat and orderly manner and shall be controlled daily from refuse, manure, flies and other nuisances.

- c. Feed equipment and other material related to such show projects shall be stored entirely within an enclosed building.
- d. The species and quantity of allowed animals shall be regulated according to the following table:

Animal Type	Quantity	Zoning District
Category A (Livestock) – Swine*, cattle, adult sheep, horses, and other animals of similar size/weight subject to the approval of the Community Development Director.	1 head for every 20,000 square feet	AR-20, AR-43, AR-70, AR-83
Category B- Goats lambs, and other animals of similar size/weight subject to the approval of the Community Development Director.	1 head per permitted project.	All Residential Zone Districts
Category C- Rabbits and other animals of similar size/weight subject to the approval of the Community Development Director.	3 heads per permitted project.	All Residential Zone Districts

*Swine shall not exceed five total per parcel.

- 3. Nuisance: Where the keeping of animals and pets listed in this Subsection O becomes a nuisance, the Planning and Zoning Inspector shall have the authority to require a reduction in the number of and/or removal of the animals. Normally the Inspector will allow a ten (10) day grace period for compliance to the Ordinance. In exceptional cases the Inspector shall require immediate removal of the animals in question.

Section 5. That Section 418. "C-1" ZONE, LIGHT COMMERCIAL, C. CONDITIONAL USES., of the Zoning Ordinance is hereby amended by deleting Section C.8, Drive-in, and adding a new Section C.8, as follows:

8. Drive-in/Drive-through elements for permitted establishments, subject to the following:

- a. Exterior speakers associated with drive-in/drive-through elements must be located and designed to minimize noise impacts on nearby properties and uses; and
- b. Additional screening to mitigate sound and headlight glare may be required at the discretion of the Community Development Director.

Section 6. That Section 419. "C-2" ZONE, HEAVY COMMERCIAL, B. PERMITTED USES., is hereby amended by deleting Section B. 4., in its entirety and adding a new Section B. 4.; and adding a new Section B. 29., and renumbering the former Subsection 29 as Subsection 30, as follows:

4. Establishments serving food or beverages inside a completely enclosed building such as: restaurants, cafes, coffee shops, bars, taverns, and cocktail lounges. Entertainment and dancing facilities in connection therewith shall be permitted.

29. Drive-in/drive-through elements for permitted establishments, subject to the following:

- a. Exterior speakers associated with drive-in/drive-through elements must be located and designed to minimize noise impacts on nearby properties and uses; and
- b. Additional screening to mitigate sound and headlight glare may be required at the discretion of the Community Development Director.

30. Accessory buildings, structures and uses customarily incidental to a permitted use.

Section 7. Severability: That if any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein is for any reason held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 18TH DAY OF APRIL 2023.



Tim Elinski, Mayor

APPROVED AS TO FORM:



Trish Stuhar, Esq.
Pierce Coleman, PLLC

ATTEST:



Marianne Jiménez, City Clerk

