

**2025 AMENDED ZONING ORDINANCE SECTION 404 AND SECTION 201
UPDATE**

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A. APPLICATION.

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

B. USE RESTRICTIONS.

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

C. NONCONFORMING LOTS OF RECORD.

1. Notwithstanding any other provisions of this Ordinance, a building may be constructed on any lot of record before the adoption of this Ordinance in any zoning district in which such buildings are permitted, even if the lot does not meet the area or width requirements of the zoning district. However, such construction must still comply with the lot coverage and yard requirements of the zoning district. Where the owner of two or more contiguous lots of record desires to construct a building or buildings that would otherwise cross lot lines, the lots shall be combined into one prior to submittal of building permit applications. All parcels to be combined must have the same zoning designation prior to the lot combination.

D. REDIVIDING OF RECORDED LOTS.

1. No lot may be divided to create a lot that does not conform to these regulations. No lot shall be divided or combined in any manner other than through the applicable procedures as specified in the Subdivision Ordinance.

E. STREET DEDICATION REQUIREMENTS.

1. All newly created lots shall abut a public street connecting with the public street system, or shall be served by a recorded permanent nonexclusive access easement large enough to contain an access way that meets approved City standards, and responsibility for continued maintenance of the access way is vested in the property owners.
2. A building permit shall not be issued for a lot that does not abut a dedicated public street unless the lot is served by an access way that is constructed to approved City standards, is contained in a recorded permanent nonexclusive access easement, and responsibility for the continued maintenance of the access way is vested in the property owners.
3. The City Council may require the dedication of streets and utility easements as a condition of rezoning.

F. SITE UNSUITABILITY.

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

G. YARD, LOT, AND AREA REQUIREMENTS.

1. Application: No building shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zoning district in which such building or open space is located, except as otherwise specifically provided.
2. Yards: Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc., and accessory structures as allowed in

this Ordinance shall not be considered obstructions. No yard or other open space provided around any building, for the purpose of complying with the provisions of these restrictions, shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.

3. Projections Over Required Yards:

- a. Awnings, open fire balconies, fire escape stairs, window-type refrigeration units, suspended or roof evaporative coolers, and similar features may project not more than five feet over any required side or rear yard, however, they shall not be closer than three feet from any lot line and shall not project into any required front yard.
- b. Architectural details such as canopies, cornices, and eaves may project not more than three feet over any required yard, however, they shall not be closer than three feet from any lot line.
- c. Sills, leaders, belt courses, and similar ornamental features may project not more than six inches over or into any required yard.

4. Porches, Patios, and Steps: Architectural features providing a transition from the outside to the inside of buildings are permitted, subject to the following conditions:

- a. Unroofed porches, terraces, patios, steps, or similar features not over three feet in height above grade, may project into any required yard, provided the projection shall be no closer than three feet from any lot line. Projections into required front yards shall not exceed ten feet from the main wall of the building.
- b. Unless restricted by this Ordinance, covered porches, terraces, patios, steps, or similar covered features may project up to 10 feet into a required front or rear yard, provided the projection shall be no closer than five feet from any front lot line and 10 feet from any rear lot line. Projections shall not encroach on a required landscape yard, unless otherwise allowed by this Ordinance, and the front and sides of the structure shall remain open; not to be enclosed with windows, walls, screens, or similar materials.
- c. For multi-family residential development, covered and uncovered balconies with a minimum height clearance of 10 feet from grade, may project over required street frontage landscape yards provided the projection shall not exceed 10 feet from the main wall of the building and be no closer than five feet to any lot line. The front and sides of the balcony shall remain open and shall not be enclosed with windows, walls, screens, or similar materials.
- d. All projections indicated in subsections 404.G.3 and 4, including all similar features, shall be subject to current building and fire codes. Any railing required by building code shall be allowed and not considered an enclosure, provided the railing does not exceed height requirements.

5. Accessory Structures (Attached): A private automobile garage, carport, or accessory structure having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot, and area requirements. An attached Accessory Dwelling Unit may encroach on a side or rear yard if permitted by the zoning district's development standards. The determination of yard requirements shall not include covered front porches, patios, and decks permitted to project into a front yard setback area, where allowed by this Ordinance.
6. Detached Accessory Buildings
 - a. Detached Accessory Buildings in Commercial and Industrial Zoning Districts:
 - 1) Any detached accessory building in a commercial or industrial zoning district shall not be located in the required front yard, shall be at least 10 feet from the main structure, and shall be at least five feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zoning district.
 - 2) Detached accessory buildings may be located at a minimum of five feet from the main structure, if the following criteria are met:
 - a) The aggregate area of the detached accessory buildings, within the proximity of five feet of each other, is less than 200 sq. ft.;
 - b) The accessory building must be constructed with noncombustible or fire rated walls, subject to the approval of the Building Official and Fire Marshal; and
 - c) There is no impact to site circulation or other required development standards.
 - 3) All accessory buildings, including galvanized and zinc-coated structures, must be painted and are subject to current building and fire codes.
 - b. Detached Accessory Buildings (not including Accessory Dwelling Units) in Residential Zoning Districts:
 - 1) Accessory buildings permitted under this subsection may encroach on side and rear yards required in a zoning district; provided they do not exceed 10 feet in height; are not located in the required front yard; and are at least five feet from the main structure, the rear lot line and the interior side lot line. On corner lots, no accessory structure shall be placed in a side or rear yard abutting a street frontage.
 - 2) Accessory buildings over 10 feet in height must meet all the front, side, and rear yard requirements for the principal building in that zoning district.

- 3) In the AR-20, R-1, R-2, R-3, R-4, and CR zoning districts, no accessory building or aggregate of accessory buildings shall exceed 2,000 sq. ft. except by approval of a conditional use permit.
 - 4) In the GA, AR-87, AR-70 and AR-43 zoning districts, no accessory building or aggregate of accessory buildings shall exceed 3,000 sq. ft. except by approval of a conditional use permit.
 - 5) In the MH zoning district, no single accessory building or aggregate of accessory buildings shall exceed 750 sq. ft. except by approval of a conditional use permit.
 - 6) All accessory buildings, including galvanized and zinc-coated structures must be painted.
- c. Detached Accessory Dwelling Units: Yard requirements for Accessory Dwelling Units are provided in Section 404(BB) and the development standards of each zoning district in which they are permitted.
7. Swimming Pools: A swimming pool in any zoning district shall not be located in the required front yard. It shall be at least five feet away from the main structure, rear lot lines, and interior side lot lines. It should also maintain side yard setbacks from the street side lot lines as required for the main structure in that zoning district.
 8. Solar Units: Solar heating and solar cooling units, solar greenhouses and associated apparatus may, notwithstanding any other provision of this Ordinance, be located in a required rear or side yard provided that such apparatus does not cover more than 30% of that side or rear yard and shall be no closer than two feet to any lot line.
 9. Service Station Pumps: No automobile service station pump shall be located closer than 24 feet from a street property line nor closer than 50 feet from a residential, agricultural or mobile home zoning district.

H. HEIGHT REGULATIONS.

1. Purpose: Height regulations for buildings and structures are established for the City of Cottonwood to protect scenic view resources, promote compatible development and ensure development occurs in a manner that protects the health, safety and general welfare of the citizens of Cottonwood.
2. Applicability: No building or structure shall be erected, reconstructed or structurally altered to exceed the height limit designated for the zoning district in which such building or structure is located, except as otherwise specifically provided in this Section, and provided such exceptions are in conformance with all other applicable city codes, ordinances, and regulations.
3. Maximum Building Height:

- a. Except where otherwise specified in this Ordinance, or within an approved Planned Area Development or by Conditional Use Permit, no building in any zoning district shall exceed 2 ½ stories or 35 feet in height.
- b. No building in the MH zoning district shall exceed two stories or 25 feet in height.
- c. Notwithstanding any other provision of this subsection, or any code adopted by the City, any building permitted to exceed three stories or 40 feet in height, whether by Conditional Use Permit or as part of an approved Planned Area Development, shall be built entirely with noncombustible materials as approved by the City's Fire Chief and/or Fire Marshal unless the following are met:
 - 1) Fire flows shall adhere to Appendix B of the International Fire Code based on the current IFC year, as adopted by Council.
 - 2) Properties that are not connected to the City of Cottonwood or private water services shall provide proof of adequate water supply to ensure system redundancies during emergency events.
 - 3) The building shall be subject to final approval by either the Fire Marshal or Fire Chief.
 - 4) The building complies with all applicable building codes.
- 4. Architectural Embellishments: Except as described for industrial zoning districts, the height limitations for each zoning district may be exceeded by no more than 10 feet for spires, cupolas, domes, pediments or similar architectural or ornamental structures integrated directly into the design of the building, provided such elements occupy no more than 10% of such roof area in total measured in plain view and provided the design is subject to review and approval through the Design Review process.
- 5. Non-Habitable Rooftop Structures: Except as described for industrial zoning districts, the height limitations for each zoning district may be exceeded by no more than 10 feet for flues, vents, poles, beacons, enclosed mechanical towers, or other similar non-habitable structures extending above the roof of a building provided such structures occupy no more than 10% of such roof area in total measured in plain view and provided the design is subject to review and approval through the Design Review process.
- 6. Industrial Structures: In industrial zoning districts, chimneys, derricks, conveyors, cooling towers, elevator bulkheads, fire towers, storage tanks, water towers, or similar accessory structures necessary and integral to the industrial process may extend to a height of 60 feet above grade, provided that such structures shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed. The Planning and Zoning Commission may approve additional height for accessory industrial structures, where it is determined that the location does not adversely impact scenic views from other

properties and provided it meets safety standards and is not in conflict with any other codes, ordinances, and regulations of the City of Cottonwood.

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.
9. Wireless Communication Structures: 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 comply 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 60 feet from the ground to the highest physical point on the structure, unless Council approval has been granted per subsection 404.H.9.c.
 - c. The City Council may or may not hold a separate hearing on a proposal for a wireless communications structure, antenna, or antenna array up to 90 feet from the ground to the highest physical point on the structure in any zoning district; with the exceptions of the R-1 district, within any historic district, or within 50 feet of any cultural resource. The City Council may approve the proposal, and propose reasonable conditions on, based on the evaluation of the following:
 - 1) 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, or for public safety, within the greater Verde Valley area

- 2) The findings and recommendations of the Planning and Zoning Commission, as determined via a public hearing on any proposal to exceed the 60-foot height limitation.
 - d. Encourage the location and colocation of wireless communications equipment on existing structures, thereby minimizing adverse visual, aesthetic, and public safety impacts, as well as effects on the natural environment and wildlife, and reducing the need for additional antenna-supporting structures.
 - e. Wireless communication structures shall be discouraged within any historic district or within 50 feet of any cultural resource in the City of Cottonwood and, if proposed to be located within these specified areas, shall be subject to Certificate of Appropriateness approval by the Historic Preservation Commission. Structures shall be designed in a manner that avoids adversely impacting such cultural resources through the use of design techniques that minimize or hide the structure.
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 approval by the City Engineer and the Building Official, based on a 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 property development standards and must contain all of the following:
- a. An Arizona Technical Registrant's seal,
 - b. Calculations based on local design criteria.
 - c. A site plan showing the 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 feet.
 - b. Wind Energy Devices: In industrial, agricultural-residential, or community facility zoning districts with a minimum five 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 feet 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, the 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, to protect the safety and integrity of the airport functions.

I. HEIGHT LIMITATIONS ON CORNER LOTS.

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

J. WALLS AND FENCES.

1. Permits:

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

2. Exception:

- a. Fences intended for the keeping of livestock within the general agricultural zoning district; however, said fences shall conform to the requirements of this Section.
- b. Existing fences, with a previously approved permit, may be reconstructed, repaired, or replaced if done in the same manner, and with the same materials as indicated on the previously approved permit.

3. All Fence Permits:

- a. Shall be reviewed by Community Development Staff prior to issuance to ensure compliance with all Codes.

4. Height:

- a. The height limitations of subsection 404.I apply to all fences located on corner lots.

- b. Fences located in front yards: No solid, view-obscuring wall or fence over four feet high shall be constructed or maintained nearer to the street line than the required front yard setback line, except that a fence no higher than six feet high with at least the upper two feet not being opaque or solid may be constructed nearer to the street than the required front yard setback line subject to Conditional Use Permit approval.
 - c. Fences located in any rear or side yard: No fence may be more than six feet in height in any rear or side yard.
 - d. Fences exceeding the above heights may be built around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof.
 - e. Fences within industrial areas may exceed the above heights with Design Review approval.
 - f. The height limitations shall not apply when fences of greater height are approved through Design Review to provide adequate screening.
 - g. Findings of fact based on the provisions of Article V. shall be made to approve fence heights that are subject to Design Review or Conditional Use Permit approval.
- 5. No person shall place a fence near any fire hydrant, fire department connection, or fire protection system valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum of three feet of clear space shall be maintained around the circumference of the fire hydrant except as otherwise required and approved by the Fire Code Official.
 - 6. Hazardous Materials: No fence shall contain barbed wire, electrical current or charge of electricity, broken glass, or similarly hazardous materials or devices, except that fences enclosing storage areas in industrial zoning districts may contain barbed wire so long as such wire is located not less than six feet above grade. Fences containing electrical current or barbed wire shall be allowed within agricultural-residential zoning districts, provided a Conditional Use Permit has been secured for such purpose.
 - 7. Materials and Design: Fences in all zoning districts shall be constructed of wood, chain-link, or masonry materials in good condition. Fences constructed of pipe shall be allowed in all agricultural or agricultural-residential zoning districts. The Community Development Department may approve fences made of comparable or superior materials on an individual basis.
 - 8. Swimming Pools: All swimming pools shall be enclosed by a solid wall, wood or chain link fence, not less than five feet nor more than six feet in height, to prevent uninvited access.

9. Storage Facilities: Where “storage facilities” are to be enclosed by a masonry wall or solid fence as required elsewhere in this Ordinance, such enclosure shall be considered adequate only when constructed of: masonry without aperture, chain link with slats, or wood fence with no aperture exceeding one-quarter inch.
10. Fees: No fee shall be charged for Conditional Use Permits concerning fences.

K. DUMPING, DISPOSAL, AND EXCAVATION.

1. Prohibited Dumping: The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, refuse, ashes, slag, or industrial wastes or by-products, shall be prohibited in every district except as otherwise provided in this Ordinance.
2. Excavation or Dumping of Dirt or Material on a Site with an Active Building Permit: In any district, the excavation, dumping, or stockpiling of dirt, sand, rock, other material excavated from the earth or other organic or inorganic landscape material in quantities which exceed 50 cubic yards total for the overall development site or project site shall be subject to the requirements of the Building Code regarding review and approval of a Grading Permit.
3. Excavation or Dumping of Dirt or of Material without an Active Building Permit: In the I-1, I-2, and CF zoning districts only, a Conditional Use Permit shall be required for any person, firm, or corporation to strip, excavate or otherwise remove or store soil, earth, gravel, etc., for sale or use. These activities shall be prohibited in all other zoning districts.

L. OUTDOOR STORAGE AND INOPERABLE VEHICLES.

1. Definitions:
 - a. Outdoor Storage: The location of any goods, services, wares, merchandise, commodities, junk, debris, vehicles or any other item outside of a completely enclosed building for a continuous period longer than 24 hours.
 - b. Inoperable Vehicle: A vehicle or any other major portion thereof which is incapable of movement on its own power and will remain so without major repair, or does not have a valid and current State of Arizona registration certificate and/or which does not conform to the State of Arizona Motor Vehicle Division standards for operation of a motor vehicle on public streets or highways.
2. Outdoor Storage in Commercial and Industrial Zoning Districts: Outdoor storage shall not be allowed in the required front yard of a lot, and shall be screened by a six-foot-high solid masonry fence or a fence or screening of a height and material as allowed or required through Design Review approval, except for items that meet all of the following criteria:

- a. Items made of durable material, not requiring shelter under tarps or other protective coverings,
 - b. Items for sale and related to the primary use of the business/property,
 - c. Items placed or secured so that they do not fall into any designated walkways or over property lines, and
 - d. Items kept in a neat and orderly fashion.
3. For single-family residences, all outdoor storage shall be screened by a six-foot-tall, solid appearing wall or fence, and kept in a neat and orderly fashion. Exterior use of tarps, plastic sheeting, polypropylene, or other similar materials as flexible or inflexible screening or fencing is prohibited. Outdoor storage that results in any of the following conditions shall not be permitted:
 - a. Safety hazards.
 - b. Infestations of vermin and/or pests.
 - c. Visual nuisance due to the excessive accumulations of items as viewed by those with reasonable visual access.
 - d. Items stacked higher than the screening fence/wall.
4. Inoperable Vehicles: Inoperable vehicles shall be stored between the rear of the main structure and the rear lot line and shall not be visible from any public street or alley. In no case shall inoperable vehicles be stored on a lot, tract, or parcel unless screened from view from any public street by a screened fence in accordance with the screened fencing provisions of this Ordinance pertaining to height and materials. No more than two inoperable vehicles shall be stored on any lot, tract or parcel unless authorized by a Conditional Use Permit granted by the Planning and Zoning Commission.
5. Existing Outdoor Storage and Inoperable Vehicles: All outdoor storage and inoperable vehicles existing at the time of the passage of this Ordinance shall, within 12 months of its passage, be made to comply fully with these requirements or be removed.
6. Vending Machines: The outdoor display of vending machines, which are in good condition, operable, and in use, is exempt from the screening requirements of this subsection; and may not exceed three in number on any one property, except that permission to display more than three vending machines shall require Conditional Use Permit approval.

M. STORAGE AND PARKING OF MOBILE HOMES, RECREATIONAL VEHICLES, AND TRAILERS.

1. Storage: Mobile homes, commercial trailers, utility trailers, boat trailers, or recreational vehicles shall not be stored, parked, or located in any zoning district other than as listed in the zoning district's regulations or as otherwise provided herein, with the following exceptions for residential uses:
 - a. The storage of not more than one boat trailer, one utility trailer, and one recreational vehicle shall be allowed for each residence. Such vehicles may not be stored in the front yard of a residence.
 - b. A trailer, attached to a vehicle, may be temporarily parked for a period of 24 hours in an area designed for parking within the front yard setback, so long as it remains attached to the vehicle.
2. Construction Office or Security Personnel Housing: A mobile home or recreational vehicle may be allowed in any zoning district to conduct business or provide housing for security personnel, during the construction of a permanent building when a valid building permit is in effect. The mobile home or recreational vehicle must be removed immediately after completion of the building.

N. HOME OCCUPATIONS.

1. Purpose: To ensure compatible uses that do not add significant traffic, noise, or other environmental conditions such as dust or odors.
2. Home occupations shall be "permitted" or "conditional" as indicated within each zone district's regulations, subject to the following requirements:
 - a. An approved Zoning Clearance application, to include a letter of intent and floor plan with the application submittal, is required prior to the start of business. Zoning Clearance for a home occupation is not required if the people who work from home are employed by a company located elsewhere, where the business is conducted entirely within the dwelling, and there is no patron or vehicular traffic in addition to the primary use.
 - b. Home Occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes; they shall be conducted entirely within the dwelling; and shall not alter its the character .
 - c. Area: No more than 25% of the gross floor area of the dwelling may be devoted to the home occupation. Equipment and materials shall be stored entirely within buildings or sheds, and the area of the utilized storage space shall be calculated in the gross floor area.
 - d. Employees: There shall be no employees other than members of the immediate family residing on the premises.

e. Vehicles:

- 1) No business shall be conducted that requires delivery vehicles or other services not customary to a residence.
 - 2) The parking or storage of vehicles, labeled and/or used for business operations, shall be limited to one vehicle per resident of the dwelling who has been assigned the vehicle for use under the terms of their employment.
- f. Nuisances: There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration, or other nuisances discernible beyond the property lines.
- g. Signs: A sign may be approved by staff, and not considered to impact the character of the primary use, if the Zoning Clearance application, including the location and dimensions of the proposed sign is submitted to an approved by City staff, in which case the following apply:
- 1) The sign shall be mounted on the building and near the business entry.
 - 2) The sign must not be internally illuminated or have exterior illumination, except as required by the building code for ingress/egress lighting for the building to which it is attached to.
 - 3) The sign shall be no greater than one square foot.

O. ANIMALS AND PETS.

1. Household Pets: Except as otherwise permitted in this Ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three pets, such as dogs, cats and similar household pets; exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building and which do not create odor or sound which is detectable on an adjoining lot.
2. Fowl: The regular (non-commercial) keeping and raising of fowl is permitted in the R-1, R-2, R-3, R-4, and MH zoning districts, subject to issuance of Zoning Clearance and the following performance standards:
 - a. Conformance to all applicable Yavapai County Health standards.
 - b. The number of fowl is limited to 12 per lot.
 - c. Roosters are prohibited.
 - d. Structures related to the keeping of animals within this section are subject to all of the following requirements:
 - 1) Must be at least five feet from any rear and side property line.

- 2) May not exceed 10 feet in height, provided that on a lot less than one acre in size and in a residential community, the structure must be shorter than the fence line.
 - 3) Cannot be within a required front yard.
 - 4) Must be fully screened from view from any public street, right-of-way, or alley.
 - 5) Must be kept in a clean/neat manner; controlled from refuse, manure, droppings, and other nuisances or odors at all times.
 - 6) All feed and equipment shall be stored entirely within an enclosed building.
 - 7) All structures are subject to the accessory structure provisions of this Ordinance as well as Building Permit requirements as applicable.
- e. All animals shall be kept in an enclosed rear yard and be prevented from roaming onto other lots or City rights-of-way.
3. 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**	1 head per 20,000 sq. ft.	AR-20, AR-43, AR-70, AR-83
Category B Goats, lambs, and other animals of similar size/weight**	1 head per permitted project	All residential zoning districts
Category C	1 head per permitted project	All residential zoning districts

Rabbits and other animals of similar size/weight**		
*Swine shall not exceed five total per parcel. **Subject to the approval of the Community Development Director.		

4. Nuisance: Where the keeping of animals and pets becomes a nuisance as identified in Title 9 of the Cottonwood Municipal Code, or any other section of this Ordinance, Community Development staff shall have the authority to require a reduction in the number of and/or removal of the animals. Staff may allow up to a ten-day grace period for compliance with this Ordinance. In exceptional cases staff shall require immediate removal of the animals in question.
5. The provisions of this Ordinance are not intended to authorize the keeping of animals, regardless of number, size or type, in a manner that constitutes a nuisance and impairs the enjoyment or use of nearby properties or violates other legal restrictions to which the properties are subject.

P. PUBLIC SERVICE FACILITIES.

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

Q. TRASH ENCLOSURES.

1. Applicability: In every zoning district permanent enclosures for the temporary storage of garbage, refuse, and other waste materials shall be provided for every use, except:
 - a. For single-family dwellings.
 - b. For multi-family residential properties with four or fewer units.
 - c. For multi-family residential properties with five or more units, if the property owner or responsible person has provided, in writing to the Community Development Director, a letter indicating hardship, due to other requirements and development standards, and further proposes alternatives that would satisfy the needs of the occupants, and the Community Development Director authorizes the exception.
 - d. For mobile homes in every zoning district.
 - e. Where a property is surrounded by adequate screening, walls, or buildings.
2. Construction: Construction of trash enclosures shall meet all of the following criteria:

- a. Be constructed of block walls, solid fencing such as new weather-resistant wood, or chain link fencing with screening slats.
 - b. Be constructed so that the contents are not visible from a height of five feet above grade from any abutting street or property and of sufficient height to conceal contents, including containers. In no case shall the enclosure be less than five feet in height above grade, but no greater than six feet unless greater heights are allowed with Design Review approval.
 - c. Gates shall be solid or baffled, equal to the height of the enclosure, and equipped with latches to ensure closure when not in use.
 - d. Be constructed with a solid concrete floor sloped for drainage and maintenance of sanitary conditions.
3. Location: Trash enclosures shall not be located in any required front or side yard. For multi-family residences, trash enclosures shall be located within 250 walking feet of the units they are intended to serve.
 4. Quantity: A minimum of one trash enclosure is required for commercial, industrial, and other non-residential or institutional developments. For multi-family residential properties not approved for individual roll bins, common trash enclosures shall be provided ensuring a minimum of 1/3 cubic yard (nine cubic feet) of disposal capacity per dwelling unit.
 5. Landscaping requirements for trash enclosures are indicated in Section 407.

R. STRUCTURES NEAR AIRPLANE RUNWAY OR LANDING STRIP.

1. Current Federal Aviation Agency regulations and guidelines shall govern the location, placement, height, size and design of all buildings and structures within the vicinity of airplane runways and landing strips within the City of Cottonwood. FAA regulations will be used to determine when proposed development is considered “within the vicinity of” a runway or landing strip.

S. MOVING OF BUILDINGS.

1. No building or structure, which has been wholly or partially erected on any premises located either within or outside the City of Cottonwood, shall be moved to or placed upon any premises within the City until a permit for such removal and for such relocation shall have been issued by the Community Development Department. Any such building or structure shall conform to all applicable city codes, ordinance, and regulations in the same manner as any new building or structure. No such building or structure shall be used or occupied until a new Certificate of Occupancy has been granted. Evidence of the current Certificate of Occupancy, issued by the jurisdiction from which the building was previously

located, shall be required in addition to the corresponding building permit submittal.

T. USE OF PUBLIC SIDEWALK.

1. Display of Merchandise on Sidewalk by Adjacent Business:

- a. Merchandise being displayed shall be limited to goods sold inside the store by the same proprietors and not by secondary vendors.
- b. Locate sales display directly in front of the business, not to exceed more than 50% of the linear store frontage. A minimum of five foot wide clearance shall be maintained on the sidewalk for pedestrian passage; however, under no circumstances shall the width be less than that required by the Americans with Disabilities Act (ADA) requirements.
- c. Merchandise may only be placed immediately adjacent to the business, and not between the pedestrian passage and street edge.
- d. Merchandise or signs shall not be located in parking areas, driveways, or landscape areas.
- e. On corner lots, no merchandise display shall block open visibility triangles required in Section 404.I.
- f. Permanent structures for display shall require review and approval by the City Engineer and Community Development Director. The City Engineer and Community Development Director may require City Council approval of permanent structures.
- g. Temporary structures (e.g. clothing racks, tables, and bookcases), are limited to a height of not more than six feet. Merchandise located within these structures may not exceed the six-foot height limitation.
- h. A-frame signs shall be limited to one per business frontage in accordance with Section 405 and may not be displayed without approval of an A-Frame Sign Permit
- i. All merchandise, sales displays, non-permanent structures, and temporary signs shall be removed from the sidewalk and stored within the business at the end of each day when the business closes.
- j. Amplified music associated with the business location shall not extend beyond the immediate area of the outside display.
- k. Merchandise displays shall not include any of the following:
 - 1) Dangerous or hazardous materials.

- 2) Swinging items (does not include clothing racks, or other small items that are not intended by design to swing).
- 3) Items considered clearly offensive or unsightly (i.e. pornographic images).
- 4) Large furniture such as couches and mattresses.
- 5) Outdoor vending machines.
- 6) Items considered junk or debris, including clearly broken items or items in disrepair.

2. Permanent Structures on Sidewalks:

- a. No permanent structure may be located, erected, moved, reconstructed, extended, enlarged, covered, or structurally altered on or within the public right-of-way without an encroachment permit issued by the Public Works Department.
- b. Where a permanent structure extends over the public right-of-way, the structure shall be a minimum of eight and one-half feet above the sidewalk grade and shall not be closer than two feet to the edge of curb or sidewalk.
- c. The permanent structure shall meet all of the structural requirements of the City's adopted building and engineering codes with the following exceptions:
 - 1) The structure shall be self-supporting (not including wind loading) and shall be able to support itself in the event the vertical support post is damaged.
- d. The applicant/responsible person shall be responsible for all maintenance of the permanent structure.
- e. The City reserves the right to revoke an encroachment permit for a permanent structure and may require the owner to remove the structure at the owner's expense in the event of future policy changes.
- f. The encroachment permit is issued to the indicated applicant only. If a new owner or tenant desires to maintain the structure as permitted, the permit must be modified to reflect the new owner's or tenant's name. Modification must be obtained for the Public Works Department.
- g. Any permanent structures shall be constructed so that they can be removed from the outside of the building, or dismantled from the street without damaging the building.
- h. A minimum of a five-foot-wide pedestrian path shall be maintained.
- i. All structures over driveways, alleyways, or streets shall have a minimum of 15 feet of vertical clearance from the ground to the bottom of the structure and shall require City Council approval.

3. Sidewalk Cafés:

- a. Proposed sidewalk cafés may not be installed without Design Review approval.
- b. All permitted encroachments shall maintain a minimum clear distance of sidewalk width of five feet.
- c. A sidewalk café area may contain sidewalk furniture and may be separated from the sidewalk by a permanent barrier structure. A minimum five-foot-wide path shall be maintained outside the barrier. No permanent barrier may be constructed without an encroachment permit issued by the Public Works Department and Design Review approval.
- d. Sidewalk cafés shall meet all Yavapai County Health Department requirements.
- e. All services to support sidewalk cafés shall be supplied from within the adjacent building. Temporary service equipment such as beverage containers or welcome stands, may be used if included in the Design Review approval.
- f. The encroachment area shall not extend laterally beyond the business's building frontage.
- g. The sale of alcohol in sidewalk cafés requires City Council approval of a State of Arizona "extension of premises" application, and the applicant shall provide a certificate of liquor liability insurance in the amount specified in this Ordinance, naming the City of Cottonwood as an additional insured.
- h. The City may temporarily suspend an encroachment permit or a sidewalk café approval when construction, street repair, or utility work in the area would create a hazard.
- i. No sales transactions shall occur in the sidewalk café area except for those made with hand-held payment devices, or as permitted in conjunction with a special event.
- j. The owner/or responsible person of a sidewalk café shall hold harmless, defend, and indemnify the City, as well as its officers and employees, from claims arising out of the operation of the café, and shall provide a certificate of insurance naming the City of Cottonwood, as well as its officers and employees as additional insureds. This insurance shall include, at a minimum, unless increased or reduced as provided below, the following coverage amounts:
 - 1) General Liability – \$1,000,000 per occurrence and \$2,000,000 aggregate.
 - 2) Liquor Liability – \$1,000,000 (if any alcohol is sold, served, or furnished).
- k. The Certificate of Insurance and its accompanying Additional Insured Endorsement are required to be submitted to the City on an annual basis.

1. The City Manager and/or Risk Manager may for good cause, increase or decrease the coverage requirements listed above, as appropriate.

U. CAMPING WITHIN THE CITY LIMITS.

1. It shall be unlawful for any person to camp on public property within the city limits, including public streets, public parks and facilities, except as permitted by the applicable City codes and ordinances for certain temporary uses as described therein.
2. It shall be unlawful for anyone to camp on private property within the city limits, except on properties that are specifically designated and approved for such use, such as legally established and permitted campgrounds, RV parks, or mobile home parks that comply with all city codes and ordinances.
3. An exception shall be granted to allow temporary guests of a detached single-family residential property to stay in an RV or travel trailer parked in a driveway or carport according to the following regulations:
 - a. Temporary camping shall be allowed by guests on private property developed with a single-family residential use and not on vacant private property or on abutting public right-of-way, as per the standards set forth in this Ordinance.
 - b. No person(s) shall so camp for more than two weeks per visit.
 - c. Property owners shall be limited to no more than three such camping visits in total per calendar year.
 - d. Camping shall be in a recreational vehicle or travel trailer only, with a self-contained sewage collection system.
4. Recreational vehicles and other means of temporary shelter shall not be inhabited or made suitable for occupancy for longer than what is permitted in this section. The presence of at least three of the following shall be prima facie evidence of long-term occupancy in violation of this section:
 - a. Connection to a source of power.
 - b. Connection to a source of water.
 - c. Connection to a sewer or septic system.
 - d. Being raised or leveled by means of jacks, stands, or blocks.
 - e. Having a mailbox.
 - f. Having any attached or adjacent structure or improvement that enhances the vehicle's on-site livability or decreases its mobility.

- g. Removal of the wheels, axles, or hitches from a vehicle normally fitted with such items.
- 5. This section shall not apply to the recreational use of temporary structures, such as play structures, canopies, and tents, for activities which are commonly referred to as “backyard camping” for children, where such structures are located in the backyard of a single-family residence, for use by and for the residents of the home, no more than 120 sq. ft. in size, and provided such use in no way constitutes living accommodations for any person or persons at any time.
- 6. This section shall not apply to the parking of any vehicle or recreational vehicle in a commercial parking lot for a period of less than 23 hours; with the consent, express or implied, of the respective property owner, authorized representative, legal tenant, or agent thereof; unless the property upon which any such vehicle or recreational vehicle is parked is conspicuously posted as prohibiting overnight camping or parking; or unless a property owner, authorized representative, legal tenant or agent thereof specifically requests that such vehicle or recreational vehicle be removed within the 23 hour period.
- 7. Overnight parking in a commercial parking lot for temporary sleeping purposes where allowed shall not include any use or display of outdoor seating and furniture, outdoor cooking equipment, generator use, detached outdoor lighting sources, unhooking and temporary storage of trailers from tow vehicles, or the extension or use of stabilizer legs, supports, leveling blocks or jacks with vehicles, recreational vehicles, or trailers.
- 8. This section shall not apply to the temporary use of a recreational vehicle or trailer that may be permitted as a temporary residence or watchperson’s trailer during construction so long as a valid building permit remains in force, or until such time that construction is completed or a Certificate of Occupancy is issued.
- 9. Self-powered vehicles, recreational vehicles or travel trailers not designed for attachment to a lot shall not by any definition be deemed a residence or be used as such in any zoning district except as allowed by this Ordinance.
- 10. Unless otherwise specifically permitted by this section, the parking of any vehicle, camper, recreational vehicle, or other similar device in any location for more than 23 hours, when not upon one’s own real property shall be prima facie evidence of intent to violate this article.

V. PERFORMANCE STANDARDS.

- 1. Any permitted or conditional use must conform to the following performance standards. In conjunction with the Design Review or Conditional Use Permit review, the applicant shall provide data which sufficiently demonstrates that the proposed use, and the manner of its conduct, will meet the following performance standards:

- a. Noise: Unless otherwise exempted, no person shall make or continue, cause to be made or continued, or allow to be made or continued any sound that exceeds the sound levels when measured at or within the real property boundary of the receiving property, as set forth for the receiving land use category indicated in the following table:

Receiving Land Use	Maximum Sound Level, d(B)A	
	7 AM – 10 PM	10 PM – 7 AM
Residential	55	45
Commercial	65	55
Industrial	70	60
Entertainment	-	68

- 1) Exemption for Permitted Construction: The operation of, or permitting of the operation of, any construction equipment may occur as follows:
- a) In, or within, 500 feet of a residential zoning district between 7 AM to 7 PM on business days from October 16 through April 30; between 5 AM to 7 PM on business days from May 1 through October 15; between 7 AM to 7 PM on Saturdays; and between 7 AM and 5 PM on Sundays and all legal holidays, or
 - b) In a non-residential zoning district, outside of the 500-foot buffer, between 6 AM and 7 PM on business days from October 16 through April 30; between 5 AM to 7 PM on business days from May 1 through October 15; between 7 AM to 7 PM on Saturdays; and between 7 AM to 5 PM on Sundays and all legal holidays.
 - c) The pouring of concrete may commence at least one hour prior to the start times indicated in subsections 404. V.1. a.1) a) and b).
 - d) The Community Development Director or Building Official, or designee; or, for public works projects, the Public Works Director or designee; may issue a permit, upon application, to use construction equipment at times not otherwise permitted if such person determines that the public health, safety, and welfare will not be impaired, and that loss or inconvenience would otherwise result. The person issuing the permit shall consider factors that include, but are not limited to, whether noise from the construction equipment, or whether interference with traffic, would be less objectionable at night than during the day, or whether noise from the construction equipment is likely to cause a noise disturbance beyond the boundary of the work site.
 - i. No permit shall be required to perform emergency work to prevent to alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service, and

which is necessary to protect the health, safety, and welfare of persons or property.

- ii. The permit issuer shall prescribe conditions, working times, types of construction equipment to be used, and permissible noise emissions as deemed necessary in the best interest of the public.
- iii. A permit issued hereunder may be revoked upon receipt of complaints based on substantial evidence that noise from the construction equipment creates significant noise disturbance near the work site. Any person aggrieved by the granting of written authorization

2) Measurement Criteria: Unless otherwise indicated, if a sound level meter is used to enforce this subsection, noise level shall be measured on the A-weighted scale with a sound level meter satisfying at least the applicable requirement for Type 1 sound level meters as set forth in ANSI S1.4, as amended. The meter shall be set for slow response speed, except that fast response speed may be used for impulse noises or rapidly varying sound levels. Prior to measurement, the meter shall be verified and adjusted to ± 0.3 decibels with an acoustical calibrator. The ambient sound level shall be verified and noted.

- b. Smoke: No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringelmann Chart; except that smoke may be emitted, which is equal to but not darker than No. 2 on the Ringelmann Chart, for not more than four minutes in any 30-minute period. For the purpose of grading the density of smoke, the Ringelmann Chart, as published by the U.S. Bureau of Mines, shall be the standard.
- c. Glare or Heat: Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard across property lines. If any building or structure, or portion of the building or structure is found to produce intense glare or heat, the Community Development Director may require additional measures to mitigate the effect, including changing materials or finishes, or applying additional materials or methods for finishes.
- d. Vibration: No vibration shall be permitted that is discernible beyond the lot line to the human sense of feeling for three minutes or longer duration within any one hour of the day between the hours of 7:00 AM to 7:00 PM or of 30 seconds or longer duration in any one hour during the hours of 7:00 PM and 7:00 AM.
- e. Fly Ash, Dust, Fumes, Vapors, Gasses, and Other Forms of Air Pollution: No emission shall be permitted which becomes a nuisance, which can cause damage to health, to animals or vegetation, or other forms of property, which can cause any excessive soiling, or which results in the settling of dust on adjacent properties.

- f. Liquids and Solid Waste: There shall be no discharge, or the allowance of discharge, of any liquid or solid waste, in any quantity from any property that would result in any of the following:
 - 1) Endangerment of the normal operation of the public sewage system.
 - 2) Nuisance, damage, impediment, or the creation of hazardous conditions for nearby properties and vehicular or pedestrian traffic.
- g. Odors: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or create a nuisance or hazard beyond the property lines.

W. GROUP HOME FOR THE HANDICAPPED.

- 1. A Group Home for the Handicapped is permitted in zoning districts that permit single-family dwellings, subject to the following standards:
 - a. Registration, via a Zoning Clearance application, with the Community Development Department is required prior to occupancy of the building by the group home use. Registration shall become effective upon issuance of the Zoning Clearance and shall terminate when the group home use ceases or the registration is revoked by the City.
 - b. Revocation: A group home use which exhibits ongoing or periodic activities out of character with the residential nature of the neighborhood, or exhibits disruptive activities to the extent that such use becomes a nuisance or threat to the health, safety and well-being of the neighborhood shall be subject to review by the Community Development Director to determine if the group home use is in conformance with the standards set forth in this section. If it is determined that the group home use is not in conformance with the standards for such use, the Director shall provide the operator of the group home with a written notice describing the alleged violations and shall allow the operator at least 30 calendar days to correct the violation(s). Upon completion of the notification period, and if the Director determines that the violations are not corrected, and such conditions or activities are continuing in association with the group home use, the Director shall issue a revocation of the group home registration by written order, which shall become effective 30 calendar days from the date of mailing to the group home operator and property owner. The group home operator may request cancellation of the revocation order within the 30-day notice period by submitting a written operation plan describing measures to be enacted to correct conditions contributing to the violation of the group home status. The Director shall review the proposed operations plan and either approve or deny the plan based on the standards for group home uses. If denied, the group home use shall be terminated upon the effective date of the revocation order. The operator shall have the right to appeal any such decision of the Director subject to the procedures specified in Section 306 of this Ordinance.

- c. A Group Home for the Handicapped shall not include persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not apply to or protect persons who currently use illegal drugs or controlled substances, persons who have been convicted of the manufacture, sale or distribution of a controlled substance, or persons with or without disabilities who present a direct threat to the persons or property of others. In addition, a Group Home for the Handicapped shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or a direct threat of physical damage to the property of others.
- d. Administrative review. The Community Development Director or designee shall review all such proposals for group homes as described herein and shall then issue a written determination approving or denying the registration based on the following:
 - 1) A complete Zoning Clearance application with the required processing fee shall be submitted describing the proposed group home use in detail.
 - 2) The Community Development Department shall review the application for the proposed group home use to determine that all conditions are met. If additional information is required to determine, the Community Development Department will contact the applicant.
 - 3) The Community Development Director shall issue a written determination, within 10 working days of receiving a completed application, that the use complies or does not comply with the requirements of this Ordinance.
- e. Appeal: Appeal of any decision of the Community Development Director shall be subject to Section 306 of this Ordinance.
- f. State License: If the proposed use is required to be licensed by the State of Arizona, copies of the license documents must be provided prior to the issuance of the group home registration for the use. Submit any required State of Arizona Zoning Clearance forms with the registration application.
- g. Inspection: For uses that require zoning clearance by the State of Arizona, any required inspections must be completed by the applicable City departments prior to approval of the group home registration.
- h. Spacing: The minimum spacing between group homes shall be 500 feet, as measured from the closest property lines. Spacing requirement shall not apply to residential health care institutions, foster care homes, child welfare facilities, or similar facilities licensed by the State of Arizona. The Community Development Department will keep records of all such uses in Cottonwood for use when determining minimum separation requirements.
- i. Request for Reasonable Accommodation: If the owner or operator of a proposed group home believes any requirement of this Ordinance has prevented the

establishment of the group home, the owner or operator shall submit a written request for accommodation to the Community Development Director. The written request shall contain sufficient facts to allow the Director to determine specific accommodations and such determination shall be based on the following procedures:

- 1) All related correspondence shall be forwarded, by the City, to the City Attorney for review and recommendation.
- 2) The review shall consider the request subject to the provisions of the Fair Housing Act and related amendments.
- 3) The review shall take into consideration public safety and welfare concerns, the residential character of the neighborhood, and full compliance with the intent of the Fair Housing Act.

X. BOARDING HOUSE REGULATIONS.

1. A boarding house shall be considered as a conditional use in the R-2, R-3, and R-4 zoning districts, subject to the following requirements:
 - a. The location of the use shall not have a detrimental effect on nearby properties or be contrary to the public safety, health, or general welfare.
 - b. The building and site shall comply with all applicable zoning, building, and fire codes, rules, and regulations prior to occupancy of the proposed use. Additional setbacks, parking, landscaping, or screen walls may be required as a condition of approval so as to mitigate any potential impact by the proposed development on surrounding properties or the city in general.
 - c. Parking requirements are indicated in Section 406.
 - d. Three, four, or five bedrooms may be provided as lodging for compensation for any specified period, provided no more than two persons occupy any one bedroom.
 - e. The occupancy of no more than one or two bedrooms for compensation shall not be considered a boarding house provided no more than two guests shall occupy a bedroom.
 - f. The operators of the facility may serve food and meals to the residents in a group dining room, or a common kitchen facility may be provided for use by residents but the use shall not include separate kitchen, cooking, or food preparation facilities with individual bedrooms or suites.
 - g. The maximum number of residents not including staff shall be 10.
 - h. The term “boarding house” shall not include group homes for the handicapped, nursing homes, assisted care facilities, hotels, motels, bed and breakfast

establishments, correctional transitional facilities, or a dwellings occupied by one or more individuals living together without supervision or management as a single housekeeping unit.

Y. CORRECTIONAL TRANSITIONAL FACILITY.

1. Correctional Transitional Facilities shall be considered as a conditional use in the C-2, I-1, and I-2 zoning districts, subject to the following requirements:
 - a. The location of the proposed facility will not have a detrimental effect on nearby properties or be contrary to public safety, health or general welfare.
 - b. The building and site shall comply with all applicable zoning, building, and fire codes, rules, and regulations prior to occupancy for the proposed use. Additional setbacks, parking, landscaping or screen walls may be required as a condition of approval to mitigate any potential impact of the proposed development on surrounding properties or the city in general.
 - c. Management Plan: The applicant must submit a management plan to the Community Development Director and the Police Chief describing the management and operation of the facility including, names and addresses of the owner and operator of the facility, local contact information, names and phone numbers of all governmental licensing and contract agencies and related contact persons, types of offenders housed, number and general professional qualifications of staff of the facility, and details for emergency management, including plans to contact local public safety officials.
 - d. Parking: Ten spaces, for staff or visitors in facilities with up to ten resident beds; and one additional space for each additional resident bed.
 - e. Maximum Capacity Calculation: The allowable number of resident beds shall be determined by dividing the parcel's total square footage by 2,200. The maximum number of resident beds, not including staff, is 30.
 - f. Separation of at least 500 feet from the property boundary of the proposed use to the property boundary of any residential zoning district, any public or private school that provides programs for any grades from kindergarten through grade 12, or any public park recreational facility, or public library.
 - g. Separation of at least 2,640 feet (one-half mile) from any other Correctional Transitional Facility as measured in a straight line between property boundaries.
 - h. At the applicant's expense, all property owners within 500 feet of the property boundaries of the site of the proposed use shall be notified by first-class mail of the proposed use and of the time and place of the public hearing to consider the conditional use. In addition to any other public notification, the property shall be posted with a notice of the public hearing in at least two places conspicuously visible from the adjacent public streets and properties.

- i. The Correctional Transitional Facility shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or a direct threat of physical damage to the property of others.

Z. BED & BREAKFAST ESTABLISHMENTS

1. Bed & Breakfast Residence: A bed & breakfast residence shall be considered as a conditional use in the R-1, R-2, R-3, R-4, AR-20, AR-43, AR-70, and CR zoning districts, subject to the following requirements:
 - a. The facility shall be owner-occupied with no more than 60% of the gross floor area of the primary structure used for guest units, guest dining, or Bed and Breakfast purposes.
 - b. The building and site shall comply with all applicable zoning building, and fire codes, rules, and regulations prior to occupancy for the proposed use.
 - c. No more than three guest units shall be available at any time for overnight or otherwise temporary lodging. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.
 - d. At least one parking space per guest unit and one parking space for the owner shall be provided on-site in accordance with the parking standards outlined in this Ordinance.
 - e. One wall sign for identification purposes up to six square feet in area may be attached to the primary structure or placed as a freestanding sign located in the front yard, with a maximum height of three feet above grade.
 - f. A current business registration is required.
2. Bed & Breakfast Inn: A bed & breakfast residence shall be considered as a “conditional” use in the R-2, R-3, R-4, AR-20, AR-43, AR-70, and CR zoning districts, subject to the following requirements:
 - a. The facility shall be owner-occupied with no more than 75% of the floor area or structural coverage to be used for guest units, guest dining or Bed and Breakfast purposes.
 - b. The building and site shall comply with all applicable zoning, building, and fire codes, rules, and regulations prior to occupancy for the proposed use.
 - c. No more than five guest units shall be available for overnight or otherwise temporary lodging. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.

- d. At least one parking space per guest unit, one parking space for the owner, and one space for every two employees shall be provided on-site in accordance with the parking standards outlined in this Ordinance.
 - e. One wall sign for identification purposes up to six square feet in area may be attached to the primary structure or placed as a freestanding sign located in the front yard with a maximum height of three feet above grade.
 - f. A current business registration is required.
3. Country Inn: A country inn shall be considered as a conditional use in the C-1, C-2, AR-43, AR-70, and CR zoning districts, subject to the following requirements:
- a. The building and site shall comply with all Zoning Ordinance, Building Code, and Fire Code regulations prior to occupancy for the proposed use.
 - b. Between six and 11 guest rooms are offered.
 - c. Signage shall meet applicable standards set forth in Section 405 of this Ordinance.
 - d. At least one parking space per guest unit, one parking space for the owner, and one space for every two employees shall be provided on-site, in accordance with the parking standards outlined in this Ordinance.
 - e. Additional parking shall be provided as per this Ordinance for any restaurant use or other accessory use offered as part of the Country Inn.
 - f. A current business registration is required.

AA. TINY HOUSES.

- 1. For purposes of this Ordinance, a tiny house built off-site and mounted on a mobile chassis is a recreational vehicle.
- 2. A tiny house built off-site on a chassis where the suspension/axle components have been removed and the chassis is permanently attached to a permanent foundation, is permitted as a principal dwelling unit in the R-4 and MH zoning districts, subject to the district's requirements. Certification that the structure was built to current manufactured housing codes or International Residential Codes shall be provided at the time of permit application. Fire sprinklers shall be installed in accordance with adopted fire codes.
- 3. A tiny house that is a site-built or factory-built building permanently affixed to a permanent foundation and built to currently adopted International Residential Code standards (including special provisions for tiny houses) is permitted as a principal single-family dwelling in the GA, AR-70, AR-43, AR-20, R-1, R-2, R-3, R-4, and

CR zoning districts, subject to the district's requirements. Fire sprinklers shall be installed in accordance with adopted fire codes.

BB. ACCESSORY DWELLING UNITS.

1. In zoning districts where it is listed as a permitted use, one Accessory Dwelling Unit may be located on a lot, in addition to a permitted single-family dwelling, subject to the development standards of the zoning district.
2. In multiple-family zoning districts:
 - a. One Accessory Dwelling Unit is permitted on a lot that contains single-family dwellings.
 - b. An Accessory Dwelling Unit shall not count as a separate dwelling unit for purposes of calculating lot area per dwelling unit.
 - c. No Accessory Dwelling Unit is permitted on a lot with two or more multiple-family dwellings.
3. An Accessory Dwelling Unit may contain independent living, sleeping, cooking, and sanitation facilities.
4. The floor area of an Accessory Dwelling Unit shall not exceed 75% of the principal dwelling's livable floor area, or 1,200 sq. ft., whichever is less.
5. Accessory Dwelling Units may be located no closer than five feet to a side or rear lot line, and no closer to a front lot line than the minimum front yard required in the zoning district in which it is located.
6. The building height of an Accessory Dwelling Unit shall not exceed the maximum building height required in the zoning district in which it is located.
7. Detached Accessory Dwelling Units shall be separated from other buildings by at least 10 feet. Separation may be reduced with fire-rated walls, subject to approval by the Building Official and Fire Marshal.
8. Attached Accessory Dwelling Units may share one or more common walls or roof structures with the principal dwelling, in compliance with fire separation requirements of current building and fire codes.
9. Manufactured homes, mobile homes, travel trailers, recreational vehicles, and similar structures shall be prohibited for use as Accessory Dwelling Units in all districts.
10. An Accessory Dwelling Unit may be a site-built or factory-built building or a tiny house built off-site on a chassis from which the suspension/axle components have been removed, and the chassis is permanently attached to a permanent foundation.

These units must comply with the same building and fire codes as detached single-family dwelling units.

11. No Accessory Dwelling Unit may be used as a short-term rental or vacation rental, as those terms are used in Cottonwood Municipal Code Title 5, unless the owner of the lot on which the unit is located resides on the same lot.

Effective March 9, 2023 – Ordinance Number 728

Effective May 18, 2023 – Ordinance Number 730

Effective July 16, 2024 – Ordinance Number 747

Effective September 17, 2024 – Ordinance Number 751

Effective TBD – Ordinance Number TBD

ARTICLE II – DEFINITIONS

SECTION 201.

A. GENERAL RULE.

All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to the peculiar and appropriate meaning. Unless the context clearly indicates or requires otherwise, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural, and references to sections are to sections of this Ordinance. The word “shall” is mandatory and not discretionary. In the event that competing definitions are listed within other sections of this Zoning Ordinance, the definitions listed within this section shall prevail.

B. DEFINITIONS.

For this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ABANDONMENT – The discontinuation of a use for a period of at least six months.

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

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

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

ACCESSORY DWELLING UNIT, ATTACHED – A dwelling that is attached to a principal single-family dwelling, but is a separate living space and smaller and subordinate to the principal dwelling.

ACCESSORY DWELLING UNIT, DETACHED – A dwelling that is detached from a principal single-family dwelling, and is subordinate to the principal dwelling.

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

ADAPTIVE CONTROLS – Hardware and/or electronics, used in conjunction with outdoor light fixtures, intended to dynamically alter or adjust the operation of those fixtures. Examples of adaptive controls include, but are not limited to, motion/occupancy sensors, dusk-to-dawn (‘astronomical’) timers and photocells.

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

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

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

1. A commercial establishment having more than 10% of its stock in trade offering for sale or rental, for any form of consideration, any one or more of the following:
 - a. Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, video disks, computer animation or computer-generated imaging which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas,” or
 - b. Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities,” excluding condoms, diaphragms, contraceptive inserts, contraceptive medications, and other birth control or disease prevention devices prescribed by a licensed medical doctor or osteopathic doctor. A commercial establishment may have other business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as an adult bookstore, adult retail store, or adult video store.
2. Regularly excludes all minors from the premises or a separate defined section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein.

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

ADULT CARE HOME- A residential care institution licensed by the Arizona Department of Economic Security with no more than 10 adults who are unrelated to the manager, operator, facility owner, or resident staff of the home.

ADULT DEVELOPMENTAL HOME- A residential setting in a family home in which the care, physical custody, and supervision of the adult client are the responsibility, under a 24-hour care model, of the licensee, and which provides room and board, habilitation, appropriate personal care, and appropriate supervision services for a group of siblings or up to three adults with developmental disabilities.

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

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions; or
2. Offers a sleeping room for rent for a period that is less than 10 hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period that is less than 10 hours.

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

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

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

1. Adult Arcade.
2. Adult Bookstore, Adult Retail Store or Adult Video Store.

3. Adult Cabaret.
4. Adult Motel.
5. Adult Motion Picture Theater.
6. Adult Theater.
7. Escort Agency.
8. Nude Model Studio.
9. Sexual Encounter Center.
10. Any combination of classifications set forth in subsections 1 through 9 above.

AFFORDABLE HOUSING – A residential development that is subject to a City-approved development agreement with affordability controls under which, for a specified time, some or all of its dwellings must be offered at rent or sale prices that do not exceed a certain level in relation to the area median income.

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

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

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

ALTERATION - Any act or process that changes one or more of the existing features of a structure, including, but not limited to exterior changes or modifications of a structure or any of its architectural details or visual characteristics, including paint color and surface texture, facade materials, surface paving, landscape features, and placement or removal of signs, plaques, light fixtures, walls, fences, and street furniture.

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

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

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

APARTMENT- A building containing four or more dwelling units that are rented or leased to occupants for a definite period.

APPEAL – An action that permits anyone to arrange for a hearing from other than the individual or group from whose decision the appellant seeks redress.

A.R.S. – Arizona Revised Statutes.

ASSISTED LIVING CENTER – An assisted living facility serving 11 or more residents. Residents may have more privacy with smaller studio-type apartments while still having access to on-site caregivers who assist with meals, care, security, and transportation services, if needed.

ASSISTED LIVING FACILITY – A residential care institution that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis. Assisted Living Facilities are licensed by the Arizona Department of Health Services and include Assisted Living Home, Assisted Living Center, and Adult Foster Care Home.

ASSISTED LIVING HOME – An assisted living facility serving 10 or fewer residents. Residents may need 24-hour care from resident caregivers. This provides a more integrated family atmosphere.

AUTOMOBILE REPAIR – All aspects of the repair of motor vehicles including, but not limited to, lubrication, tune-up, tire repair, and preventative maintenance.

AUTOMOBILE SALES, NEW – A franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles.

AUTOMOBILE SALES, USED- An agency selling used motor vehicles not in conjunction with and on the same site as a new motor vehicle franchise and providing services commonly associated with motor vehicle sales.

BACKSLOPE – The excavated slope remaining on the uphill portion of a cut section that provides a transition from the natural hillside to the flat portion of a building site or roadbed.

BAR OR COCKTAIL LOUNGE- An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

BED & BREAKFAST COUNTRY INN- The use of a residence or other building for commercial lodging purposes, with at least six and no more than 11 guest units, that exhibits a character of use consistent with a motel or hotel, and which may have a restaurant open to guests, as well as the general public, and which may have other related activities open to the public.

BED & BREAKFAST INN- An owner-occupied single-family residence offering rooms for commercial lodging purposes with a maximum of five guest units, and which serves breakfast to guests.

BED & BREAKFAST RESIDENCE- An owner-occupied single-family residence offering rooms for commercial lodging purposes, with a maximum of three guest units, and which serves breakfast to guests.

BOARD OF ADJUSTMENT - Referring to the City of Cottonwood Board of Adjustment established under Section 105.

BOARDING HOUSE- A house where one can rent sleeping accommodations and receive board (meals), the cost of which is included in the rent. The term shall not include other lodging facilities as defined by this ordinance, including group homes for the handicapped, nursing homes, assisted care facilities, hotels, motels, bed and breakfast establishments, or a dwelling occupied by one or more individuals living together without supervision as a single housekeeping unit.

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

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

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

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

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

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

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

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

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

CAMP- To engage in activities defined as camping.

CAMPING- To use real property for temporary recreational activity or living accommodation purpose, such as sleeping activities, or making preparations to sleep, including the laying down of bedding for the purpose of sleeping, or storing personal belongings, or making any fire, or engaging in cooking activities, or using any tent, shelter, structure, or vehicle, including trailers, motor homes or recreational vehicles, for sleeping, including as a temporary place to rest.

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

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

CERTIFICATE OF APPROPRIATENESS - A certificate issued indicating the approval of plans for alteration, restoration, reconstruction, demolition, or removal of a historic landmark; or for alteration, new construction, removal, or demolition of non-historic structures within a historic district.

CHEMICAL EXTRACTION- The process of removing a particular component of a mixture from others present, including removing resinous tetrahydrocannabinol from marijuana.

CHEMICAL SYNTHESIS- Production of a new particular molecule by adding to, subtracting from, or changing the structure of a precursor molecule.

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

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

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

COMMISSION – Refers to the City of Cottonwood Planning and Zoning Commission (See Section 104) unless the Historic Preservation Commission is specified (see Municipal Code Chapter 2.100).

CONSTRUCTION - The act of building an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

CONSTRUCTION ENVELOPE – A specific area defined by the sum of the maximum allowable disturbed area plus the maximum coverage allowed for the lot parcel.

CONSUME, CONSUMING, OR CONSUMPTION- The act of ingesting, inhaling or otherwise introducing a foreign substance, such as marijuana, into the human body.

CONSUMER- An individual who purchases products, such as marijuana or marijuana products, and is of the required age to purchase such restricted products.

CONTIGUOUS- In actual contact.

CORRECTIONAL TRANSITIONAL FACILITY- A supervised residential facility which offers temporary housing for individuals who are completing a sentence of have left an institutional setting, such as a hospital, medical facility, drug or alcohol treatment facility, prison or other form of incarceration, subject to placement from an official agency, so as to allow transitioning from institutional to community living, or who are required by a court system or otherwise legally obligated to participate in a rehabilitation of recovery program for alcohol, drug/substance abuse or other behaviors, and which typically included structured supervision, such as professional counseling, job training, job placement assistance and other social service assistance. The term shall not include group homes for the handicapped or facilities primarily providing counseling or other services to individuals who do not reside on the premises.

CORRELATED COLOR TEMPERATURE (CCT) – The temperature of a source of blackbody radiation whose spectrum best approximates the spectrum of a particular light source, expressed in units of Kelvins. Lamps with a CCT greater than 4000 K are considered “cool” sources.

COUNCIL- Cottonwood City Council.

COUNTY- Yavapai County, State of Arizona.

CULTIVATE OR CULTIVATION- To propagate, breed, grow, prepare and package products such as marijuana.

CULTURAL RESOURCE – Those resources that are tangible and intangible remnants of past human activity which possess qualities of significance in national, state, or local history, architecture, archaeology, and culture which are present in districts, sites, structures, undisturbed natural sites that have historic or prehistoric associations including those with paleontological (fossil) specimens, and object that possess integrity of location, design, setting, materials, workmanship, feeling, and association.

CUT – The land surface that is shaped through the removal of soil, rock or other materials.

DELIVER OR DELIVERY- The transportation, transfer or provision of products, such as marijuana or marijuana products, to a consumer at a location other than the location where the product was cultivated, manufactured, or processed.

DEMOLITION - Any act or process that destroys and removes a structure in part or in whole.

DEVELOPMENT PROJECT – Any residential, commercial, industrial or mixed-use subdivision plan or individual building development or remodeling plan which is shall be submitted to the City for approval.

DEVELOPMENT REVIEW BOARD - The Planning and Zoning Commission.

DHS - The Arizona Department of Health Services or its successor agency.

DIRECT ILLUMINATION – Illumination resulting from light emitted directly from a lamp, luminaire, or reflector, not light diffused through translucent signs or reflected from other surfaces such as the ground, building faces, or luminaire optics.

DIRECTOR – Refers to the City of Cottonwood Community Development Director, see also Zoning Administrator.

DISPENSARY AGENT- A medical marijuana dispensary director, officer, employee or volunteer who has been issued a valid registry identification card by the DHS.

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

DISTRICT, HISTORIC - A designated area that contains at least one or more landmarks within definable geographic boundaries, where a majority of structures are indicated as significant, and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance or age to be designated as landmarks, nevertheless contribute to the overall quality and character of the district. The historic district shall be officially recognized as such by state and federal agencies.

DISTRICT, HISTORIC PRESERVATION – A special overlay zoning district designated by ordinance of the City Council that includes regulations pertaining to historic preservation which modify the regulations of the underlying zoning district. May be applied to an individual property or a group of properties where a majority of properties are indicated as historically significant.

DISTURBED AREA – That area of natural ground that has been or is proposed to be altered through grading, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

DORMITORY- Any structure with six or more rooms specifically designed for the exclusive purpose of housing students and associated resident staff of a university, college, school, or similar training facility on property owned or maintained by the educational facility.

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

DUAL LICENSEE - An entity that holds two licensures, such as both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.

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

DWELLING, MULTIPLE-FAMILY – A dwelling in a building designed exclusively for occupancy by or occupied by two or more families living independently of each other, or in a detached building located on the same lot as other dwellings. This definition pertains to land use for purposes of this Zoning Ordinance, and is independent from the current building codes’ definitions of dwelling types.

DWELLING, SINGLE-FAMILY – A site-built or factory-built building designed exclusively for occupancy by or occupied by one family for residential purposes, located on a lot with no other dwellings except Accessory Dwelling Units. This definition pertains to land use for purposes of this Zoning Ordinance, and is independent from current building codes’ definitions of dwelling types.

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

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

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

ENCLOSED AREA – A building or structure that has all of the following:

1. A complete roof enclosure supported by connecting walls constructed of solid material, extending from the ground to the roof.
2. Security against unauthorized entry, and a lock or other security device that prevents unauthorized access.
3. A foundation, slab, or equivalent base to which the floor is securely attached.
4. Sufficient performance standards to ensure that cultivation and processing activities are not visible from public view without using binoculars, aircraft, or other optical aids.

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

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

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

EXTRACTION- The process of extracting or separating resin from marijuana to produce or process any form of marijuana concentrates using water, lipids, gases, solvents, or other chemicals or chemical processes.

FAIR HOUSING ACT- Refers to Federal law enacted in 1968 to protect people from discrimination by making it unlawful for any person to discriminate in connection with housing because of an individual's race, color, sex, religion or creed, physical or mental disability, retaliation or familial status (children under age 18). Also includes various amendments, rules, and orders approved since then, including the Fair Housing Amendments Act of 1988.

FAMILY- A family is:

1. An individual, or two or more persons related by blood, marriage, or adoption, including any live-in domestic help, living together as a single housekeeping unit in a dwelling unit; or
2. A group of not more than 10 persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

FENCE- A structure built to separate two parcels of land or separate a parcel of land into different use areas.

FILL – The deposit or relocation of soil, rock or other materials on the site.

FIXTURE, FULLY SHIELDED – A fixture which is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

FIXTURE, UNSHIELDED – A fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

FLAG - A rectangular fabric or other flexible material designed to be mounted to a pole or similar device at one edge or at two corners by wires or ropes, and which is not determined to be a sign.

FOOTCANDLE (fc.) – A unit of illuminance or illumination, equivalent to the illumination produced by a source with luminous intensity of one candela at a distance of one foot and equal to one lumen incident per square foot (approximately 10.764 lx.).

FOSTER CARE HOME, ADULT- A residential setting intended for older and/or disabled adults that provides room and board and adult foster care services for at least one and not more than four residents who participate in the Arizona Long Term Care System. Residents receiving care and assistance are integrated with the sponsor manager's family as a single household.

FOSTER HOME- A home licensed by the Arizona Department of Economic Security maintained by persons having care or control of one to five minor children, other than those related by blood, marriage, or adoption or related to such individuals, or who are legal wards of such individuals.

FOSTER HOME, GROUP- A regular or special foster home licensed by the Arizona Department of Economic Security, suitable for the placement of six but not more than 10 minor children.

FRONTAGE, BUILDING - The horizontal linear measurement of all of a building's determined front elevation that faces a public right-of-way and is occupied by a single use or occupancy.

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

FRONTAGE, STORE - The horizontal linear measurement of an individual commercial unit's primary entry facade, within a multi-unit commercial complex.

FRONTAGE, STREET – The horizontal linear measurement of a property line that directly abuts a public right-of-way.

FOWL – Any domesticated bird commonly associated with farms and used for eggs or meat. Fowl includes but is not limited to chickens, ducks, geese, and turkeys.

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

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

GRADE – The slope of a hillside measured as a ratio of horizontal distance or run to vertical distance or rise (measured as a percentage).

GRADE, FINISHED – The final grade and elevation of the ground surface after grading is completed.

GRADE, NATURAL – The grade and elevation of the ground surface in its natural undisturbed state.

GRADE, PREVAILING – The average steepness of a hillside over its entire length.

GRADING – Any excavating or filling or combination thereof, including the conditions resulting from any excavation or fill.

GROUP HOME FOR DEVELOPMENTALLY DISABLED – Supervised residential home for six or fewer persons with developmental disabilities that is operated under contract with the Arizona Department of Economic Security (ADES) Division of Developmental Disabilities and that provides a shared living environment, room and board, and daily care needs for resident clients. Group Home for Developmentally Disabled does not include an adult developmental home, a child developmental foster home, a secure facility setting, or an intermediate care facility for the mentally retarded as defined by ADES.

GROUP HOME FOR THE HANDICAPPED – A dwelling shared as a primary residence by people with handicaps or disabilities living together as a single housekeeping unit in which staff persons may or may not provide on-site care, training, or support for the residents. Group homes for the handicapped shall not include boarding houses, rooming houses, nursing homes, group homes for the developmentally disabled, foster homes, or correctional transitional facilities.

HALFWAY HOUSE – Same as “Correctional Transitional Facility.”

HANDICAP- Means the same as “disability” with respect to a person with a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities, or has a record of such a disability or is regarded as having such a disability, but such term does not include current, illegal use of or addition to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

HEALTH CARE INSTITUTION- Facilities licensed by the Arizona Department of Health Services, including medical facilities, clinics, Assisted Living Facilities, and Group Homes for the Developmentally Disabled.

HILLSIDE DEVELOPMENT AREA – Building areas, other than sloped areas within washes and rivers, with a building site slope of 20% or greater, measured as a vertical rise of 20 feet in a horizontal distance of 100 feet.

HISTORIC PRESERVATION WAIVER – A permission granted by the City to bypass participation in a Historic Preservation District, or designation of Historic Landmark.

HISTORIC SITE, HISTORIC STRUCTURE, OR HISTORIC PROPERTY - A site, structure or property which has historic and/or architectural significance, and is at least 50 years old from the date of construction; and which contributes to the historic, architectural, cultural, archaeological or other significant value as part of the heritage or history of the City, the State of Arizona, or the nation.

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

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

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

INOPERABLE VEHICLE -- A vehicle or any other major portion thereof which is incapable of movement on its own power and will remain so without major repair, or does not have a valid and current State of Arizona registration certificate and/or which does not conform to the State of Arizona Motor Vehicle Division standards for operation of a motor vehicle on public streets or highways.

INSTALLED – An item that is attached, or fixed in place, whether or not connected to a power source.

INTEGRITY - A measure of the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic or prehistoric period in comparison with its unaltered state.

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

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

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

LANDMARK - A designation, as a result of processes provided in this section, applied by the Commission to an individual property, structure, site or object, or group of properties, which has a historic value or expresses a distinctive character worthy of preservation.

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

LIGHTING, CLASS 1 – All outdoor lighting used for but not limited to outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important.

LIGHTING, CLASS 2 – All outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, and parking lots where general illumination of the grounds is the primary concern.

LIGHTING, CLASS 3 – Any outdoor lighting used for decorative effects, including but not limited to architectural illumination, flag monument lighting, and illumination of trees, bushes, etc.

LIGHTING, MULTI-CLASS – Any outdoor lighting used for more than one purpose, when those purposes fall under the definitions for two or more lighting classes as defined for Class 1, 2 and 3 Lighting above.

LIGHTING, MOTION SENSING – A fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

LIGHTING, NEON – Lighting using luminous gas-filled tubes often formed into text, symbols or decorative elements. Neon lighting includes tubes with typical diameters of 10 to 20 millimeters filled with neon, argon, xenon, or other gases and producing various colors of light. Not included are replaceable T-8 (1-inch diameter) and T-12 (1.5-inch diameter) or PL (“compact”) fluorescent tubes. Any unshielded neon lighting is limited by the unshielded lighting limits outlined in Section G.408.

LIGHTING, TEMPORARY – Lighting which does not conform to the provisions of this Ordinance and which will not be used for more than one 30-day period within a calendar year. Temporary lighting is intended for uses that, by their nature, are of limited duration; (holiday decorations, civic events, or construction projects).

LIGHT TRESSPASS – Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

LOT- A legally created parcel of land.

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

LOT, CORNER- A lot butting upon two or more streets at their point of intersection.

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

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

LOT LINE- The line bounding a lot.

LOT LINE, FRONT- In case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the front line is the street frontage line with the least dimension, unless the Zoning Administrator determines that another lot line is more functionally the front lot line based on driveway access or existing address.

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

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

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

LUMEN – The unit of measurement that indicates the actual amount of visible light, which is produced by a lamp as defined by the manufacturer.

LUMENS, INITIAL – The lumens rating of a lamp at the time of manufacture, not accounting for losses due to normal lamp aging. Initial lumens are measured by manufacturers and provided along with product packaging.

LUMINAIRE – The complete lighting assembly, less the support assembly.

LUX (lx.) – A unit of illuminance or illumination equal to one lumen per incident square meter (approximately 0.093 fc).

MAINTENANCE – The servicing, repairing, or altering of any premises, appliance, apparatus, or equipment to maintain the use or purpose for which was originally intended.

MANUFACTURED HOME- A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 and as amended, manufactured after June 15, 1976, and placed within applicable zoning districts, transportable in one or more

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

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

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

MANUFACTURE, MANUFACTURED, OR MANUFACTURING - The fabricating, combining, extracting, or assembling of materials into finished or partially finished or partially finished products by hand or by the use of machinery, including to make or prepare products such as marijuana products.

MARIJUANA -

1. All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.
2. Includes cannabis as defined in A.R.S. § 13-3401.
3. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the marijuana to prepare topical or oral administrations, food, drink, or other products.

MARIJUANA CONCENTRATE-

1. Resin extracted from any part of the plant of the genus cannabis and every compound, manufacture, salt derivative, mixture or preparation of that resin or tetrahydrocannabinol.

2. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, feed, drink or other products.

MARIJUANA ESTABLISHMENT- An entity licensed by the DHS to operate all of the following:

1. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
2. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
3. A single off-site location at which the licensee may manufacture marijuana and marijuana products and package and store marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

MARIJUANA PRODUCTS- Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments and tinctures.

MARIJUANA TESTING FACILITY- The DHS or another entity that is licensed by the DHS to analyze the potency of marijuana and test marijuana for harmful contaminants.

MEDICAL MARIJUANA- All parts of the genus cannabis whether growing or not, and the seeds of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

MEDICAL MARIJUANA CULTIVATION FACILITY- A building or structure and the associated premises used to grow the marijuana plant, which may include accessory storage and processing of medical marijuana grown on premises.

MEDICAL MARIJUANA DISPENSARY- A non-profit entity defined in A.R.S. § 36-2801, et seq., that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

MEDICAL MARIJUANA FACILITY- A medical marijuana dispensary, cultivation facility, qualified patient or designated patient or caregiver cultivation facility, infusion or manufacturing facility, or similar operations or any combination thereof, as authorized by law.

MEDICAL MARIJUANA INFUSION (MANUFACTURING) FACILITY- A facility that incorporates medical marijuana (cannabis) by means of cooking, blending, or incorporation into consumable/edible goods or similar products.

MEDICAL MARIJUANA QUALIFYING PATIENT- A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S.; and who has been issued a Registry Identification Card by DHS authorizing him/her to use marijuana to treat his/her debilitating medical condition or symptoms associated with the debilitating medical condition.

MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION FACILITY- Enclosed, locked facilities approved for the cultivation of medical marijuana plants by registered qualifying patients of their designated caregivers where a registered nonprofit medical marijuana dispensary is not operating within twenty-five miles of the qualifying patient's home.

MINOR ACTIVITY – Any change, modification, restoration, rehabilitation, or renovation of the features of a historic resource that does not materially change the historic characteristics of the property and is consistent with the criteria for the historic preservation district or landmark.

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

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

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

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

NATIONAL REGISTER OF HISTORIC PLACES - A listing of buildings, sites, and objects designated for historical, architectural or other special significance, as determined by established criteria, and which listing is maintained by the National Park Service under the National Historic Preservation Act of 1966, as amended. The program is administered by the State Historic Preservation Office at the state level.

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

NET ACREAGE – The remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

NONCONFORMING STRUCTURE – A structure which was lawfully established and maintained prior to the adoption of this Ordinance, but which, under this Ordinance, does not conform to the standards or general provisions prescribed in the regulations for the district in which the structure is located.

NONCONFORMING USE – A use of a structure or land which was lawfully established and maintained prior to the adoption of this Ordinance, but which, under this Ordinance, does not conform to the use regulations for the district in which it is located.

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

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

NUDITY OR THE STATE OF NUDITY- Defined as:

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

NUISANCE- Any thing, condition, or use of property that endangers life or health, gives offense to the senses, or obstructs the reasonable and comfortable use of other property.

NURSING HOME- A health care institution providing inpatient beds or residential beds and nursing services for curative, restorative, and preventative nursing care offering continuing care to persons who need nursing services on a continuing basis but who do not require hospital care or direct daily care from a physician.

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

OBJECT – A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. This term may include landscape features.

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

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

OPAQUE – Only that the material must not transmit light from the internal illuminating source: the color of such opaque backgrounds is not restricted.

OPEN SPACE - A public park, public sidewalk, public walkway, or public pedestrian thoroughfare.

OPEN SPACE, NATURAL –

1. Areas that are essentially unimproved and left in a natural state without developed structures, roads, or similar development but that may contain recreational trails, perimeter fencing or similar minor features; or
2. A tract of land that is owned and managed by a public or nonprofit entity or a homeowner's association for the purpose of preserving natural landforms and vegetation and providing a scenic and recreational amenity accessible to the general public. A natural open space tract may include landscaped drainage facilities, underground utility lines over which natural vegetation has been restored, trails and trail facilities such as signs and benches, and public trailhead parking areas.

OPEN SPACE, USABLE - Space which can be enjoyed by people. This could include landscaped areas, grass and trees, fountains, sitting areas, natural areas, and natural or landscaped drainage facilities, among others, and is intended to provide an open garden atmosphere. Usable open space does not include parking areas, vacant or undeveloped lots, non-landscaped drainage facilities, or agricultural land that is not open to the public.

OPERATOR- The chief executive officer of a business, corporation, or other industrious establishment, such as a medical marijuana dispensary, whether referred to as the principal officers, board members, designated agents, executive director, president, CEO or other designation.

OUTDOOR LIGHT FIXTURES – All outdoor illuminating devices, reflective surfaces, lamps and other devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:

1. Buildings and structures.
2. Recreational areas.
3. Parking lot lighting.
4. Landscape and architectural lighting.
5. Billboards and other signs (advertising or other).

6. Street lighting.
7. Product display area lighting.
8. Building overhangs and open canopies.

OUTDOOR RECREATION FACILITY – an area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

OUTDOOR STORAGE – The location of any goods, services, wares, merchandise, commodities, junk, debris, vehicles, or any other items outside of a completely enclosed building for a continuous period longer than 24 hours.

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

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

PERSON – Includes a corporation, company, partnership, firm association, or society, as well as a natural person.

PLATE LINE, TOP - The horizontal line of a building at a height that would normally be the horizontal framing member resting on top of the studs, on the first or ground floor.

PRESERVATION - The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

PROCESS OR PROCESSING- To harvest, dry, cure, trim or separate parts of a material such as a marijuana plant.

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

PROPERTY, CONTRIBUTING - A classification applied to a building site, structure or object within a historic district or landmark property signifying that it contributes to the defining characteristics of the historic district or landmark.

PROPERTY, NON-CONTRIBUTING - A classification applied to a property, site, structure or object within a historic district or as associated with a historic landmark property signifying that it does not contribute to the defining characteristics of the historic district or landmark property.

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

PUBLIC HEARING- Hearings held as required by law.

PUBLIC INTEREST – The common interests and shared goals of a group of people, within a specific geographic location, which relate to any of the following:

1. The education and development of the community
2. The economic stability of the community
3. The general health, safety, and welfare of the community

PUBLIC PLACE - As defined in the Smoke-Free-Arizona Act, A.R.S. § 36-601.01.(9).

PUBLIC UTILITY- A private or public facility for the distribution of various essential services, such as electricity, water, sewer, natural gas, or telecommunications directly to the general public.

REASONABLE VISUAL ACCESS – The unimpeded view of a person of average height and visual ability, legally occupying a public place or private property, regardless of differences in grade or building height, and not using magnifying visual aids such as binoculars or telescopes.

RECONSTRUCTION - The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period.

RECOVERY HOME- Private residence offering a structured management program to support the recovery of adults with a background of drug and/or alcohol abuse. Usually includes on-site professional staff and group support services.

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

RECREATIONAL VEHICLE- A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use and that either has its own motive power or is mounted on or drawn by another vehicle, including any of the following types of vehicles:

1. A portable camping trailer mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold for camping.
2. A motor home designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
3. A park trailer or tiny house built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except that it does not include fifth-wheel trailers.

4. A travel trailer or tiny house mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle, and has a trailer area of less than 320 square feet. This includes fifth-wheel trailers. If a unit requires a size or weight permit, it must be manufactured to the standards for park trailers in the American National Standards Institute Code.
5. A portable truck camper constructed to provide temporary living quarters for recreational, travel, or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck. A recreational vehicle shall not be considered a dwelling or occupied as such, and is not a manufactured home.

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

REHABILITATION - The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

REMOVAL - Any relocation of a structure or portion of a structure on its site or to another site.

REPAIR - Any restoration of a structure by replacing or fixing broken or deteriorated elements; which is not considered to be construction, removal, or alteration; and that does not require a building permit.

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

RESTORATION - The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period by means of the removal of later work or by the replacement of missing earlier work.

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

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

ROOF SURFACE - The top, exterior covering of a building extending from the highest point of the building to the furthest extension of the eaves.

ROOMING HOUSE- Same as “Boarding House.”

SCHOOL - Public and private educational and child development facilities certified by the State of Arizona, including a daycare facility, preschool, kindergarten, elementary school, middle school, or high school.

SCHOOL, ELEMENTARY, JUNIOR HIGH, HIGH SCHOOL- Public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education.

SCHOOL, NURSERY- A school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five or more children of elementary school age or younger, other than those residents on the site. Includes Day Care Centers.

SCHOOL, PRIVATE OR PAROCHIAL - An institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.

SCHOOL, TRADE - Schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians' schools, and similar commercial establishments operated by a non-governmental organization.

SEASONAL DECORATION – Temporary noncommercial structures which display symbols or insignias associated with, and during, traditionally accepted civic, patriotic, or religious holidays.

SERVICE STATION- An occupancy engaged in the retail sales of gasoline, oil, tires, batteries and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including: automobile washing, waxing and polishing, tire changing and repairing but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication motor vehicles, rental of utility trailers, testing, adjustment, and replacement of motor parts and accessories.

SEXUAL ENCOUNTER CENTER- A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact between persons of the opposite sex, when one or more of the persons is in a state of nudity in the forms of tumbling, wrestling, or other similar activities for the purpose of engaging or attempting to engage in specified sexual activities or oral sex conduct; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity for the purpose of engaging or attempting to engage in specified sexual activities or oral sexual conduct.

SHOPPING CENTER - A group of three or more commercial establishments associated by common agreement or under common ownership, which is comprised of contiguous land parcel units with common parking facilities.

SIGN - Any identification, description, illustration, or device that directs attention to a product, place, activity, person, institution, or business by such means, including words, letters, designs, logos, pictures, or illumination and which is visible from any public right-of-way, neighboring property, or public area.

SIGN, A-FRAME - A portable sign, also referred to as a sandwich board sign, comprised of two separate panels or faces typically joined at the top with a hinge and widened at the bottom to form a shape similar to the letter A.

SIGN, ANIMATED - Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the appearance of such movement or rotation.

SIGN, AREA OF - That area in square feet of the smallest rectangle, square, circle or triangle that encompasses the sign. The area of any two-faced sign with parallel faces or “v” type signs having an interior angle of 45 degrees or less shall be the area of the single face. The area of all other multiple-faced or paneled signs shall be the total area of all faces or panels. The sign area shall include the mounting surface on which the lettering is placed. For signs painted on a wall surface and for multiple-unit signs, the area shall include the lettering and the vertical and horizontal spacing between letters, which comprise the work or words that convey the message.

SIGN, BALLOON - One or more balloons attached by means of a rope or tether to a fixed location for the purpose of attracting attention to a location, business, service, or event; and which may or may not have sign copy, images, symbols, or advertising messages affixed or attached to the balloons or structure.

SIGN, BANNER - A sign constructed of cloth, canvas, or other type of natural or synthetic, lightweight, non-rigid material; and mounted but not enclosed within a rigid frame. The terms “Flag”, and “Sign, Flag and Feather Banner” are excluded from this definition and are defined separately.

SIGN, BILLBOARD – A sign structure used to advertise a business, product, service, or entertainment offered at a location other than on the premises on which the sign is located. This does not include wayfinding or kiosk signs.

SIGN, CANOPY - A type of building-mounted sign mounted under and supported by a permanent canopy, arcade, or portal, or flat mounted on the facade of the canopy.

SIGN, COMMUNITY DIRECTIONAL - Any sign that is designed and erected solely for the purpose of directing traffic to a public facility, including but not limited to parks, schools, libraries, hospitals, the Old Town district, public colleges, or similar community facilities.

SIGN, ELECTRONIC MESSAGE DISPLAY - An electrically activated changeable sign capable of displaying words, symbols, figures, or graphic images and whose variable message or graphic presentation capability can be electronically programmed and changed by remote or automatic means, also known as an Electronic Message Center, and typically using light-emitting diodes (LEDs) as a lighting source.

SIGN, FLAG OR FEATHER BANNER – A portable, stand-alone sign comprised of cloth, canvas, or other type of natural or synthetic, lightweight, non-rigid material that moves with the wind and is supported by a pole structure base.

SIGN, FLASHING - A sign that has flashing lights or intermittent illumination.

SIGN, FREESTANDING - A sign attached to or supported from the ground and not attached to a building; signs on walls or fences that are not an integral part of a building are freestanding signs.

SIGN, HEIGHT - The vertical distance from grade to the highest point of the sign.

SIGN, INFLATABLE - A three-dimensional sign comprised of fabric or similar lightweight material that is filled with mechanically supplied air or other gaseous material to inflate the structure, and which may or may not have sign copy, images, symbols, or advertising message affixed or attached to the material.

SIGN, MENU BOARD – A permanently mounted panel, or grouping of panels, displaying purchasable wares and associated costs; and located adjacent to a drive-through lane or drive-in bay.

SIGN, MONUMENT - A freestanding sign that is detached from a building and supported primarily by a solid-appearing, integrated base structure constructed of permanent material, such as concrete, block, brick, stone, or stucco, and not including pole-type support structures.

SIGN, NONCONFORMING - A sign lawfully erected and maintained prior to the adoption of this Ordinance, and which does not conform to the current requirements of this Ordinance because of subsequent amendments that changed said requirements.

SIGN, PENNANT - A sign comprised of lightweight fabric, plastic, paper, or other non-rigid material, suspended from a wire, rope, or string, usually in a series, designed to move in the wind, with or without sign copy, images, symbols, or advertising messages.

SIGN, PORTABLE - Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. This definition does not include signs intended for temporary use due to safety reasons, such as construction or traffic control, governmental signs that inform the public, exempt signs, or other signs permitted for temporary or special use.

SIGN, TEMPORARY - Any sign that is not intended for permanent use.

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

SIGN, WALKING - Signs held, carried, balanced, or worn by any person, including hand-held, walking signs, mascots, costumes, and characters intended to advertise or attract attention to sales, products, services, businesses, activities, events, or issues, and which are visible from a public right-of-way, adjacent property, or a public area.

SIGN, WALL - A sign flush to the exterior surface of a building, applied directly on the building, in a window or a signboard attached flush to the building, projecting no more than six inches from the building surface and not projecting above the roof. However, light sources aimed at the wall sign may project further.

SITE - The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure. A site may encompass more than one lot or parcel.

SITE DUSTURBANCE ACTIVITY – Any action that results in a cutting of the natural soil grade, creation of an unnatural soil fill, or movement of a significant natural landscape feature. Such activity may include, but is not limited to the following activities: digging, trenching, filling, drilling, grading or clearing.

SLOPE CALCULATION ANALYSIS – A detailed study of the topography and slope of a development site, parcel or property. The study shall include a detailed graphic showing all slope areas on the site utilizing the methodologies established in this Ordinance and shall be composed of graphic, numerical, and narrative information.

SMOKE- To inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

SPECIAL EVENT- The temporary use of private property or any public street, park or other public facilities, for events that extend beyond the standard uses allowed by the Zoning Ordinance for that location, including, but not limited to, carnivals, circuses, revivals, rodeos, swap meets, sporting events, music festivals, pageants, parades, art and cultural events, entertainment events, public assemblies, and similar activities.

SPECIFIED ANATOMICAL AREAS – Includes any of the following:

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

SPECIFIED SEXUAL ACTIVITIES- Includes any one of the following:

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

SPILL SLOPE – Earth or other material that is pushed or allowed to fall, flow or run down a slope as a result of excavation activities or the natural process of erosion to change the natural appearance and topography of the site.

STABILIZATION - The act or process of applying measures designed to re-establish a weather-resistant enclosure and the structural stability of unsafe or deteriorated property while maintaining the essential form as it exists at present.

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

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

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

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

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

STRUCTURE- Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but not limited to buildings, fences, walls, signs, bridges, utility facilities, communication towers, and recreational facilities.

SUBDIVISION, CLUSTER - A subdivision of land in which the number of lots would not exceed the total subdivision area divided by the minimum lot size for a conventional subdivision in the applicable zoning district, but minimum lot sizes may be reduced to a smaller size specified in the zone's development standards, if the subdivision plat permanently reserves a specified proportion of the subdivision for Natural Open Space, as described in this Ordinance.

SUBDIVISION, CONVENTIONAL - A subdivision of land in which each lot meets the minimum lot size required by this Ordinance's development standards or by a Master Development Plan approved in conjunction with a Planned Area Development.

SUBDIVISION OF LAND- See A.R.S. 9-463.

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

TEMPORARY USE - A use established for a fixed period with the intent to discontinue such use upon the expiration of such period. Such uses do not involve the construction or alteration of any permanent structure or site features.

TINY HOUSE - A building or vehicle designed for permanent or temporary residential use with a floor area no greater than 400 square feet excluding any loft area, built off-site or on-site.

TOTAL OUTDOOR LIGHT OUTPUT – The maximum total amount of light, measured in lumens, from all outdoor light fixtures on a property. For lamp types that vary in their output as they age (such as high-pressure sodium and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.

TRANSLUCENT – Light is transmitted from the internal illumination source.

TRAVEL TRAILER – A portable structure without motive power, with wheels built on a chassis, designed as a temporary dwelling for travel, recreation and vacation purposes, having a body width not exceeding eight feet and its body length not exceeding 32 feet.

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

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

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

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

VARIANCE - See A.R.S. 9-462 and Section 306.

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

WALL, RETAINING – A wall used to retain material but not to support or to provide a foundation or wall for a building.

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

WATT – The unit of measure used to indicate the electrical power consumption (not the light output) of a lamp.

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

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

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

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

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

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

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

ZONING ADMINISTRATOR- See Section 108. Same as “Planning and Zoning Administrator” and “Community Development Director.”

Approved 05/20/2025 Ordinance No.762