

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 or 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 or 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 TRESPASS – 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 unlimbered, 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."

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