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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 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:

<b>Animal Type</b>	<b>Quantity</b>	<b>Zoning District</b>
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:

<b>Receiving Land Use</b>	<b>Maximum Sound Level, d(B)A</b>	
	<b>7 AM – 10 PM</b>	<b>10 PM – 7 AM</b>
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  $\pm 0.3$  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 Ringlemann 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