

CHAPTER 14 - ZONING CODE

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Article 14-1 SCOPE AND PURPOSE

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Section 14-1-1 Title

This Chapter shall be known as and be cited as the "City of Globe Zoning Code". All references to "this ordinance", "this code", or "zoning ordinance" in "this chapter" or other such wording shall mean the provisions of Chapter 14 and all provisions, appendices and/or maps incorporated herein.¹

Section 14-1-2 Purpose and Application

- A. The purpose of this Chapter and the intent of its application is to provide the minimum requirements for the implementation of the General Plan; promote the public interest, health, comfort, safety, convenience, and general welfare; and provide for adequate light and air and avoidance of overcrowding of land and excessive concentration of population by establishing land use classifications, imposing regulations on the use of land and on the location, height and bulk of buildings and structures; and establishing standards for design and development.
- B. This Chapter establishes procedures, offices, boards, and commissions for the enforcement, interpretation, and processing of amendments, variances, Special and Conditional Use Permits, and appeals and for violations and penalties for infractions of these zoning regulations.
- C. It is not the intention of this Chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those zoning and building ordinances specifically repealed by the adoption of this Chapter.
- D. All buildings, structures, and uses of land, constructed or developed, shall be subject to all provisions of this Chapter.
- E. All changes to distinguishing traits or primary features or the use of a building or land, as evidenced by increased parking requirements, change of occupancy, change of outside storage, or other features, occurring to existing properties

¹ **Editor's Notes:** A.R.S. 9-462 et seq. Zoning enabling statutes. This version of the zoning code was first adopted by and through Ordinance No. 691 (1998)

after the effective date of this Chapter shall be subject to all provisions of this Chapter. The use of a building or land shall refer to the primary or specific purpose for which the building or land is occupied, designed, intended, or maintained.

Section 14-1-3 Non-Conforming Uses, Buildings, Structures, and Sites

Subject to the restrictions contained in this section the use of any land, building or structure existing at the time of the enactment of the original adopting ordinance (June, 1998) may be continued even though such use does not conform with the provisions of this Chapter for the zoning district in which it is located, such use shall be referred to as a "non-conforming" use.

A. Expansion

A non-conforming use shall neither be expanded nor extended to displace a conforming use; but the extension of a lawful use to any portion of a non-conforming building which existed prior to the original enactment of this ordinance shall not be deemed the extension of such non-conforming use.

B. Change

1. Once changed to a conforming use, no building or lands shall be permitted to revert to a non-conforming use.
2. A non-conforming use may be changed to a use of the same or more restrictive classification, and when so changed to a more restrictive classification, such use thereafter shall not be changed to a less restrictive classification.
3. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

C. Abandonment

Whenever a non-conforming use has been discontinued for a period of six (6) months, such use shall not thereafter be re-established, and any further uses shall be in conformity with the provisions of this Chapter.

D. Prohibited Uses

Notwithstanding any other provisions of this Chapter, any automobile wrecking yard, other junk yard, any billboard, non-conforming sign, or advertising structure in existence in any residential district at the date of original enactment of this zoning ordinance shall at the expiration of three (3) years from such date become a prohibited and unlawful use and shall be discontinued.

E. Reconstruction

1. Except as provided in this section, a non-conforming structure may not be reconstructed or structurally altered to an extent exceeding fifty percent (50%) of its cost to rebuild unless said building is changed to a conforming use, and no structure damaged by fire or other cause to the extent of more than fifty percent (50%) of its reproduction value shall be repaired or rebuilt except in conformity with the regulations of this Chapter.
 - a. Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
 - b. If the non-conforming structure is a manufactured, mobile, or modular home said structure may be replaced with a manufactured or modular home provided site plan approval is obtained in compliance with Section 14-9-5 and all installation and construction is completed in strict compliance with the requirements of Section 14-5-5.

F. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit, and which the entire building shall be completed according to such plans as filed within one (1) year from date of the original adoption of the Globe Zoning Code (June, 1998).

G. Lands which, for reason of law, change in ownership or for any other reason, come under the authority of the City of Globe shall be subject to the following:

1. All property annexed into the City of Globe shall continue to be zoned within the County until rezoned pursuant to the requirements of Arizona Revised Statutes within six (6) months of said annexation.
 - a. Any use or activity conducted contrary to County zoning regulation at the effective date of annexation and not constituting a non-conforming use under the County zoning regulations shall not be considered a non-conforming use hereunder and the continuance thereof shall constitute a violation of this chapter.
 - b. Any use, activity or structure, that are existing at the effective date of annexation, under a Gila County Use Permit with a time limit imposed, shall not be a non-conforming use hereunder, but may continue for the extent of the time limits.

- c. The physical plant, buildings and land, devoted to any use which is permitted only after securing a use permit under the terms of this Chapter may be enlarged or extended only after securing a new Use Permit from the City.
- H. Gila County Building or Use Permits, legally issued not more than sixty (60) days prior to the effective date of annexation, shall be honored by the Building Official within sixty (60) days after the effective date of annexation who shall issue a City building permit when construction details conform to all pertinent City construction codes and construction ordinances and pertinent County Zoning regulations in effect at the time the County Permit was issued. The amount of the fee paid for the County Permit shall apply on the City Permit and the balance only must be paid before a City Permit is issued.
- 1. Buildings legally under construction with a Building or Use Permit, issued by Gila County prior to the effective date of annexation, and the exterior walls of which have been completed to the plat line or beyond, shall not be required to secure a City building permit but the City shall require that buildings shall be structurally safe and conform to pertinent County Zoning regulation in effect at the time the County permit was issued.
 - 2. Buildings under construction on the effective date of annexation which are completed to a lesser degree than above, shall be required to secure a City building permit, and from the effective date of annexation, all construction shall conform to the pertinent City construction ordinance, and conform to pertinent County Zoning regulations in effect at the time the permit was issued.

Section 14-1-4 Interpretation

- A. The standards and restrictions established by this Chapter shall be the minimum requirements for zoning procedures, standards, enforcement, fees, administration, restrictions, uses, variances, and all other areas addressed herein.
- B. In the event any provision of this Chapter and any other ordinance, rule, or regulation impose overlapping or contradictory regulations, the provision or ordinance which imposes higher standards or requirements, or which is more restrictive, shall govern, so that in all cases the most restrictive provision shall apply.

Section 14-1-5 Applicability, Exceptions

- A. General Applicability: This Chapter shall govern the development and the use of land and structures within the corporate limits of the City. Except for property owned and operated by the City or other governmental entity, no building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed, and no permit shall be issued for any building, structure, or

land, unless it is in conformity with all applicable provisions of this Chapter.

- B. Exceptions: The following exceptions shall apply but must be strictly construed.
1. All projects having received Building Permits prior to June 14, 1998 shall be permitted to start construction under the regulations in effect when such permit was issued for a period of six (6) months from said date. Once started, those projects proceeding with all due diligence shall be allowed to continue to proceed under the regulations under which they were approved.
 2. All conditional uses which have been approved, shall be permitted to proceed under such approvals, provided that the person or persons who obtained such conditional uses have also obtained Building Permits for all buildings to be constructed and completed all construction within twelve (12) months of the approval of such conditional use.
 3. Any addition to or expansion of a permitted conditional use described in paragraph 2 of this subsection shall be permitted only in accordance with the procedures prescribed by this Chapter for a new conditional use. Any change of a permitted conditional use to a new use shall be permitted only if this Chapter classifies the new use as a permitted use or a conditional use in the applicable Zoning District and only in accordance with the approval procedures set forth in this Chapter.

Section 14-1-6 Violations and Penalties

- A. It is unlawful to construct, erect, install, alter, change, maintain, use, or permit the construction, erection, installation, alteration, change, maintenance, or use of any building, structure, or land contrary to or in violation of any provision of this Chapter or of any provision designated as a condition of approval either by the plan review process or through an amendment, conditional use permit, variance, site plan, design review, or appeal by an office, board, commission, or the City Council as established by this Chapter.
- B. Any person, firm, or corporation violating any provision of this Chapter shall be punishable as provided in Section 1-5-1(A) of this code.

Article 14-2 ADMINISTRATION

- Section 14-2-1 City Council
- Section 14-2-2 Planning and Zoning Commission
- Section 14-2-3 Board of Adjustment
- Section 14-2-4 Globe Preservation Advisory Commission
- Section 14-2-5 Zoning Administrator
- Section 14-2-6 Appeals Procedure for Required Dedication or Exaction
- Section 14-2-7 Non-Waiver and Disclaimer of Liability

Section 14-2-1 City Council

The Mayor and City Council shall have the following powers and duties under this Chapter:

- A. To adopt, review, and amend the General Plan for the City and such other plans as it may deem necessary and appropriate to fulfill the purposes of this Chapter.
- B. To hear, review and consider recommendations of the Planning and Zoning Commission in accordance with the provisions of this Chapter.
- C. To hear, review and approve tentative subdivision plats after receiving the recommendation from the Planning and Zoning Commission, in accordance with the provisions of this Chapter.
- D. To hear, review and adopt amendments to the Zoning District Map after recommendation by the Planning and Zoning Commission in accordance with the provisions of this Chapter.
- E. To hear, review and adopt amendments to the text of this Chapter after the recommendation by the Planning and Zoning Commission, in accordance with the provisions of this Chapter.
- F. To take such other action as the City Council may deem desirable and necessary to implement the provisions of this Chapter and any General Plan adopted by the City Council.
- G. Exercise the power to enforce the provisions of this Chapter through its representatives and agents.

Section 14-2-2 Planning and Zoning Commission

- A. Establishment and Purpose.² There is hereby created a Planning and Zoning Commission for the purpose of promoting the health, safety, order, beauty, prosperity and general welfare of the City; and for securing efficiency, economy and concerted effort in the growth and development of the City; and for

² **Editor's Notes:** State law reference - Planning Commission; creation; A.R.S. 9-461.02

exercising such powers as are granted by this Chapter and Arizona Revised Statutes Sections 9-461 through 9-462.08, as same may be amended from time to time.

- B. Membership. The Commission shall consist of seven (7) members who shall be appointed by the Mayor with the approval of the City Council. All members shall be residents of the City of Globe.³

- C. Term of Office. The term of office of members of the Commission shall be four (4) years. All members of the Commission shall hold office until their successors are appointed by the Mayor and approved by the City Council. Any member of the Commission may be removed from office on grounds of inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause by a majority vote of the City Council. If any member shall leave office prior to the expiration of his/her term for any reason, the Mayor, with the approval of the City Council, shall appoint a new member to the Commission for the duration of the unexpired term.

- D. Organization:
 - 1. Officers. The Commission shall elect a chairperson and vice-chairperson from the members of the Commission at the first meeting held in each calendar year. The City Manager shall assign a secretary to the Commission who shall record the minutes of public hearings, take roll at meetings of the Commission, report Commission findings and recommendations to the City Council, record the votes of members of the Commission, and provide such other information as the City Council may request.

 - 2. Meetings. The Commission shall hold at least one (1) regular meeting each quarter at such time and place as may be fixed by the Chairperson of Commission. Special meetings of the Commission may be called by the chairperson or upon written request signed by any three (3) members of the Commission or City Administration. All meetings shall be in compliance with the open meeting law.

 - 3. Quorum. A majority of the Commission shall constitute a quorum for the transaction of business.

 - 4. Rules and Regulations. The Commission shall adopt such other rules and regulations governing its organization and procedures as it may deem necessary, except that such rules and regulations shall not be inconsistent with the ordinances of the City or the laws of the State of Arizona.

³ Editor's Notes: Originally amended and adopted by and through Ordinance No. 826, 07/22/14

E. Duties. In addition to any authority granted to the Planning and Zoning Commission by Arizona law, other ordinances of the City or by this Chapter, the Planning and Zoning Commission shall have the following powers and duties:

1. To hold public hearings when necessary and make recommendations to the City Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations governing in said districts, the amendment of this Chapter, and any other matter within the scope of the zoning power. The Commission shall act as an advisory board to the City Council on land use and zoning matters and is authorized to confer with other advisory committees or commissions of the City.
2. To administer oaths and take evidence and to keep a record of its resolutions, transactions, findings and determinations. The Commission's record shall be a public record.
3. To report to the Mayor and City Council the Commission's proceedings each year at such time as directed by the Mayor, with a full statement of the Commission's receipts, disbursements and the progress of its work during the preceding fiscal year.
4. To review and dispose of applications for conditional use permits pursuant the provisions of this Chapter.
5. To adopt, with the consent of the Mayor and Council, all rules and procedures necessary or convenient for the conduct of the Commission's business consistent with the provisions of this Chapter and Arizona law.
6. To initiate, hear, review and make recommendations to the City Council regarding applications for amendments to the General Plan or any other such plan, in accordance with the provisions of this Chapter.
7. To serve as an advisory body to the City Council and to furnish to the Council, through its secretary, the facts concerning any report or recommendation on matters brought before the Commission.
8. To make its special knowledge and expertise available, upon reasonable written request and authorization of the City Council, to any official, department, board, commission or agency of the State or the Federal government.
9. To initiate, hear and review applications for amendments to the Zoning District Map, in accordance with the provisions state statutes and this Chapter.
10. To initiate, hear, and review applications for amendments to the text of this Chapter.

11. To confer with and advise other similar city planning commissions or county planning commissions.
12. To make investigations, reports, and recommendations regarding the physical development of the City.
13. To review develop and make recommendation to the Mayor and Council, on a comprehensive general plan for the development of the City and for any land outside the City which, in the opinion of the Commission, is substantially related to the planning of the City.
14. To hear, review and make recommendations to the City Council regarding tentative subdivision plats, in accordance with the provisions of this code.
15. To make recommendations to the City Council concerning programs for the improvements and financing of public works.
16. To review and recommend to the City Council a Zoning District Map dividing the City into districts of the number, shape, and area that the Commission deems best suited to carry out the purposes and provisions of this Chapter.

F. Compensation. The members of the Commission shall serve without compensation.

Section 14-2-3 Board of Adjustment

- A. Establishment and Purpose.⁴ There is hereby created a Board of Adjustment for the purpose of hearing and deciding appeals from the decisions of the Zoning Administrator, and for exercising such other powers as may be granted by this Chapter, including but not limited to, the power to decide applications for variances from the terms of this Chapter, and other powers prescribed for boards of adjustment pursuant to Arizona Law.
- B. Membership. The Board shall consist of a minimum of five (5) and not to exceed seven (7) members who shall be appointed by the Mayor with the approval of the City Council. All members shall be residents of the City of Globe. In lieu of appointing a Board of Adjustment, the Mayor, with the consent of the City Council, may establish the City Council as the Board of Adjustment. The members of the Board shall serve without compensation.⁵
- C. Term of Office. Whenever the City Council is not serving as the Board, the term

⁴ Editor's Notes: State law reference – Board of Adjustment A.R.S. 9-462.06

⁵ Editor's Notes: Originally amended and adopted by and through Ordinance No. 826, 07/22/14

of office of the members of the Board shall be four (4) years, staggered terms. With the consent of a majority vote of the City Council, the Mayor may remove a member of the Board from that member's position on the Board for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. If, for any reason a Board member's position shall become vacant prior to the expiration of that Board member's term of office, the Mayor, with the consent of the City Council, shall appoint a new member to fill the vacancy for the duration of the unexpired term.

D. Organization of Board of Adjustment.

1. Chairpersons. The Board shall elect a chairperson and a vice-chairperson from the members of the Board at the first meeting held in each calendar year.
2. Secretary. The City Manager shall assign a secretary to the Board. The secretary shall keep minutes of all Board proceedings, record the vote of each member upon each question voted upon by the Board, or the absence of members, or the member's failure to vote, if such is the case, and shall keep records of the examinations of the Board and other official actions, and shall file such records in the office of the Board as a public record.
3. Meetings. The chairperson shall call a meeting of the Board to decide all appeals of zoning matters and to perform any and all other duties of the Board. The Board shall meet at any other times that the Board may prescribe. All meetings of the Board shall be in compliance with Arizona Open Meeting Law.
4. Rules and Procedures. The Board shall adopt and publish rules and procedures necessary or convenient for the conduct of its business. The acting chairperson may administer oaths and compel the attendance of witnesses, in accordance with the laws of the State of Arizona.

E. Duties. In addition to any authority granted to the Board of Adjustment by State law, the Board shall have the following powers and duties:

1. To perform all of the duties required of a Board of Adjustment pursuant to Arizona law and this Chapter and to hear and decide all matters referred to the Board by the Zoning Administrator.
2. To adopt rules and by-laws to govern the organization and conduct of meetings of the Board consistent with this Chapter and the laws of the State of Arizona.
3. To hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of this Chapter. This power shall include the power to

reverse or affirm, wholly or in part the order, requirement, or decision of the Zoning Administrator.

4. To hear and decide requests for variances from the terms of this Chapter, only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of this Chapter will deprive such property of privileges enjoyed by other property of the same classification in the zoning district in which the property is located. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which such property is located.
5. To hear and decide appeals in which it is alleged that an error exists in any order, requirement, decision or determination made by any administrative official of the City in the enforcement of this Chapter.
6. To reverse, affirm, or modify, wholly or partly, any order, requirement or decision of the Zoning Administrator properly appealed to the board, and make such order, requirement, decision or determination as is necessary.
7. To adopt all rules and procedures necessary or convenient for the conduct of the business of the Board consistent with the provisions of this Chapter and Arizona law.
8. To vary or adjust the strict application of the provisions of this Chapter in the case of an irregular, narrow, shallow, or steep lot or other physical condition applying to a lot or building as a result of which a strict application of the provisions of this Chapter would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. Any such variance granted shall be granted according to the requirements provided in §14-9-4 and procedures established by or pursuant to this code. Variances may be granted only for hardships related to the physical characteristics of land. Variances to this Chapter related to permitted, accessory and/or conditional uses in any district shall not be allowed. No variance or adjustment in the strict application of any provision of this Chapter may be granted unless:
 - a. Special circumstances or conditions, further described in the Board's findings, are peculiar to the land or building for which the variance or adjustment is sought and do not apply generally to land or buildings in the same zoning district and have not resulted from any act of the applicant subsequent to June 1998.
 - b. For reasons fully set forth in the Board's finding, the circumstances or conditions are such that the strict application of the provisions of

this Chapter would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use of the land or building, and the variance or adjustment, as granted, is the minimum adjustment that will accomplish this purpose; and

- c. The granting of the adjustment is in harmony with the general purpose and intent of this Chapter and any general plan of development adopted by the City prior to the date the variance or adjustment is granted, and the granting of the adjustment will not be injurious to the neighborhood, the purpose of the Zoning District or otherwise detrimental to the public welfare.
9. The Board shall prescribe in connection with any variance such conditions as the Board may deem necessary in order to fully carry out the provisions and intent of this Chapter.
 10. To grant exceptions and variances upon request where, after a showing that an illegal construction or a non-conforming building or use existed for a period of at least five (5) years, in violation of this Ordinance or previous zoning ordinances of the City and the City, with knowledge of the existence of the condition, has not employed any of the enforcement mechanisms prescribed by this Ordinance, with respect to the condition.
- F. Appeals to the Board of Adjustment. Appeals to the Board shall be made in the manner set forth in Section 14-9-7 of this Chapter.
- G. Appeals of Board of Adjustment Decision.
1. A person aggrieved by a decision of the Board or an officer or department of the City of Globe affected by a decision of the Board may at any time within thirty (30) days after the Board has rendered its decision, file a complaint for special action in Superior Court to review the Board decision. The court review shall be in conformance with the rules of special action adopted by the Arizona Supreme Court.

Section 14-2-4 Globe Preservation Advisory Commission

- A. Establishment and Purpose. There is hereby created a committee to be known as the Globe Preservation Advisory Commission, which shall:
1. Act as an advisory commission to the Mayor and Common Council of the City of Globe in the matter of the designation of sites, districts, and structures within the City limits as archaeologically and/or historically significant;
 2. Review the design for alterations to designated structures and new construction within designated districts;

3. Recommend the approval or denial of building permits for proposed alteration or new construction following said review.
- B. Membership. The Globe Preservation Advisory Commission shall consist of no fewer than five (5) nor more than nine (9) members who shall be appointed by the Mayor with the consent of the Council.
- C. Term of Office. Each member shall serve for a term of three (3) years, except that two of the initial members shall be designated upon appointment to serve a first term of two (2) years, and two of the initial members shall be designated to serve a first term of four (4) years.
- D. Qualifications. Members shall meet the following qualifications:
1. All members shall have demonstrated interest and/or experience in or knowledge of the history of the community and the preservation of its historic and prehistoric past.
 2. Whenever feasible, at least one (1) member should be an architect, architectural designer, or planner with a demonstrated interest in the preservation of historic structures.
 3. Whenever feasible, at least one (1) member should be a licensed building contractor or journeyman building trades craftsman with demonstrated interest in the techniques involved in the preservation of historic structures.
 4. Whenever feasible, at least one (1) member shall also be a member of the Gila County Historical Society.
 5. Whenever feasible, at least one (1) member shall be the owner of a designated site or structure within a designated district.
 6. At least one-half ($\frac{1}{2}$) the members of the Commission shall reside within the corporate limits of the City of Globe.
 7. The Mayor shall serve as an ex-officio member of the Commission. The Mayor may designate a member of the Council or City staff to serve in his/her absence.
 8. Members may be removed from the Commission for cause or for failure to attend the required meetings of the Commission without adequate notification to the Chairperson. Vacancies occurring on the Commission due to the resignation or removal of members shall be filled within sixty (60) days.
- E. Organization of Globe Preservation Advisory Commission.

1. Chairpersons. At its initial meeting, the Commission shall elect a Chairperson and such other officers as it deems useful, except that the office of Secretary shall be filled by an appointment of the Chairperson.
2. Meetings. The Commission shall meet annually within fourteen (14) days of the anniversary of its initial meeting, at which time it shall elect a Chairperson and officers for the ensuing year. Thereafter, the Commission shall meet a minimum of once each quarter and at other times at the direction of the Council or call of the Chairperson, or at the request of any two duly appointed members. Meetings of the Commission shall be duly noticed and open to the public, in compliance with the Arizona Open Meeting Laws.
3. Rules and Regulations. The Commission shall adopt rules for the conduct of its business and may, in such rules, delegate certain responsibilities to individual members or subcommittees within the Commission. Such rules shall be a matter of public record.
4. Quorum. A majority of the Commission shall constitute a quorum for the transaction of business.

F. Duties.

1. The Commission shall advise the Mayor and Council in all matters concerning archeological and historical structures, sites, and districts, and in this regard, it:
 - a. May recommend to the Mayor and Council changes in this Chapter, the Building Code, or other ordinances and regulations, as may enhance the purposes of this Article.
 - b. May recommend to the Mayor and Council acquisition by the City of structures, sites, or easements for maintenance or repair for preservation purposes where private preservation is not feasible.
 - c. Shall initiate and conduct, in a methodical manner, detailed studies and surveys of that entire area located within the boundaries of the Globe City Limits in an effort to identify, inventory, and recommend designation for all those structures, sites, and districts of archeological and/or historic significant found within said boundaries, with the understanding, however, that the Commission may not engage consultants or incur costs related to such studies and/or surveys without the prior consent of the Council.
2. The Commission shall review all applications for designation and nominations to the National Register of Historic Places, and make recommendations for approval or denial to the Mayor and Council.

3. The Commission shall recommend to the Mayor and Council the approval or denial of building permits for the alteration of designated structures or contributing structures within designated districts or for new construction within designated districts, and shall also recommend approval or denial of permits to demolish designated structures or contributing structures within designated districts in accordance with those procedures herein set forth.
4. The Commission shall work in close cooperation with the State Historic Preservation Office under the directives of 36 CFR 614(B), as may be amended from time to time, and any other applicable codes and shall prepare an annual report of its activities to be submitted to the Mayor and Council and the State Historic Preservation office.
5. The Commission may, with the consent of the Mayor and Council, engage such consultants and advisors as it deems necessary to assist and advise it in carrying out its assigned duties.

G. Compensation. Members shall serve without compensation.

Section 14-2-5 Zoning Administrator

- A. Establishment and Purpose.⁶ The staff position of Zoning Administrator is hereby created for the general and specific administration of this Chapter. The Zoning Administrator shall possess all powers of a Zoning Administrator under this Chapter and Arizona Law and shall perform such duties as are set forth. During any period that the position of Zoning Administrator is vacant, the City Manager or designee shall perform the duties of, and possess the powers of, the Zoning Administrator.
- B. Duties of the Zoning Administrator. The Zoning Administrator shall have the following duties:
 1. To establish rules, procedures and forms to provide for processing of applications or requests for action under the provisions of this Chapter.
 2. Accomplish all administrative actions required by this chapter, including the giving of notice, scheduling of hearings, preparation or reports, receiving and processing appeals, the acceptance and accounting of fees, and the rejection or approval of site plans as provided in Section 14-9-5 hereof.
 3. To provide advice and recommendations to the Planning and Zoning Commission the Board of Adjustment and the City Council with respect to

⁶ Editor's Notes: State law reference – Planning Department A.R.S. 9-461.03

applications and requests for approvals and permits required by this Chapter.

4. To direct such inspections, observations and analysis of any and all erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the City as is necessary to fulfill the purposes and procedures set forth in this Chapter. No building shall be occupied until such time as the zoning administrator has issued a certificate of occupancy certifying compliance with this Chapter.
 5. To take such action as is necessary for the enforcement of this Chapter with respect to any violations hereof.
 6. Interpret the Zoning Code to the public, City departments, and other branches of government.
 7. Undertake preliminary discussions with, and provide non-legal advice to, applicants requesting zoning adjustment action.
 9. Prescribe in connection with any Minor Site Plan approval such conditions as deemed necessary in order to fully carry out the provisions and intent of this code.
 10. Determine the location of any district boundary shown on the Zoning Map adopted when such location is in dispute.
- C. To allow an opportunity for staff input and proper evaluation, all requests for action by the Planning and Zoning Commission or Board of Adjustment shall be filed with the Zoning Administrator in a form required by the Zoning Administrator and in a manner provided in this Chapter or in rules or regulations approved pursuant to this code.
- D. The Zoning Administrator shall not make any changes in the uses permitted in any zoning classification or zoning district or make any changes in the terms of the Zoning Code, provided that the restriction in this paragraph shall not affect the authority to grant variances properly approved by the Board of Adjustment in accordance herewith.
- E. Any person aggrieved by a decision of the Zoning Administrator may appeal said decision to the Board of Adjustment within a period of twenty (20) days from the date said decision is made in the manner specified in Section 14-~~10~~9-7 of this Ordinance.
1. Notice shall be deemed received when actually mailed to the aggrieved person at the address provided or when notice of the action is placed upon the property.

Section 14-2-5 Appeals Procedure for Required Dedication or Exaction

- A. Should an administrative agency or official of the City require a property owner to complete a dedication or exaction as a condition of approving an application for use, improvement, or development of the owner's real property, said owner may appeal such decision in accordance with Article 14-11.
- B. The provisions of this Section shall not apply to a dedication or exaction required in a legislative act of the City Council which does not give discretion to an administrative agency or official to determine the nature or extent of the dedication or exaction.

Section 14-2-6 Non-Waiver and Disclaimer of Liability

No person or entity shall be relieved from responsibility for violations of this Chapter or for damages resulting from such violations by the failure of any person charged with the administration or enforcement of this Chapter to observe or recognize said violations. This Chapter is not intended to confer, and shall not be construed to confer, any claim or action for civil damages against any person charged with its administration or enforcement for any failure to observe or recognize violations of, or to enforce the provisions of, this Chapter.

Article 14-3 DEFINITIONS

For the purpose of this Chapter, certain terms and words are hereby defined, though some sections define terms specific to that particular section. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular; the word "building" shall include the word "structure," the word "lot" shall include the word "plot"; the word "may" is permissive, and the word "shall" is mandatory; further, the word "or" shall mean "either" and the word "and" shall mean "in conjunction with". Zone shall mean district. The following additional words and phrases shall, for the purpose of this Chapter, have the following meanings:

Access or Access Way: Shall mean 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 code.

Accessory Building: Shall mean a subordinate building or portion of the main building on the same lot or building site, the use of which is incidental to that of the main building and which is used exclusively by the occupants of the main buildings or their non-paying guests or employees.

Accessory Structures for Manufactured Homes and Park Model Recreational Home: Storage buildings, decks, awnings, patios and similar structures. Patio enclosures which may include window screens, knee walls, and other partial enclosures as specified in the Building Code which are intended for sheltered recreation area, and not

intended to be used as sleeping rooms or liveable area.

Accessory Use: Shall mean a use customarily incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or building or adversely affect other properties in the district.

Addition: Shall mean an extension or increase in floor area or height of a building or structure.

Adjoining Lot or Land: Shall mean a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

Affected Property: Shall mean the proposed site of rezoning including rights-of-way to centerline.

Alley: Shall mean a way dedicated to the public which affords a secondary means of access to contiguous property.

Alteration: Shall mean a change in construction or a change in occupancy. Where the term of alteration is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another. When the term is used in connection with a historic building, structure or object, it is intended to apply to any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amendment: Shall mean a change in the wording, context, or substance of this Chapter, an addition or deletion, or a change in the district boundaries or classifications upon the district map, which imposes any regulation not heretofore imposed or removed or modifies any such regulation theretofore imposed.

Analogous Use: Shall mean any use which is comparable to the permitted uses, is similar in one or more important ways to the permitted uses or resembles the permitted uses in one or more aspects. Analogous uses shall not be anymore deleterious, obnoxious or harmful than the uses permitted.

Archaeologically Significant: A site which has revealed or has the potential of revealing important information regarding the lifestyles of prehistoric peoples and/or cultures which occupied the City and surrounding region in prehistoric and historic times.

Buildable Area: Shall mean the net portion of the lot remaining after deducting all required yards from the gross area of a lot or building site.

Building: Shall mean any structure having a roof supported by columns or walls and

originally or presently intended for the shelter, housing, or enclosure of any individual, animal, chattels, process, equipment, goods, property, or materials of any kind. Each portion of a building separated by dividing wall or walls without openings may be deemed a separate building for the purpose of issuing building permits. This does not include dog houses, play houses, etc.

Building Height of: Shall mean the vertical distance from the grade to the highest point of the coping of a flat roof, or to the highest point of a mansard roof, or to the highest gable of a pitch or hip roof.

Building Permit: Shall mean written permission issued by the Building Office for the construction, repair, alteration, or addition to a building or structure.

Building Site: Shall mean the ground area of a building or buildings together with all open spaces adjacent thereto as required by this code.

Carport: Shall mean an accessory building, attached or detached, or portion of a main building with two (2) or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

City: Shall mean the City of Globe, Arizona.

Collector Streets: Shall mean a street that collects traffic from several smaller streets within a residential neighborhood. It should serve as a major access from a neighborhood to an arterial street or highway.

Communication Tower: A free-standing or building mounted structure, including appurtenances and antennae, intended for airway communication purposes, such as a television antenna, cellular phone tower, HAM radio tower and satellite dish.

Conditional Use: Shall mean a use permitted in any particular zoning district only upon a showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Chapter.

Continuity: The state or quality of being in order, forming a continuous whole.

Contributing Structure: Any structure located within a Designated HP District which, when evaluated separately, would substantially meet the criteria for individual designation.

Conventional Construction: Shall mean a structure or dwelling constructed on the site by craftsmen utilizing materials delivered to the site. Said structure shall consist of footings and foundations poured in place and solidly attached to the walls. Roofing materials, interior and exterior finishes shall be applied on the site. All construction shall be in conformance with all city codes in force at the time of construction.

Demolish: When the term is used in connection with a historic building, structure or object, it means to pull down or tear down a structure without regard to maintaining the

visual or structural integrity of its various components.

Designation: When the term is used in connection with a historic building, structure or object, it means the process through which a site, structure, objects or district is officially recognized as worthy of preservation.

District: Shall mean any zone as shown on the zoning map of the City of Globe for which there are uniform regulations governing the use of buildings and premises or the height and area of buildings.

Dwelling, Duplex: Shall mean a building containing only two (2) dwelling units.

Dwelling, Multiple: Shall mean a building or portion thereof containing three (3) or more dwelling units.

Dwelling, One-Family: Shall mean a building containing only a single dwelling unit.

Dwelling Unit: Shall mean an enclosed space providing complete independent living facilities for a family including, permanent provisions for living, sleeping, eating, cooking, and sanitation.

Family: Shall mean any number of individuals related by blood or marriage or not more than five (5) unrelated persons customarily living together as a single housekeeping unit, and using common cooking, facilities, as distinguished from a group occupying a hotel or club. A family shall be deemed to include domestic servants.

Fence: A freestanding structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

Frontage: Shall mean that portion of a parcel of property which abuts a public street.

Garage, Private: Shall mean an accessory building or portion of the main building designed or used for the shelter or storage of self-propelled vehicles owned or operated by the occupants of the main building.

Grade: Shall mean elevations for purposes of height limitations shall be measured from natural grade. Natural grade shall be the natural and original ground level. It shall be determined from an original topography or, in case grading or filling has been performed, from the level of adjoining streets, or sidewalks. Wherever a building or wall is constructed adjoining a street, the grade shall be measured from the back of the sidewalk or, in case there is no sidewalk, then either from the center of the paving or the street.

Harmony: Possessing characteristics aesthetically similar to the surrounding built environment.

Historically Significant: A site, structure, object, place, view, or district which

exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural past; which embodies distinguishing characteristics of a style, period, method of construction, or development or serves as a valuable example of the use of indigenous materials or craftsmanship in the City's history; which represents the notable work of a master builder, designer, or architect; which represents a rare building type, style, design, or indigenous building form; or which is identifiable with a person or event significant in local, state, or national history.

Historic Preservation (HP) District: An area within the city consisting of either seven (7) or more properties, whether or not separated by a street, or total cumulative street frontage of three hundred (300) feet, but in no case fewer than four (4) properties, constructed or occupied prior to 1935, and united by an association with past events in the City's history, common architectural heritage, or possessing cultural, aesthetic, or educational value.

Home Occupation: Shall mean a business activity carried on by the occupant of a dwelling as a secondary use, including professional and semi-professional offices, when conducted and entered from within the dwelling. In connection with said business activity there can be no sale of stock-in-trade upon the premises. No more than one non-resident of the premises can be employed and no more than one-fourth (1/4) of the floor area of one story of the main building or a detached home workshop of not more than four hundred (400) square feet in area can be used for such home occupation; and provided that the residential character of the dwelling is not changed by said business use and that such occupation does not cause any sustained, unpleasant or unusual noises or vibrations, or noxious fumes or odors, or cause any parking or traffic congestion in the immediate neighborhood. No signs may be erected or maintained outside said dwelling to advertise any business or occupation.

Inspector: Shall mean Building Inspector or any of his/her Deputy Inspectors.

Linkage: The association or correlation of two (2) or more sites, buildings, structure, or objects because of location, setting, and similarity of time, place and/or other characteristics.

Lot: Shall mean a legally created parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, and uses customarily incident to it, including the open spaces required by this code and having its principal frontage upon a street as defined in this Chapter.

Lot Area: Shall mean the total horizontal area included within the lot lines not including any area in a public way.

Lot, Corner: Shall mean a lot adjoining two (2) or more streets at their intersection.

Lot Coverage: Shall mean that part or percentage of a lot occupied by principal and/or accessory buildings.

Lot, Depth of: Shall mean the mean horizontal distance between the front and rear lot

lines.

Lot, Interior: Shall mean a lot other than a corner lot or key lot.

Lot Line, Front: Shall mean in the case of a lot abutting only one street, the line separating such lot from the street. In the case of a corner or through lot, the owner may elect any street lot line as the front lot line, provided such choice in the opinion of the Zoning Administrator will not be injurious to the existing or desirable future development of adjacent properties.

Lot line, Rear: Shall mean the lot line which is opposite and most distant from the front lot line. The rear lot line of an irregular, triangular lot shall, for the purpose of this Chapter, be a line entirely within the lot at least ten (10) feet long and parallel to and most distant from the front lot line.

Lot Width: Shall mean the mean horizontal width of the lot measured at right angles to the depth.

Lot of Record: Shall mean a lot which is a part of a subdivision, the plat of which has been recorded in the office of the clerk of Gila County Recorder's Office; or parcel of land, the deed of which is recorded in the office of the County Recorder.

Major Alteration: The alteration of any historic designated building or structure costing in excess of fifty percent (50%) of the total value of the structure, involving more than fifty percent (50%) of the floor area or involving modification to twenty-five percent (25%) or more of the facade or exterior. For non-contributing buildings or structures within Designated Historic Districts, modifications involving fifty percent (50%) or more of the facade or exterior.

Manufactured Home: Shall mean a structure that has been certified as a manufactured home by the applicable State of Arizona or United States government agency 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.

Manufactured Homes - Multi-Sectional: Shall mean a multi-sectional manufactured home not exceeding two (2) stories in height and manufactured after June 15, 1976, to standards established by the U.S. Department of Housing Urban Development that when joined form a residence for human occupancy that contains nine hundred forty (940) square feet or more and which is designed to be installed on a permanent foundation system when located on an individual lot of record. A multi-sectional manufactured home shall have roofing and siding materials similar in appearance and kind to those used in site built (conventional) homes.

Manufactured Home Park: Shall mean a tract or parcel of land approved pursuant to this Chapter for placement of manufactured homes used for sleeping or household purposes.

Manufactured Home Space: Shall mean a plot of ground within a manufactured home

park designed for the accommodation of one (1) manufactured home.

Manufactured Home Subdivision: Shall mean a residential subdivision as shown in the records of the Gila County Recorder's Office, designed and approved in accordance with planned area development and subdivision regulations of this code, in which individual ownership of a lot is permitted for the placement of a manufactured home for dwelling unit purposes.

Mobile Home: Shall mean 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 except recreational vehicles and factory-built buildings.

Modular Home/Dwelling/ Structure: Shall mean a "factory built building" a single story commercial building of less than four thousand five hundred (4,500) square foot floor space: a residential building not exceeding two (2) stories in height, a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a mobile home or a manufactured home as defined in this section. Modular Homes shall be placed on a foundation system as per the current building code of the City of Globe

Net Lot Area: Is the area of a lot or parcel excluding all dedicated streets, alleys, roadway or alley easements.

Non-conforming Building: Shall mean a building or portion thereof which was lawful when established but which does not conform to a subsequently established district or district regulations.

Non-conforming Lot: Shall mean a parcel of land having less area, frontage or dimensions than required in the district in which it is located.

Non-conforming Use: Shall mean any building or land lawfully occupied by a use at the time of passage of the original zoning ordinance, June, 1998, or amendment thereto which does not conform after the passage of said ordinance or amendment thereto with the use regulations of the district in which located.

Object: When the term is used in connection with a historic nature, it means a material thing occurring in nature, such as a rock, tree, or geologic feature, but not a structure, that is closely associated with past human events.

Open Space: Shall mean space which can be enjoyed by people. This could include landscaped plazas, grass, desert washes, areas with natural open features, trees, shrubs, fountains, sitting areas, shade structures for pedestrians, etc., and is meant to provide an open garden atmosphere. Open space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.

Ordinary Maintenance and Repair: Regular, customary or usual care, reconstruction or

renewal of any part of an existing building, structure or object, for the purpose of preserving said property and maintaining it in safe and sanitary condition.

Park Model Recreational Home (PM-RH): A park model recreational home unit is defined as a park trailer home 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 three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up. Park model homes shall be manufactured to the standards for park trailers A119.5 of the American Standards Institute Code. A park model recreational home park or subdivision shall not include a recreational vehicle as defined herein.

Park Model Recreational Home Lot: A parcel of land within an approved park model recreational home subdivision, which is shown in the records of the Gila County Recorder's office, and which was designed and intended for the accommodation of one (1) park model recreational vehicle.

Park Model Recreational Home Park: An approved residential development as shown in the records of the City of Globe, in which individual spaces are provided for parking one (1) park model recreational home per space for temporary portable housing purposes, whether or not a charge is made for such accommodation.

Park Model Recreational Home Space: A site within an approved park model recreational home park, which is shown in the records of the City of Globe, and which is designed and intended for the accommodation of one (1) park model recreational home.

Park Model Recreational Home Subdivision: A residential subdivision as shown in the records of the Gila County Recorder's office, designed and approved in accordance with the City of Globe's subdivision regulations, in which individual ownership of a lot is permitted for the placement of a Park model recreational home for temporary portable housing purposes.

Permitted Use: Shall mean a use specifically permitted or a use analogous to those specifically permitted.

Principle Use: Shall mean the Main use to which the premises are devoted and the primary purpose for which the premises exists.

Prohibited Use: Shall mean a use not specifically permitted or a use analogous to those not specifically permitted.

Recreational Vehicle: Shall mean a vehicular type unit which is one of the following:

- (1) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls which 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 travel trailer 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 permit when towed by a motorized vehicle and has a trailer area of less than three hundred twenty (320) square feet and shall include fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers set forth in (A) 114.5 of the American National Standards Institute code.
- (4) 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.

Remove: To move a building, structure, or object from its present location to some other location.

Renovate: To alter an existing building or structure by installing new components with the objective of giving the building or structure a more modern appearance or function.

Restore: To alter an existing building or structure with the objective of replicating its appearance at the time of its original construction.

Sign: Shall mean any visual communications which is used to attract the attention of the public, when the display is visible beyond the boundaries of the property. Refer to Section 14-13 for signage specific terms and definitions.

Significant Alteration: See Major Alteration.

Site: Any plot or parcel of land or combination of contiguous lots or parcels of land.

Structural Alterations: Shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.

Structure: Shall mean any artificial piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground. When the term is used for historical reference, it means a combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Yard: Shall mean an open area at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front: Shall mean an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a corner lot may be either street frontage. Double frontage lots within districts that require front yards shall maintain the required front yard on both streets.

Yard, rear: Shall mean an open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot. The rear yard shall always be opposite the front yard.

Yard, side: Shall mean an open unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side lot line. An interior side yard is defined as the side yard adjacent to a common lot line. An exterior side yard is defined as the side yard adjacent to a private street or public rights-of-way.

Zoning Area: Shall mean, for the purpose of a legal protest, the area of the affected property and the area within one hundred fifty (150) feet of the affected property subject to the proposed change, including all rights-of-way.

Article 14-4 DISTRICTS AND BOUNDARIES

- Section 14-4-1 Establishment of Zoning Districts
- Section 14-4-2 District Boundaries: Zoning Map and Zoning Overlay Map
- Section 14-4-3 Zoning In Newly Annexed Areas

Section 14-4-1 Establishment of Zoning Districts

In order to classify, regulate, restrict and separate the uses of land, buildings and structures and to regulate and to limit the type, height and bulk of buildings and structures and to regulate the areas of yards and open areas around and between the buildings and structures and to regulate the density of growing units, and to otherwise carry out the purpose of this Chapter, the City is hereby divided into the following districts:

A. Open Space District:

OSOpen Space District

B. Residential Districts:

- R1-43 Rural Zoning District - One (1) Acre Per Dwelling Unit
- R1-9 Single-Family Residential District
- R1-6 Single-Family Residential District
- MHS Manufactured Home Subdivision District
- RV Recreational Vehicle District
- PM-RH Park Model Recreational Home District
- R-2 Multi-Family District
- TR Transitional Residential District

C. Commercial Districts:

- N-S Neighborhood Office/Service District
- C-2 Intermediate Commercial District
- C-3 Central Commercial District
- M-1 Light Industrial District
- M-2 General Industrial District

D. Overlay Zoning Districts

- BIZ Bonus Intensity Zone
- PAD Planned Area Development
- DMP Development Master Plan
- R1-MH Manufactured Home Overlay District
- HP Historic Preservation Overlay

Section 14-4-2 District Boundaries: Zoning Map and Zoning Overlay Map

- A. The locations and boundaries of zoning districts and zoning overlays are established on the City of Globe Zoning Map, which is hereby declared a part of this Code as if set forth in full.⁷
- B. The Zoning District Boundary lines are intended to follow street, alley, lot, or property lines, except where such district boundary lines are fixed by dimensions shown on the Zoning Map, in which case such dimensions shall govern; in no case, however, is the Zoning Map intended to be used as a precise, legal narrative of any zoning district boundary.
- C. Where a zoning district boundary is not clearly discernible on the Zoning Map, its boundaries shall be determined by the Zoning Administrator.
- D. Conditions imposed by special ordinance in conjunction with amendments to the Zoning Maps are thereon referenced to separate files maintained in the office of the Zoning Administrator and are hereby made a part of the Zoning Map.

Section 14-4-3 Zoning In Newly Annexed Areas

Unincorporated areas annexed by the City shall retain Gila County Zoning designations and remain subject to the rules and regulations governing such designation until such time as City zoning is adopted for the newly annexed area by the City Council in accordance with the provisions of the code. City zoning shall be adopted as soon as practicable within six (6) months from the effective date of the annexation.

⁷ **Editor's Notes:** Originally amended and adopted by and through Ordinance No. 791, 10/25/09

Article 14-5 ZONING DISTRICTS

- Section 14-5-1 (OS) Open Space District
- Section 14-5-2 (R1-43) Rural Zoning District - One (1) Acre Per Dwelling Unit
- Section 14-5-3 (R1-9) Single-Family Residential District
- Section 14-5-4 (R1-6) Single-Family Residential District
- Section 14-5-5 (MHS) Manufactured Home Subdivision District
- Section 14-5-6 (RV) Recreational Vehicle District
- Section 14-5-7 (PM-RH) Park Model Recreational Home District
- Section 14-5-8 (R-2) Multi-Family District
- Section 14-5-9 (TR) Transitional Residential District
- Section 14-5-10 (N-S) Neighborhood Office/Service Zoning District
- Section 14-5-11 (C-2) Intermediate Commercial District
- Section 14-5-12 (C-3) Central Commercial District
- Section 14-5-13 (M-1) Light Industrial District
- Section 14-5-14 (M-2) General Industrial District
- Section 14-5-15 Overlay Zoning Districts - BIZ, PAD, and DMP
- Section 14-5-16 (R1-MH) Manufactured Home Overlay District
- Section 14-5-17 (HP) Historic Preservation Overlay District
- Section 14-5-18 Medical Marijuana Dispensaries; Conditional Use Permit Required
- Section 14-5-19 Donation Boxes, Conditional Use Permit Requires

Section 14-5-1 (OS) Open Space District

A. Purpose and Intent.

The Open Space District (OS) is intended to provide areas of open space to serve as a buffer between incompatible land uses and to create a sense of identity by promoting the "green belt" concept. OS Districts are also to be utilized to prohibit development in those areas where flood control, topography, soil bearing capacity, or any other physical conditions make such development detrimental to the health, safety or welfare of the residents of the City.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in OS Districts except for the following:
 - a. Publicly owned parks and recreation areas and centers.
 - b. Governmental office buildings, grounds or other compatible uses.
 - c. Museums, observatories, and similar quasi - public facilities.
2. Prohibited uses in (OS) District.

All uses not specifically permitted shall be prohibited.

3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in OS Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to this code, and such permit continues in full force and effect:
 - a. Golf courses, including club houses, provided that the following conditions are satisfied:
 - i. All direct vehicular access shall be from an abutting arterial or collector street;
 - ii. All principal and accessory buildings, including pools and tennis courts, shall be located not less than fifty (50) feet from any property line;
 - iii. All commercial uses appurtenant thereto, such as restaurants, pro shops, and cocktail lounges shall have entrances only from within the building, arcade or interior patio; and
 - iv. There shall be no exterior signage or advertising displays.
 - b. Recreational uses.
 - c. Commercial radio and television antennas, provided that any such facility shall be located not closer to any property line than a distance equal to the height of the antenna.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the OS District shall be conventional construction and meet the following property development standards:

1. Lot Area. No minimum lot area.
2. Lot Dimensions. Lots within the OS District shall have no minimum dimensional requirements.
3. Density and Intensity. The character of openness and spaciousness shall be maintained.
4. Maximum Height. No building or structure in the District shall exceed thirty (30) feet in height.
5. Setback Requirements. Buildings and structures erected in the OS

District shall be setback a minimum distance from the property boundary lines in order to provide for front, rear, and side yards. These minimum distances shall be as follows:

- a. Front yard: Fifty (50) feet
- b. Side yard: Fifty (50) feet
- c. Rear yard: Fifty (50) feet

6. Design and Development Standards.

- a. The open space character of the district shall be maintained.
- b. No buildings shall be constructed or maintained within any OS district subject to flood inundation such that said construction or maintenance would, in any way, impede or retard the natural flow of flood or nuisance water as determined by the Building Inspector or Zoning Administrator.

Section 14-5-2 (R1-43) Rural Zoning District - One (1) Acre Per Dwelling Unit

A. Purpose and Intent.

This Zoning District is intended to provide one-acre lots on which animals may be maintained and accessory uses. The general land use classification for this District is Low Density Residential.

B. Use Regulations.

- 1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a R1-43 District except for the following:
 - a. One (1) single-family dwelling unit of conventional construction or a modular home constructed and/or installed pursuant to Section 14-5-5.
 - b. Schools, colleges, and churches or similar places of worship including parish houses, parsonages, rectories, convents, and dormitories accessory thereto. Athletic activities in conjunction with a church or similar place of worship and on the same lot or contiguous lots may be permitted subject to a Conditional Use Permit.
 - c. Public utility buildings and facilities when necessary for serving the surrounding territory; provided that no public business offices and not repair or storage facilities are maintained therein.

- d. Publicly owned and operated parks, playgrounds, and community buildings and other recreational uses.
- e. Accessory uses and buildings customarily incidental to any use allowed in this Section provided that if any accessory building contains sleeping quarters or otherwise constitutes a Guesthouse; it shall maintain the side yard otherwise required and shall not be closer than forty (40) feet to the rear lot line.
- f. Grazing and harvesting of field, tree, or bush crops including flowers.
- g. Sales stands for the sale of farm or ranch products produced on the premises or times similar to those products or related to the sale of these products.
- h. Keeping of livestock or fowl is authorized subject to the following restrictions:
 - i. There shall be no more than two (2) horses and/or three (3) other head of livestock maintained on the property for the first one (1) acre of land and not more than two (2) additional head for each additional one-half ($\frac{1}{2}$) acre of land owned and operated by the person keeping and maintaining said livestock.
 - ii. No roosters, rodents, or livestock shall be cooped, stabled, or confined in any building within one hundred (100) feet from any residence, dining, or sleeping quarters which may be situated on adjacent land, and all such animals shall be kept in suitable enclosures and shall not be permitted to run at large.
 - a) All such enclosures shall be maintained in a sanitary condition.
 - b) The Sanitation Department may impose other rules and regulations approved by Council resolution which shall have the force and effect of law to insure proper sanitary conditions are maintained and to enforce the provisions of the Code. Any violations of any such rule or regulation, after receipt of notice of same, shall be considered a violation of this code and punishable as such.
 - iii. All animals allowed to be maintained within the zoning district shall be kept and maintained in such a manner as to

not disturb the peace, comfort, and health of any other person residing in the City. It shall be considered a violation of this section if offensive or foul odors or noise are emitted beyond the property boundaries of the premises on which the animals are maintained.

2. Prohibited uses in R1-43 District

- a. All commercial and business uses, except those specifically permitted as a home occupation.
- b. All manufacturing, warehousing, and wholesaling.
- c. Multiple residence.
- d. Recreational vehicle parks and manufactured home parks.
- e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds.
- f. Uses similar to those listed above in this Section as determined by the Zoning Administrator.

3. Uses Subject to Conditional Use Permits. The following uses shall be permitted on property in R1-43 Districts provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:

- a. Public and private riding stables and boarding stables providing that the site contains at least five (5) acres and that the building housing animals is set back from all lines a distance of not less than one hundred (100') feet.
- b. Corrals for the keeping of horses and other livestock owned by the resident in accordance with all provisions of the city code regarding set backs.
- c. Temporary outdoor events such as rodeos, circuses, dances and auctions and other associated activities.
- d. Bed and breakfast uses and day care facilities subject to parking, signage and related restrictions to maintain residential character.
- e. Group homes for the handicapped.
- f. Elementary and secondary schools (public and parochial); provided that the site shall contain a net land area totaling at least

five hundred (500) square feet per pupil of anticipated ultimate enrollment and that secondary school sites shall have direct vehicular access to an arterial or collector street.

- g. Recreational uses provided the noise generated will be compatible with the neighborhood and access is from abutting arterial or collector street.
- h. Public utility buildings and facilities (but not public utility business offices nor repair and/or storage facilities) when necessary for serving the surrounding territory, subject to securing a conditional use permit therefor, and provided, further, that no use permit shall be required for the construction of power or pipe lines necessary to serve the surrounding territory.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the R1-43 District shall meet the following property development standards:

1. Lot area. Lots within the (R1-43) Zoning District shall have a minimum area of forty three thousand (43,000) square feet.
2. Lot Width: Each lot shall have a minimum width of one hundred forty-five (145) feet.
3. Lot Coverage: The maximum lot coverage shall be twenty (20%) percent of the lot area.
4. Maximum Height. The height of buildings shall not exceed thirty (30) feet nor two (2) stories.
5. Yard Regulations.
 - a. Front Yard: There shall be a front yard having a depth of not less than forty (20) feet.*
 - b. Side Yard: There shall be a side yard on each side of a building having a width of not less than twenty (20) feet.
 - c. Rear Yard: There shall be a rear yard having a depth of not less than twenty (20) feet.
 - d. In addition to the minimum building setbacks, all proposed improvements are subject to adopted Building and Fire Codes.

*Front yard setback may be reduced where the City Engineer has determined through the Design and Site Plan Review process (§14-9-5 of

this Code) that the right-of-way width is excessive and the distance to the fully improved roadway is greater than needed

6. Design and Development.

- a. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard except as otherwise provided herein. The height of the wall or fence is measured from inside the enclosure.

Section 14-5-3 (R1-9) Single-Family Residential District

A. Purpose and Intent.

The Single-Family Residential District (R1-9) is intended to preserve and promote the development of medium density single-family residential neighborhoods. The dominant land use of this district shall be single-family dwellings of conventional construction with other allowed uses dispersed throughout and in proportion to the size of the neighborhood so as to adequately serve the neighborhood.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a R1-9 District except for the following:
 - a. One single-family dwelling of conventional construction.
 - b. Modular homes on concrete foundations are allowed, though may be prohibited by applicable CC&Rs or deed restrictions.
 - c. Accessory buildings; swimming pools, etc.
 - d. Home Occupations.
2. Prohibited uses in R1-9 District
 - a. All commercial and business uses, except those specifically permitted as a home occupation.
 - b. All manufacturing, warehousing, and wholesaling.
 - c. Multiple residence.
 - d. Manufactured homes, unless same are located within a designated R1-MH Overlay Zone.

- e. Recreational vehicle parks and manufactured home parks.
 - f. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds.
 - g. Uses similar to those listed above in this Section as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permits. The following uses shall be permitted on property in R1-9 Districts provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
- a. Churches and church facilities; provided that all direct vehicular access is from an abutting arterial or collector street; temporary revival tents or buildings shall not be allowed.
 - b. Public buildings providing cultural, recreational, educational, administrative, fire and police protection services to district residents; provided that all direct vehicular access shall be restricted to arterial streets.
 - c. Elementary and secondary schools (public and parochial); provided that the site shall contain a net land area totaling at least five hundred (500) square feet per pupil of anticipated ultimate enrollment and that secondary school sites shall have direct vehicular access to an arterial or collector street.
 - d. Recreational uses provided the noise generated will be compatible with the neighborhood and access is from abutting arterial or collector street.
 - e. Public utility buildings and facilities (but not public utility business offices nor repair and/or storage facilities) when necessary for serving the surrounding territory, subject to securing a conditional use permit therefor, and provided, further, that no use permit shall be required for the construction of power or pipe lines necessary to serve the surrounding territory.
 - f. Cemetery; provided access is from an abutting arterial or collector street and provided there is a minimum of five (5) acres of contiguous site.
 - g. Bed & Breakfast subject to parking, signage and related restrictions to maintain residential character.

C. Property Development Standards.

Unless otherwise permitted herein, all buildings, structures, premises and property in the R1-9 District shall meet the following property development standards:

1. Lot Area. Lots within the (R1-9) Zoning Districts shall have a minimum area of nine thousand (9,000) square feet.
2. Lot Dimensions. Lots within the (R1-9) Zoning Districts shall have the following minimum dimensions:
 - a. Minimum width: Seventy-five (75) feet
 - b. Minimum depth: Seventy-five (75) feet
3. Density and Intensity. There shall be not more than one (1) single-family dwelling of conventional construction on any one (1) lot.
4. Maximum Height. Thirty (30) feet beginning with the main floor level.
5. Setback Requirements. Buildings and structures erected in the R1-9 Zoning Districts shall be setback a minimum distance from the property boundary lines in order to provide for front, rear, and side yards. These minimum distances shall be as follows:
 - a. Front yard: Minimum twenty (20) feet*
 - b. Side yard: There shall be a side yard on each side of a building having an aggregate width of not less than fourteen (14) feet, provided, however, the minimum side yard shall not be less than five (5) feet in width except corner lots shall have ten (10) feet on the exterior side.
 - c. Rear yard: Minimum ten (10) feet with reasonable access
 - d. In addition to the minimum building setbacks, all proposed improvements are subject to adopted Building and Fire Codes.

*Front yard setback may be reduced where the City Engineer has determined through the Design and Site Plan Review process (§14-9-5 of this Code) that the right-of-way width is excessive and the distance to the fully improved roadway is greater than needed.

6. Design and Development.
 - a. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front

yard and exterior side yard for corner lots except as otherwise provided in this ordinance. The height of the wall or fence is measured from inside the enclosure.

Section 14-5-4 (R1-6) Single-Family Residential District

A. Purpose and Intent.

This Single-Family Residential (R1-6) District is intended to promote and preserve the development of urban single-family residential neighborhoods. The dominant land use of the R1-6 District shall be single-family dwellings of conventional construction, with incidental or accessory uses as required to provide a balanced neighborhood. The district standards promote the maximum usability of the lot and the maximum flexibility for site and building design.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a R1-6 Zoning District except for the following:
 - a. One single-family dwelling of conventional construction.
 - b. Modular homes on concrete foundations are allowed, though may be prohibited by applicable CC&Rs or deed restrictions.
 - c. Accessory buildings, swimming pools, home occupations.
2. Prohibited uses in R1-6 District
 - a. All commercial and business uses, except those specifically permitted as a home occupation.
 - b. All manufacturing, warehousing, and wholesaling.
 - c. Multiple residence.
 - d. Manufactured homes, unless same are located within a designated R1-MH Overlay zone.
 - e. Recreational vehicle parks and manufactured home parks.
 - f. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds.
 - g. Uses similar to those listed above in this Subsection as determined by the Zoning Administrator.

3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in R1-6 Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
 - a. Churches and church facilities; provided that all direct vehicular access is from an abutting arterial or collector street; temporary revival tents or buildings shall not be allowed.
 - b. Public buildings providing cultural, recreational, educational, administrative, fire and police protection services to district residents; provided that all direct vehicular access shall be restricted to arterial streets.
 - c. Elementary and secondary schools (public and parochial); provided that the site shall contain a net land area totaling at least five hundred (500) square feet per pupil of anticipated ultimate enrollment and that secondary school sites shall have direct vehicular access to an arterial or collector street.
 - d. Recreational uses provided the noise generated will be compatible with the neighborhood and access is from abutting arterial or collector street.
 - e. Public utility buildings and facilities (but not public utility business offices nor repair and/or storage facilities) when necessary for serving the surrounding territory, subject to securing a use permit therefore, and provided, further, that no use permit shall be required for the construction of power or pipe lines necessary to serve the surrounding territory.
 - f. Cemetery; provided access is from an abutting arterial or collector street and provided there is a minimum of five (5) acres of contiguous site.
 - g. Bed & Breakfast subject to meeting requirement for parking facilities and restrictions for signage and other protective measures required to protect the residential character of the area.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the R1-6 Zoning District shall meet the following property development standards:

1. Lot Area. Except as provided in paragraph seven (7) of this subsection, lots within the R1-6 Zoning Districts shall have a minimum area of six

thousand (6,000) square feet.

2. Lot Dimensions. Lots within the R1-6 Zoning Districts shall have the following minimum dimensions:
 - a. Minimum width: Fifty (50) Feet
 - b. Minimum depth: Seventy (70) Feet
3. Density and Intensity. There shall be not more than one (1) single-family dwelling of conventional construction on any one (1) lot.
4. Maximum Height. Thirty (30) feet beginning with the main floor level.
5. Setback Requirements. Buildings and structures erected in the R1-6 Zoning Districts shall be setback a minimum distance from the property boundary lines in order to provide for front, rear, and side yards. These minimum distances shall be as follows:
 - a. Front yard: Minimum twenty (20) feet for forward entry garages, ten (10) feet for livable portions of the home and side entry garages.*
 - b. Side yard: Minimum five (5) feet each side except corner lots shall have ten (10) feet on exterior side.
 - c. Rear yard: Minimum ten (10) feet with reasonable access.
 - d. In addition to the minimum building setbacks, all proposed improvements are subject to adopted Building and Fire Codes.

*Front yard setback may be reduced where the City Engineer has determined through the Design and Site Plan Review process (§14-9-5 of this Code) that the right-of-way width is excessive and the distance to the fully improved roadway is greater than needed.

6. Design and Development.
 - a. Walls and fences not to exceed six (6) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, and fences shall not exceed three (3) feet in height on the front property line or within the required front yard except as otherwise provided in this ordinance. The height of the wall or fence is measured from inside the enclosure.
7. The foregoing provisions of this section notwithstanding, the Mayor and Council have declared it to be beneficial to the City to authorize reasonable use of smaller lots established, created or developed prior to November 1, 1997. Therefore, it shall be a permitted use within this

district to construct one (1) single family dwelling of conventional construction on lots established prior to November 1, 1997 when said lots have a square footage of three thousand (3,000) square feet to six thousand (6,000) square feet. Provided, however, that the dwelling constructed upon the premises shall have a minimum of nine hundred forty (940) square feet of livable space, excluding carports, garages and porches. All other provisions of this section, including the set back requirements must be met. Prior to a building permit being issued a site plan approval, pursuant to Section 14-9-5 of this Chapter, shall be obtained and the Zoning Administrator may impose reasonable conditions on the construction of the dwelling.

Section 14-5-5 (MHS) Manufactured Home Subdivision District

A. Purpose and Intent.

The MHS district provides for the placement and occupancy of manufactured or modular homes for residential purposes on individually owned lots. The district standards promote developments of a single-family residential character oriented toward permanent occupancy.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a MHS Zoning District except for the following:
 - a. Manufactured or modular homes for single-family residence.
 - b. Any use permitted in R1-6 or R1-9 District.
 - c. Private accessory buildings and uses - including home occupations, storage areas, swimming pools, and other similar accessory uses on individual lots.
2. Prohibited uses in MHS District
 - a. All commercial and business uses, except those specifically permitted as a home occupation.
 - b. All manufacturing, warehousing, and wholesaling.
 - c. Multiple residence.
 - d. Recreational vehicle parks and manufactured home parks.
 - e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand

(13,000) pounds.

- f. Uses similar to those listed above in this Section as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in MHS Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
- a. Communal recreation building, laundry facilities, swimming pool, playground and other common area uses for the exclusive benefit of district residents.
 - b. Golf courses (except miniature courses or practice driving tees operated for commercial purposes), including club house and service facilities which are intended to primarily serve golf course uses and are no closer than three hundred (300) feet to any exterior boundary of the golf course except that such facilities shall have direct access from a collector or arterial street or a highway from which there shall be a distance of at least fifty (50) feet.
 - c. City parks, playgrounds, and community owned buildings.
 - d. Temporary buildings used for the sale of lots.
 - e. All other conditional uses allowed in R1-6 District.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the MHS Zoning District shall meet the following property development standards:

- 1. Development Area. Minimum area for a manufactured or modular home subdivision shall be ten (10) acres.
- 2. Lot Dimensions. Lots within the MHS District shall have the following minimum dimensions:
 - a. Minimum width: Fifty (50) feet
 - b. Minimum depth: Seventy-Five (75) feet
- 3. Density and Intensity. There shall be not more than one (1) manufactured or modular home on any one lot.
- 4. Maximum Height. Two (2) stories or twenty-four (24) feet.

5. Setback and Landscaping Requirements.

- a. Minimum distance from any portion of the manufactured or modular home and its accessory structures to the following lines shall be as specified:
 - i. Front yard: Ten (10) feet.
 - ii. Side yard: Ten (10) feet with the following exception: five (5) feet to any canopy that is open on at least three (3) sides.
 - iii. Rear yard: Ten (10) feet
 - iv. Exterior boundary of subdivision: Twenty (20) feet.
 - v. A landscaped yard, a minimum of ten (10) feet in depth shall be maintained adjacent to all street frontages. This yard may be penetrated by access drives.
 - vi. A minimum setback of one (1) foot per one (1) foot of building height shall be maintained from any property line that abuts property zoned RV, C-1, C-2, C-3, M-1, M-2, or from any alley that abuts property so zoned.

6. Design and Development.

The following development standards shall apply:

- a. The minimum distance between main buildings and or manufactured or modular homes on adjacent lots is twenty (20) feet.
- b. The minimum distance between an accessory building and the main building or manufactured or modular home is ten (10) feet but should also meet the setback requirements.
- c. All utility lines shall be placed underground within the subdivision. Each manufactured or modular home lot shall be provided with all utilities.
- d. Trees shall be planted as follows: a minimum average of one (1) tree per lot with a minimum trunk caliper of three-quarter (3/4) inch. A minimum fifty percent (50%) of the aforementioned tree requirement shall be planted in front yards and/or in landscaped areas adjacent to a dedicated public street.

7. Parking and Loading Requirements.

- a. Subdivisions shall have vehicular access from a major street or highway.
- b. All lots within any MHS subdivision shall have frontage on a dedicated public street with a minimum curb-to-curb width of thirty (30) feet.
- c. A minimum of two (2) parking spaces shall be provided on each home lot.

Section 14-5-6 (RV) Recreational Vehicle District

A. Purpose and Intent.

The Recreational Vehicle (RV) District provides for the development of RV parks at standards consistent with the health, safety and welfare of the community. The district is intended to be highway oriented and commercial in nature and provides short term accommodations and accessory facilities for a transient clientele.

B. Use Regulations.

1. Permitted Uses. Recreational Vehicle Park: No building, structure or premise shall be erected, enlarged, structurally altered or used in a RV Zoning District except for the following:
 - a. For the temporary parking of RVs, to include campers, camping trailers, and similar living units with the capability of immediate movement. Said units need not contain restroom facilities.
 - b. The term "temporary" as used in this chapter shall mean a period of less than three (3) years. No stay within a RV park may be extended beyond three (3) years unless a conditional use permit is granted by the Zoning Administrator based on a bona fide hardship which prevents the removal of the travel trailer and /or recreational vehicle.
 - c. Any conditional use permit issued pursuant to subparagraph (b) of this section shall be issued only upon verified application requesting extension of three (3) years limitation and shall require movement of the subject RV within a specified period which is not greater than six (6) months.
 - d. No more than one (1) extension may be granted pursuant to subsection (b) of this section.

2. Prohibited uses in RV District
 - a. No commercial or business activity may be conducted from any individual RV unit within the park.
 - b. All manufacturing, warehousing, and wholesaling.
 - c. Multiple family residence.
 - d. Manufactured homes, and Modular homes.
 - e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds.
 - f. Uses similar to those listed above in this Section as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in RV Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:
 - a. Office and gate house.
 - b. Dwellings for owner and manager.
 - c. Laundry facilities and outdoor drying yards.
 - d. Restroom facilities including showers.
 - e. Communal facilities including club house, non-alcoholic beverage service, and outdoor recreation spaces for the exclusive benefit of park residents.

C. Property Development Standards.

Site plan approval must be obtained pursuant to Section 14-9-5 of this code. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the RV Zoning District shall meet the following property development standards.

1. Lot Area. Minimum usable area for an RV park district shall be three (3) acres.
2. Density and Intensity. There shall be not more than one (1) RV per lot.
3. Maximum Height. Two (2) stories or twenty-four (24) feet.

4. Setback Requirements.

- a. Permitted Uses: Minimum distance from any portion of the RV to the following lines shall be as specified:
 - i. Front: Ten (10) feet.
 - ii. Side: Six (6) feet.
 - iii. Rear: Six (6) feet.
 - iv. Exterior boundary of park: Twenty (20) feet.
 - v. A landscaped yard, a minimum of ten (10) feet in depth shall be maintained adjacent to all street frontages. Where the right of way is determined to be excessive between the back of curb and property line after the ultimate street improvement, the Development Services Director may reduce this requirement through site plan approval. This yard may be penetrated by access drives.

5. Design and Development.

- a. The minimum distance between main buildings or RVs, on adjacent lots is twelve (12) feet.
- b. The minimum ratio of community use areas shall be two hundred (200) square feet of such area for each RV space. Such land may include all land devoted to recreation and service facilities and landscaping not included within lots.
- c. All utility lines shall be placed underground within the RV park. Each RV lot shall be provided with electrical service and water supply and sewer.
- d. There shall be provided adequate sanitation and toilet facilities which shall be not less than one (1) toilet for every ten (20) RVs or fraction thereof, and such other sanitary facilities and water supplies as shall be required by the appropriate state and/or county health officer.
- e. Exterior boundaries of the park shall be provided with an opaque wall or fence (excluding slatted wire type fencing) having a height of six (6) feet and designed to create an attractive border. Cut hillsides equal to 6' in depth may substitute as fence. In addition, a setback of at least ten (10) feet in depth shall be maintained as landscaped open space between any perimeter street and the required wall.

- f. Refuse collection areas and sewage waste disposal stations shall be provided and screened from public view.

6. Parking and Loading Requirements.

- a. Minimum width of roads within the park shall be twenty-four (24) feet, on-street parking is not permitted on roadways less than thirty-two feet in width.
- b. All roads shall be paved with asphalt to standards established by the City engineer during the site plan approval process.
- c. Wheels or similar devices shall not be removed from RVs. RVs shall not be attached to or placed on the ground in a manner that would prevent or obstruct the ready movement of said RV.

Section 14-5-7 (PM-RH) Park Model Recreational Home District

A. Purpose and Intent.

The purpose of this section is to provide for Park Model Recreational Home parks and subdivisions which are suitably developed for the placement and occupancy of park model recreational homes for residential purposes on rented, leased, or owned spaces with the necessary accessory uses and amenities.

These regulations are intended to enable the development of unique, well-planned projects for seasonal or permanent occupancy. It is also the intent of this Section to provide adequate regulations to preserve the residential character of the development and to prohibit inappropriate and incompatible land uses.

B. Use Regulations.

1. Permitted Uses.

- a. One (1) park model recreational home on each approved lot or space. No manufactured homes or dwelling units of conventional construction shall be permitted on a lot or space for living purposes, except as specified below.
- b. Park Model recreational home accessory structures as defined in the definition section of this chapter, with the following additional requirements applying to patio enclosures:
 - i. At least sixty-five percent (65%) of the surface area of the longest wall and one additional wall shall be open below a height of six feet eight inches (6'8") from finish floor grade;

- ii. Openings may be covered with screen mesh, plastic panels, or mineral glass not more than one-eighth inch (1/8") thick;
 - iii. Open walls may contain solid knee walls not more than thirty-two inches (32") above a finished floor;
 - iv. An open area located within an open wall shall be a minimum of forty-eight inches (48") in height;
 - v. Glass located within twelve inches (12") of a doorway or eighteen inches (18") of a floor must be tempered glass;
 - vi. Solid walls may consist of conventional wood framing or modular (prefabricated) construction;
 - vii. Parking spaces shall not be enclosed;
 - viii. The home shall have a maximum size of four hundred (400) square feet, unless approved by the Zoning Administrator through the Design and Site Plan Review process;
 - ix. Partitions may be used to accommodate laundry, bath, and toilet facilities;
 - x. Conventional electrical outlets and air conditioning equipment may be installed;
 - xi. Removal of siding, doors, windows, or other modification of the existing park model recreational home area enclosed by the patio enclosure is prohibited.
- c. Storage buildings, detached, subject to:
- i. A maximum area of two hundred (200) square feet;
 - ii. A maximum height of ten feet (15');
 - iii. Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the park model recreational home by at least six feet (6'). All building and fire codes apply.
- d. Manager's office and residence, which may be of conventional construction.
- e. Recreation and social centers, which may be used for dancing,

crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended primarily as a resident amenity. Such facility may be of conventional construction.

- f. Outdoor recreational facilities, such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park or subdivision.
- g. Common-use laundry facilities, maintenance buildings, and security guard houses which may be of conventional construction.
- h. Designated areas for boat and recreational vehicle storage, which are used solely by the residents of the park or subdivision.
- i. Recreation center parking lots and guest parking areas.

2. Prohibited uses in PM-RH District

- a. All commercial and business uses.
- b. All manufacturing, warehousing, and wholesaling.
- c. Recreational vehicle parks and manufactured home parks.
- d. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds.
- e. Uses similar to those listed above in this Section as determined by the Zoning Administrator.

C. Property Development Standards.

Site plan approval is required, all buildings, structures, premises and property in the (PM-RH) Park Model Recreational Home District parks and subdivisions shall meet the following property development standards:

- 1. Lot Area Park and Subdivision. Minimum usable area for a PM-RH district lot shall be ten (10) acres.
- 2. Lot Dimensions. Lots within the PM-RH park and subdivision shall have the following minimum dimensions:
 - a. Minimum width: Parks - twenty-eight feet (28')
Subdivisions - thirty-five feet (35')

- b. Minimum depth: Parks - forty feet (40')
Subdivisions - fifty feet (50')
 - c. Minimum lot size: Parks - twelve hundred sq. feet (1,200)
Subdivisions - seventeen hundred fifty sq. ft.
(1,750) with an average lot size of 2,000 sq. ft.
3. Density and Intensity. Twenty-two (22) spaces per net acre for parks, and fifteen (15) lots per net acre for subdivisions. Net acre means after deduction of existing and/or proposed rights-of-way.
4. Maximum Height. Two (2) stories or twenty-four (24) feet.
5. Setback Requirements.
- a. Required yard setbacks are measured from any portion of the unit or accessory structures except for rear yard storage buildings as specified in permitted uses section:
 - i. Front: Parks five (5) feet.
Front: Subdivisions seven (7) feet
 - ii. Side: Parks three feet six inches (3'6") minimum total.
Side: Subdivisions five feet ten inches (5'10") minimum total.
 - iii. Rear: Parks three (3) feet.
Rear: Subdivision five (5) feet.
 - iv. Exterior boundary of park and subdivision: Twenty (20) feet.
Setbacks are measured from required screen walls.
 - v. Minimum Recreation area: Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in this area.
 - Parks: seventy-five (75) sq. feet per lot.
 - Subdivisions: one hundred fifty (150) sq. feet per lot.
 - vi. Minimum paved parking: Minimum space size 9' x 18' may be tandem but not in required front yard setback.
 - Parks and Subdivisions: one (1) per lot.
 - vii. Minimum Visitor parking:
 - Parks and Subdivisions one (1) per 10 lots.

6. Design and Development.

- a. The minimum distance between main buildings or park models, on adjacent lots is ten (10) feet.
- b. A minimum of five percent (5%) of the required recreational area shall be enclosed within a recreational hall or building. Public or private streets, vehicle storage areas, and exterior boundary landscaping areas shall not be included when calculation required recreational area.
- c. All utility lines shall be placed underground within the PM-RH park.
- d. Perimeter landscaping shall be provided in accordance with the applicable sections of the city code and the site plan approval.
- e. A six foot (6') high masonry screen wall shall be required along all park and/or subdivision boundaries that border on parcels of a differing zoning classification. Cut hillsides equal to six (6) feet in depth or a combined height of wall and cut equal to six (6) feet in height may substitute as required screening.
- f. Access to lots or spaces shall be from the interior of the park or subdivision.
- g. Private streets shall be paved to a minimum width of twenty-eight feet (28') including required sidewalks when flush with the surface of the paving.
- h. Concrete sidewalks at least three (3) feet in width shall be provided on each side of interior private streets.
- i. Required parking spaces shall be paved with either two inches (2") of asphalt or four inches (4") of concrete.

6. Parking and Loading Requirements.

- a. Minimum width of roads within the park shall be twenty-eight (28) feet.
- b. All roads shall be paved.

Section 14-5-8 (R-2) Multi-Family District

A. Purpose and Intent.

The (R-2) Multi-Family District is intended to allow medium density multi-family

residential development of conventional construction. The District is further intended to provide for development of planned complexes of buildings with development standards which are compatible with abutting single-family residential districts.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a (R-2) Multi-Family Zoning District except for the following:
 - a. Single-family Dwelling.
 - b. Duplex Dwelling.
 - c. Multiple Dwelling.
 - d. Modular homes on concrete foundations are allowed, though maybe prohibited by applicable CC&Rs or deed restrictions.
 - e. Accessory buildings, swimming pools, home occupations.
 - f. Park, playground and community owned building.
 - g. Churches and church facilities; provided that all direct vehicular access is from an abutting arterial or collector street; not allowing temporary revival tents or buildings.
 - h. Elementary and secondary schools (public and parochial); provided that the site shall contain a net land area totaling at least five hundred (500) square feet per pupil of anticipated ultimate enrollment and that secondary school sites shall have direct vehicular access to an arterial or collector street.
 - i. Public buildings providing cultural, recreational, educational, administrative, fire and police protection services to district residents; provided that all direct vehicular access shall be restricted to arterial streets.
 - j. Dormitories, provided that the site contains a net land area of at least one thousand (1,000) square feet per individual to be housed.
2. Prohibited uses in R-2 District
 - a. All commercial and business uses, except those specifically permitted as a home occupation.

- b. All manufacturing, warehousing, and wholesaling.
- c. Manufactured homes.
- d. Recreational vehicle parks and manufactured home parks.
- e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds.
- f. Uses similar to those listed above in this Section as determined by the Zoning Administrator.

3. Uses Subject to Conditional Use Permit

The following uses shall be permitted on property in R-2 Zoning District provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:

- a. Public utility buildings and facilities (but not public utility business offices nor repair and/or storage facilities) when necessary for serving the surrounding territory, subject to securing a conditional use permit therefor, and provided, further, that no use permit shall be required for the construction of power or pipe lines necessary to serve the surrounding territory.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the (R-2) Multi-Family Zoning District shall be of conventional construction and shall meet the following property development standards:

- 1. Lot Area. The minimum lot area shall be determined by the aggregate area of buildings, required yards, off-street parking and loading space, and any other specific area requirements applicable to the permitted use.
- 2. Density and Intensity. In the R-2 District the following minimum lot space for each dwelling unit shall be maintained:
 - a. Single-family dwelling: 5,000 net square feet of lot space per unit.
 - b. Two-family dwelling unit: 7,000 net square feet of lot space per unit.
 - c. Multi-family dwelling: 5,000 minimum square feet plus for structures such as Apartment Buildings the following minimum square feet per unit.

1. Efficiency unit: 850 net square feet per unit
 2. 1-bedroom unit: 1,100 net square feet per unit
 3. 2-bedroom unit: 1,750 net square feet per unit
 4. 3-bedroom unit: 2,100 net square feet per unit
 5. 4-bedroom unit: 2,400 net square feet per unit
3. Maximum Height. Thirty-six (36) feet from main floor level, except the Commission on written application may, permit heights in excess of this for buildings not adjoining a single-family residential district. A site plan providing such information as the Commission may desire shall be submitted with the application.
4. Setback Requirements.
- a. Front yard: Twenty (20) feet.
 - b. Side yard: There shall be a side yard on each side of a building having an aggregate width of not less than ten (10) feet, provided, however, the minimum side yard shall not be less than five (5) feet in width.
 - c. Rear yard: Twenty (20) feet with reasonable access.
 - d. Exterior boundary of subdivision: Twenty (20) feet, or a
 - e. A landscaped yard, a minimum of ten (10) feet in depth shall be maintained adjacent to all street frontages. Where the right of way is determined to be excessive between the back of curb and property line after the ultimate street improvement, the Development Services Director may reduce this requirement through site plan approval. This yard may be penetrated by access drives.
 - f. A minimum setback of two (2) feet per one (1) foot of building height shall be maintained from any adjacent RV lot or any property zoned OS, R1-43, R1-9, R1-6, MHS, or PM-RH unless otherwise approved by the Planning and Zoning Commission.
5. Design and Development.
- a. Walls and fences not to exceed six (6) feet in height shall be permitted on the property line or within the required side or rear yard. Walls and fences shall not exceed three (3) feet in height on the front property line or within the required front yard.
6. Parking and Loading Requirements.

- a. If a garage or carport is enclosed to become part of the living area, two (2) parking spaces shall be provided on the site.
- b. There shall be a minimum of two (2) parking spaces for each dwelling unit and each parking space shall be fully contained within the lot boundaries.
- c. All parking spaces shall be paved.

Section 14-5-9 (TR) Transitional Residential District

A. Purpose and Intent.

This Transitional Residential (TR) District is intended to serve as a buffer between residential districts and commercial or industrial districts. The district permits a mixture of uses intended to provide a low scale residential character to protect and enhance adjacent residential districts.

B. Use Regulations.

- 1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a TR Zoning District except for the following:
 - a. One-family, Duplex, and multiple residential dwellings.
 - b. Modular homes on concrete foundations are allowed, though may be prohibited by applicable CC&R's or deed restrictions.
 - c. Office building uses related to any of the following occupations: government, executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, research, education, design; provided that there shall be no display of any actual product for sale except in compliance with the following regulations:
 - i. No display shall be placed in an exterior window.
 - ii. The total area devoted to display, including the objects displayed and the floor area set aside for viewing displayed objects, shall not exceed fifteen (15) percent of the usable floor area of the establishment.
- 2. Prohibited uses in TR District
 - a. Manufactured homes.
 - b. Recreational vehicle parks and manufactured home parks.

- c. Commercial uses not specifically authorized.
 - d. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds.
 - e. Uses similar to those listed above in this Section as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in the TR Zoning District provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
- a. Hospitals, sanitarium, nursing or convalescent home, orphanage, home for the aged, indigent, or physically handicapped, subject to federal and state regulations.
 - b. Child care center, subject to the following:
 - i. Proof that the center meets all state and local life safety codes.
 - c. Churches and church facility complexes.
 - d. Medical and dental offices and clinics.
 - e. Establishments whose principal function is basic research, design and pilot or experimental product development, when conducted within a completely enclosed building.
 - f. Headquarters buildings or charitable, philanthropic and welfare organizations; provided that their primary activities are administrative and clerical rather than residential in nature.
 - g. Small scale neighborhood office/retail not to exceed 2,500 square feet when integrated as a vertical mixed use with residential units above.

C. Property Development Standards.

Site plan approval shall be required in this district. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the TR Zoning District shall meet the following property development standards:

- 1. Lot Area. The minimum lot area shall be determined by the aggregate of buildings, required yards, off-street parking and loading space and any

other specified lot area requirements applicable to the particular use.

2. Lot Dimensions. Lots within the TR district shall have the following minimum dimensions:
 - a. Minimum width: Sixty (60) feet.
 - b. Minimum depth: Seventy (70) feet.
3. Density and Intensity. The following minimum net lot areas shall be required for each dwelling unit.
 - a. One-family dwelling: 5,000 net square feet per dwelling unit.
 - b. Duplex dwelling: 4,000 net square feet per dwelling unit.
 - c. Multiple dwelling: 6,000 minimum square feet plus the following minimum net square feet per unit.
 - Efficiency unit - 850 net square feet per dwelling unit
 - 1-bedroom unit - 1,100 net square feet per dwelling unit
 - 2-bedroom unit - 1,750 net square feet per dwelling unit
 - 3-bedroom unit - 2,100 net square feet per dwelling unit
 - 4-bedroom unit - 2,400 net square feet per dwelling unit
4. Maximum Height. Thirty-six (36) feet from main floor level, except the Planning and Zoning Commission on written application may, permit heights in excess of this for buildings not adjoining a single-family residential district. A site plan providing such information as the Planning and Zoning Commission may desire shall be submitted with the application.
5. Setback Requirements.
 - a. Front yard: Twenty (20) feet.
 - b. Side yard: There shall be a side yard on each side of a building having an aggregate width of not less than fourteen (14) feet, provided, however, the minimum side yard shall not be less than five (5) feet in width. Corner lots shall provide a minimum twenty (20) foot setback from the exterior side lot line adjacent to the roadway.
 - c. Rear yard: Ten (10) feet with reasonable access.
 - d. A minimum setback of two (2) feet per one (1) foot of building

height shall be maintained from any adjacent RV lot or any property zoned OS, R1-43, R1-9, R1-6, MHS, or PM-RH, unless otherwise approved by the Planning and Zoning Commission.

6. Design and Development.

- a. Walls and fences not to exceed six (6) feet in height shall be permitted on the property line or within the required side or rear yard. Walls and fences shall not exceed three (3) feet in height on the front property line or within the required front yard.
- b. Parking requirements as the zoning administrator shall direct unless otherwise provided in this code.

Section 14-5-10 (N-S) Neighborhood Office/Service Zoning District

A. Purpose and Intent.

This Zoning District is intended to provide for well-designed and attractive small scale office and service facilities which will blend with neighboring residential uses.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a N-S Zoning District except for the following:

- a. One-family, Duplex, and multiple dwellings.
- b. Modular homes on concrete foundations are allowed, though may be prohibited by applicable CC&R's or deed restrictions.
- c. Office uses and Home occupations.
- d. Beauty shops, day care of less than ten people, and other analogous service-oriented uses.
- e. Clinics and health care facilities, Libraries and museums, Parks, Places of worship, Public Facilities, Residential Facilities, Schools public and private, Utility Office Facilities.

2. Prohibited uses in N-S District

- a. All commercial except those listed in subsection one of this section.
- b. Manufactured homes.

- c. All manufacturing, warehousing, and wholesaling.
 - d. Recreational vehicle parks and manufactured home parks.
 - e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds.
 - f. Uses similar to those listed above in this subsection as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in the N-S Zoning District provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
- a. Small scale neighborhood office/retail not to exceed 2,500 square feet when integrated as a vertical mixed use with residential units above.
 - b. Hospitals, sanitarium, nursing or convalescent home, orphanage, home for the aged, indigent, or physically handicapped, subject to federal and state regulations.
 - c. Child care center, subject to the following:
 - i. Proof that the center meets all state and local life safety codes.
 - d. Churches and church facility complexes.
 - e. Medical and dental offices and clinics.
 - f. Establishments whose principal function is basic research, design and pilot or experimental product development, when conducted within a completely enclosed building.
 - g. Headquarters buildings or charitable, philanthropic and welfare organizations; provided that their primary activities are administrative and clerical rather than residential in nature.
 - h. Small scale neighborhood office/retail not to exceed 2,500 square feet when integrated as a vertical mixed use with residential units above.

C. Approval Process.

Site Plan approval shall be required in accordance with Section 14-9-5.

D. Performance Standards.

Uses in this district shall be in full conformance with the standards of this and other applicable sections of this chapter:

1. Hours of operation shall not extend beyond 8 a.m. to 10 p.m., Monday through Friday, with reduced hours on the weekend.
2. Longer hours of operation may be granted and extension of hours of operation may be allowed for special activities after approval of a Conditional Use Permit if there are findings which indicate the extension will better serve, and not negatively impact the adjacent neighborhood.
3. All activity shall be conducted within an enclosed building except as approved in subsection (B) (3) of this section.
4. Principal vehicle access to and from the site shall be via a primary driveway.
5. All mechanical noise shall be muffled so as not to become objectionable to areas zoned for residential use due to intermittence, beat frequency or shrillness. Noise may equal but not exceed average street traffic noise. Measurement of noise levels shall be made at the zoning district boundary and shall not exceed the sound level of the abutting use district or the street abutting such use, whichever is greater.
6. Building and landscape setbacks, height, building coverage, and the minimum and maximum lot area shall be as set forth in C-2 Zoning District.
7. The exterior design of any building shall be compatible with the design and character of residential buildings in an adjacent and/or surrounding residential district.
8. A phasing plan for the installation of utilities, stormwater retention, and landscaped setbacks is required at the time of site plan approval.

E. Development Policy.

The following are used as policy directions adopted by the City to evaluate protect quality within this district:

1. A direct pedestrian connection to the adjacent neighborhood is preferred.
2. The project should be designed in such a way that it is interesting for the pedestrian. This shall be obtained through the creation of plazas,

fountains, and building details provided at eye level. The parking lot shall not be the dominant design feature of the site plan.

3. To assure compatibility between commercial and residential land uses transitional zoning techniques may be required by the Zoning Administrator.
4. Driveway locations and dimensions shall meet the standards established by the Zoning Administrator.
5. Site plan approval shall be required in this district. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property shall be of conventional construction and meet the following property development standards:
 - a. For new development, the minimum lot area, maximum density, maximum building height, minimum building setbacks, and maximum lot coverage shall not exceed the less restrictive of either the existing development on the site or an average of the existing development standards for lawfully developed parcels located on the same side of the street within two hundred (200) feet and located in the same zone designation. All adopted building and fire codes shall apply.

Section 14-5-11 (C-2) Intermediate Commercial District

A. Purpose and Intent.

The Intermediate Commercial (C-2) District is intended to permit most types of commercial activities oriented to a larger segment of population than the average neighborhood and includes the sale of commodities or performance of services. This district is designed for application on highways and major streets to serve that traffic, but should NOT be applied along the continuous length of a highway or major street. Development should be contiguous, grouped or clustered to prevent undesirable "strip" commercial development.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in an Intermediate Commercial Zoning (C-2) District except for the following:
 - a. Retail sales of apparel and accessories; shoes; dry goods; foods; drugs; flowers; garden supplies; hardware; gifts and novelties; pet and hobby supplies; jewelry; music and records; household supplies; stationery; books; paint, wallpaper and glass; sporting goods; toys; variety store goods; and similar convenience goods.

- b. Office building uses related to any of the following occupations: government, executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, research, banks, design and sales.
- c. Health services such as gym and fitness centers, hospitals, clinic, medical and dental offices, hospital for animals, nursing home, orphanage, home for the aged.
- d. Establishments serving food or beverages, indoor or out-of-doors, including entertainment and dancing.⁸

2. Prohibited uses in C-2 District.

All industrial uses.

3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in C-2 Zoning District provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:

- a. Repair, and construction service establishments having enclosed workshop combined with retail outlet or office, such as heating and plumbing equipment, electrical fixtures and service, air conditioning, custom upholstery and furniture repair, auto body, tire retreading, tool sharpening, sign painting, auto, boat and truck parts, and similar activities no more objectionable in character.
- b. Commercial recreation enterprises such as golf driving ranges, miniature golf, bowling alleys, shooting ranges, and similar indoor/outdoor uses.
- c. Outdoor sales or rental of new and used autos, trucks, boats, mobile homes, trailers, agricultural implements, lumber, lawn furniture, nursery stock and home gardening supplies and equipment; provided that no sales, rentals or displays are performed in the required front setback.
- d. Drive-in establishments, including eating and drinking places and car washes; provided that all structures are architecturally compatible with the area in which they are constructed.
- e. Hotel and motel, subject to the following:
 - i. All direct vehicular access should be from an abutting

⁸ Editor's Notes: Originally adopted by and through Ordinance 765, 7/13/09

arterial street or highway.

- ii. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns, landscaping, natural open space, or recreational areas.
- iii. Building height in excess of that permitted in the district may be allowed; provided that the minimum required side and rear setbacks shall be increased by one (1) foot for every one (1) foot by which the height exceeds the maximum building height otherwise permitted and provided that the Commission shall determine substantial additional areas are provided in open space and no detrimental effect is imposed on adjoining property.

f. Gasoline service station, subject to the following:

- i. Facilities for tire changing and repair, polishing, greasing, washing and minor repair and servicing of motor vehicles shall be entirely within an enclosed building. All garage bays shall be oriented away from public view and adjacent rights-of-way.
- ii. Minimum lot size is ten thousand (10,000) square feet and minimum frontage is one hundred (100) feet. Lessor dimensions may be approved by the Planning and Zoning Commission.
- iii. All sources of artificial light shall be concealed from view, except for freestanding standards, which shall have translucent covers so as to diffuse the light and eliminate glare.

g. Drive-in theater, provided that:

- i. The screen surface is not visible from the street.
- ii. All direct vehicle access is from an abutting arterial street or highway.

h. Multiple Dwelling.

i. As authorized pursuant to C.6 of this section.

C. Property Development Standards.

Site plan approval shall be required in this district. Unless otherwise permitted

in this Chapter, all buildings, structures, premises and property in the (C-2) Zoning District shall be of conventional construction and meet the following property development standards:

1. Lot Area. The minimum lot area required for development shall be determined by the aggregate of buildings, required yards, off-street parking and loading space and any other specified lot area requirements applicable to the particular use.
2. Lot Dimensions. No minimum requirements unless specified as applicable to the particular use.
4. Maximum Height. Thirty (30) feet.
5. Setback Requirements.
 - a. Front yard: Minimum twenty (20) feet from any street line, shall be in landscaped open space, except that it may be penetrated by drives.
 - b. Side yard: Ten (10) feet from each lot line.
 - c. Rear yard: Ten (10) feet from rear lot line.
6. Design Development / Use Standards.

Uses in this district shall be in full conformance with the standards of this and other applicable sections of this Chapter and site plan approval shall be required.

- a. Except as provided in subsection (c), all operations and storage shall be conducted within a completely enclosed building of conventional construction.
- b. Auto service uses shall be separated from any adjacent single-family district by a building, collector street, or two hundred (200) feet in distance.
- c. Limited exceptions to the requirement that operations must be conducted within completely enclosed buildings may be granted by the Planning and Zoning Commission upon written application for a conditional use permit. Permits shall be granted for such businesses as nurseries, day care centers, landscaping materials storage and sales, or automobile and equipment rental or supply businesses. Such permits shall not be issued for activities such as flea markets or to circumvent the requirement. Provided however, that no such activities shall be authorized in the Central Commercial District (C-3) and Historic Preservation Overlay on

Broad Street. Any permit issued shall require as a condition, sufficient measures to protect all surrounding property from loss do to outdoor activities on the applicant's property.

- i. Any permit issued pursuant to this section shall require solid fencing when deemed appropriate by the Planning and Zoning Commission
- d. Principal vehicle access to and from the site shall be via a primary driveway.
- e. All mechanical noise shall be muffled so as not to become objectionable to areas zoned for residential use due to intermittence, beat frequency or shrillness. Noise may equal but not exceed average street traffic noise. Measurement of noise levels shall be made at the zoning district boundary and shall not exceed the sound level of the abutting use district or the street abutting such use, whichever is greater.

Section 14-5-12 (C-3) Central Commercial District

A. Purpose and Intent.

The Central Commercial (C-3) District is intended to provide for the full range of sales, services and office uses necessary to maintain a vital downtown area and permits those uses which are oriented toward serving the entire community. The district is intended to preserve, protect, and enhance the central business corridor of the City.

B. Use Regulations.

- 1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a (C-3) Zoning District except for the following:
 - a. Office building uses related to any of the following occupations: government, executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, research, design and sales.
 - b. Banks, stock brokerage firms, savings and loan associations, loan companies, credit unions, and other financial establishments.
 - c. Health services such as hospitals, clinics, medical and dental offices.
 - d. Retail and wholesale sales.

- e. Establishments serving food or beverages.
- 2. Prohibited uses in C-3 District: All industrial uses and Commercial uses not specifically authorized in subsection (1).
- 3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in C-3 Zoning District provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:
 - a. Hotels and motels, subject to the following:
 - i. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns, landscaping, natural open space, or recreational areas.
 - ii. Building height in excess of that permitted in the district may be allowed; provided that one (1) percent of the site be in open space for each one (1) foot of height.
 - b. Multiple-family dwellings.
 - c. Commercial parking lots.
 - d. Warehousing, excluding pedestrian areas such as Historic downtown.
 - e. Other uses analogous to those set out in subsection (B)(1) of this section.
- C. Property Development Standards. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the (C-3) Central Commercial Zoning District shall be of conventional construction and meet the following property development standards:
 - 1. Lot Area. The minimum lot area required shall be determined by the aggregate of buildings, required yard, off-street parking and loading space and any other specified lot area requirements applicable to the particular use.
 - 3. Maximum Height. One hundred (100) feet, provided that for each one (1) foot above thirty (30) feet one percent (1%) of the site area be in open space.
 - 4. Setback Requirements.
 - a. Front yard: Minimum twenty (20) feet from any street line, shall be

in landscaped open space, except that it may be penetrated by drives.

- b. Side yard: Ten (10) feet minimum from each lot line or zero lot line if cross access through abutting parcels is provided.
- c. Rear yard: Ten (10) feet from rear lot line.

5. Design Development / Use Standards.

Site plan approval shall be required in this district. Uses in this district shall be in full conformance with the standards of this and other applicable sections of the chapter.

- a. Except as provided in sub paragraph (C) of this subsection, all operations and storage shall be conducted within a completely enclosed building of conventional construction.
- b. Auto service uses shall be separated from any adjacent single-family district by a building, collector street, or two hundred (200) feet in distance. A Permit Is required.
- c. Principal activities shall be conducted within an enclosed building, but accessory uses may be allowed outdoors if they do not exceed fifteen (15%) percent of the gross floor area of the principal use and are oriented away from single-family districts. This area requirement shall not pertain to day care centers, outdoor restaurant seating and retail plant nurseries.
- d. Principal vehicle access to and from the site shall be via a primary driveway.
- e. All mechanical noise shall be muffled so as not to become objectionable to areas zoned for residential use due to intermittence, beat frequency or shrillness. Noise may equal but not exceed average street traffic noise. Measurement of noise levels shall be made at the zoning district boundary and shall not exceed the sound level of the abutting use district or the street abutting such use, whichever is greater.

Section 14-5-13 (M-1) Light Industrial District

- A. Purpose and Intent. The Light Industrial (M-1) District is intended to accommodate industrial storage and other employment uses in a park-like setting. Regulations are designed to permit those industrial uses which can be operated in a relatively clean, quiet, and safe manner compatible with adjoining industrial uses and without serious effect, danger or hazard to adjacent or

nearby land uses.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a M-1 Zoning District except for the following:
 - a. Manufacture, fabrication and processing of such durable goods as: stone, clay and glass products, furniture and fixtures; electrical machinery; and scientific instruments and goods.
 - b. Manufacturing, fabrication, and processing of such non-durable goods as: food products, except meat products; beverages; milk products, leather products; printing, publishing and allied industries; grain milling; sawmill or planing mill, gases other than nitrogen and oxygen.
 - c. Wholesaling, warehousing, distributing, repair, rental and servicing of any commodity the sale of which is permitted in any commercial district, excluding live animals, commercial explosive, and above ground storage of flammable liquids and gases.
 - d. Government buildings, services and facilities, unrestricted; public utility buildings and facilities, unrestricted.
 - e. Rail and motor freight terminals; railroad facilities excluding locomotive repair shops.
 - f. Printing and publishing establishments.
2. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in M-1 Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
 - a. Retail sales, eating and drinking places, financial institutions, medical offices, private recreation facilities, and similar establishments and activities; provided that they are specifically intended to serve the convenience needs of the district.
 - b. Gasoline service station, subject to the following:
 - i. Facilities for tire changing and repair, polishing, greasing, washing and minor repair and servicing of motor vehicles shall be entirely within an enclosed building. Access to the building shall be from the rear.

- ii. All structures shall be of unique design that is appropriate to the area in which they are constructed.
- iii. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns, natural open space, and landscaping. The frontage to any street shall be landscaped to a minimum depth of fifteen (15) feet from the right-of-way line. Drives of maximum width of thirty-three (33) feet may penetrate frontage landscaping.
- iv. Minimum lot size is twenty-two thousand five hundred (22,500) square feet and minimum frontage is two hundred (200) feet. Lessor dimensions may be approved by the Planning and Zoning Commission.
- v. All sources of artificial light shall be concealed from view, except for freestanding standards, which shall have translucent covers so as to diffuse the light and eliminate glare.

c. Sexually oriented businesses.⁹

C. Property Development Standards. Unless otherwise permitted in this Ordinance, all buildings, structures, premises and property in the M-1 Zoning District shall meet the following property development standards:

- 1. Lot Area. Determined by the aggregate area of buildings, required yards, off-street parking and loading space, and any other specific area requirements applicable to the permitted use.
- 2. Lot Dimensions. Lots within the (M-1) Light Industrial Zoning Districts shall have the following minimum dimensions:
 - a. Minimum width: Eighty (80) feet.
 - b. Minimum depth: One hundred (100) feet.
- 3. Density and Intensity.
 - a. Maximum lot coverage by all buildings shall not exceed forty percent (40%).
- 4. Maximum Height. Forty-eight (48) feet.

⁹ Editor's Notes: Originally adopted by and through Ordinance 770, 7/20/09

5. Setback Requirements.

- a. Front Yard: Thirty (30) feet; provided further that this yard area shall be primarily considered a landscaped setting rather than for parking and any parking in said area shall be kept to a minimum.
- b. Side and Rear Yard:
 - i. A yard of not less than fifty (50) feet shall be maintained where the side and/or rear of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The fifty (50) feet may include the width of the alley. A minimum 15' deep contiguous landscape buffer shall be provided along the common property line.
 - ii. A—yard of not less than twenty-five (25) feet shall be maintained where the side and/or rear lot abuts a multiple-family residential district. The twenty-five (25) feet may include any alley adjacent to the multiple-family residential district. A minimum 15' deep contiguous landscape buffer shall be provided along the common property line.

6. Design and Development.

- a. No use shall be operated in such a manner as to be an explosion or fire hazard; nor shall there be emitted into the atmosphere any smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance.
- b. Any part of the total lot area not required for buildings, structures, loading and vehicular access ways, streets, parking and utility areas, pedestrian walks and hard-surfaced activity areas shall be landscaped with grass, trees, shrubs, and may include other organic materials such as water and aggregate.

Section 14-5-14 (M-2) General Industrial District

A. Purpose and Intent.

The General Industrial (M-2) District is intended to accommodate certain industrial structures and uses, including large-scale or very specialized industrial operations, having external physical effects which may be offensive or hazardous to some degree to any adjoining district. This district should be "buffered" and adjoining uses protected by interspacing an Open Space (OS) District or other positive, protective means. Regulations are structured to permit

the processing of raw materials, and the manufacturing, processing and compounding of semi-finished products.

B. Approvals.

Every structure or use of land in this district, by reason of the intent and typical physical or operational characteristics, shall first have conditional use permit approval prior to erection, occupation, or expansion, unless the proposed use is permitted by right in the M-1 Zoning District. The Planning and Zoning Commission shall be completely satisfied that the intent of this district is met, and every structure or use is designed and developed in a manner which assures maximum protection of the health, safety, welfare, and compatibility with adjoining uses.

C. Use Regulations.

1. Permitted Uses. All uses permitted by right in the C-2, C-3, and M-1 Zoning Districts.
2. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in M-2 Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:
 - a. Auto, airplane, truck and machinery wrecking, junk and scrap material processing.
 - b. Butane gas filling; storage of bulk fuels, flammable liquids and gases.
 - c. Railroad shops and similar heavy service facilities.
 - d. Any manufacturing, mining, processing or assembling use.
 - f. Sexually oriented businesses.¹⁰

D. Property Development Standards. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the (M-2) General Industrial Zoning District shall meet the following property development standards:

1. Lot Area. Lots within the (M-2) General Industrial Zoning Districts shall have a minimum area of two (2) acres.
2. Lot Dimensions. No requirement.

¹⁰ Editor's Notes: Originally adopted by and through Ordinance No. 770, 7/20/09

3. Density and Intensity. Maximum lot coverage by all buildings is forty percent (40%).
4. Maximum Height. Sixty (60) feet.
5. Setback Requirements. No building or activity shall be located closer than two hundred (200) feet to any abutting residential district or seventy-five (75) feet to any commercial district or thirty (30) feet to any property line. A contiguous landscape buffer of twenty-five (25) feet deep shall be provided at the property line adjacent to said districts.
6. Design and Development.
 - a. No use shall be operated in such a manner as to be an explosion or fire hazard; nor shall there be emitted into the atmosphere any smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance.

Section 14-5-15 Overlay Zoning Districts - BIZ, PAD, and DMP

A. Purpose and Intent

The purpose of these overlay districts is to provide for unique developments worthy of flexibility or variation from the specific application of this Ordinance. The intent of the Bonus Intensity Zone (BIZ), Planned Area Development (PAD), and Development Master Plan (DMP) districts is to encourage quality-designed developments in appropriate locations in conformance with the General Plan, Specific Plans, and Council policies. In the PAD and DMP overlay zones, variations from conventional development requirements, such as building height, setbacks, and on-site parking may be authorized by the City Council where projects offer amenities, features, or conditions which compensate for such variations. The BIZ overlay zone also allows for the above variations in addition to increased residential densities. The following further delineates the overlay zoning district classifications:

1. Bonus Intensity Zone, (BIZ): The purpose of this overlay zoning district is to provide for variation from the application of residential densities and other development requirements to encourage unique, innovative developments of superior quality. The intent of this district is to allow for higher-intensity land use where appropriate and to encourage development of bypassed or under-utilized properties in locations where appropriate facilities and services are available. It must be demonstrated that the resulting development will be more consistent with the General Plan, Specific Plans, and Council policies and will provide significant social or economic benefits to the City.
2. Planned Area Development, (PAD): The purpose of this overlay zoning district is to allow for innovative design and flexibility in projects which are

planned for development as a cohesive unit. The intent of this district is to provide for creative, high quality development which incorporates the following:

- a. Substantial open space and/or recreational facilities held in common ownership.
 - b. Private or public streets.
 - c. The preservation of significant aspects of the natural character of the land.
 - d. Building design, site design, and amenities that create a unique alternative to conventional development.
 - e. Property owners' associations and recorded covenants, conditions, and restrictions.
3. Development Master Plan, (DMP): The purpose of this overlay zoning district is to allow for conceptual zoning of large land parcels into planned uses for future development. The intent is to allow for both specific site plan zoning for immediate project development as well as conceptual development plans with specific site plans deferred to the time of future project development.

B. Use Regulations.

1. Permitted Uses.

- a. The BIZ, PAD, and DMP overlay zoning districts are to be used in conjunction with an underlying zoning district, thereby permitting the same uses as the underlying base zoning district, except those that may be excluded by the City Council.
- b. Permitted uses other than those above shall be specified in a PAD, and as approved by City Council.

2. Prohibited Uses.

- a. Those uses that may be specifically excluded by the City Council as part of the overlay zoning approval.

3. Uses subject to a conditional use permit shall be in accordance with the administration and procedures provision of this chapter and those conditional uses specified in the underlying base zoning district.

C. Property Development Standards.

1. Density, area, building, and yard regulations.

- a. The minimum site area for a PAD shall be five (5) acres and for a DMP, forty (40) acres. The Zoning Administrator may permit PAD applications for less land area when exceptional and unique circumstances of the proposal are found to warrant such flexibility.
- b. The specified minimum lot area, maximum density, maximum building height, minimum setbacks, and maximum lot coverage for each underlying zoning district is required, unless specifically modified by the City Council.

D. Supplementary provisions.

1. Land developed under this Section may consist of individual lots or may have common building sites.
2. Common open space shall be an essential and major element of the plan. Open areas should provide an efficient, aesthetic, and desirable usage.
3. Every structure containing residential, commercial, or industrial units shall have access to a public street, directly or via a court, walkway, or other common area, which shall be owned and maintained as common ground.

E. Design guidelines landscaping and screening regulations.

Shall be as authorized in the approved site plan under section 14-9-5.

F. Sign regulations and parking regulations.

Shall be as provided in this code and the approved site plan.

G. Application and procedure for overlay districts.

1. Application. Requests for overlay zoning districts shall follow the same procedures specified for zoning amendments in the Administration and Procedures sections hereof.
2. Modifications to Plans. Changes to the approved development plan shall be reviewed and processed in accordance with the provisions specified in the Administration and Procedures Provision sections hereof.
3. Building Permits and Regulations.
 - a. An approved development may be built in phases as part of the project's plan, provided that the construction and provision of all necessary elements, including parking drainage, common open

spaces, and public and recreational facilities, which are shown on the approved site plan proceed at a rate commensurate with the construction of buildings. If the Zoning Administrator determines that the rate of building construction is not commensurate with the construction of the aforementioned necessary elements, he/she shall notify the developer that no permits for building construction will be issued until the rate of construction conforms accordingly. Failure to comply with the terms of this Section in a timely manner following notification shall result in all building construction being halted until compliance is restored.

- b. When the project has been completed, the use of the land and the construction, modification, or alteration of any buildings or structures within the development shall remain in conformance with the development plan, except that any minor extension, alteration, or modification of existing buildings or structures may be authorized by the Zoning Administrator or Planning and Zoning Commission in accordance with the Administration and Procedures sections hereof if they are consistent with the purpose and intent of the approved development plan.

Section 14-5-16 (R1-MH) Manufactured Home Overlay District

A. Purpose and Intent.

Except for the manufactured and modular home parks, duly established, there was no zoning district in which manufactured and modular homes may be located as a permitted use at the time of adoption of the original zoning ordinance (June 1998). Such homes exist as “non-conforming” structures/uses within some Single-Family Residential Districts. This R1-MH Overlay District has been established because there is a need for alternative housing to replace some residences within some Residential Districts. Further, there may be other structures within the R1-MH District which may not be replaced or lots which may not be utilized unless alternative housing is made available. Therefore, the R1-MH District has been established so multi-sectional manufactured or modular housing may be installed in a manner which would give said home the appearance of a conventional site-built home.

B. Use Regulations.

1. Permitted Uses.

- a. Any use permitted in the R1-9 and R1-6 District.
- b. Multi-Sectional Manufactured or Modular home installed pursuant to the provisions of this Section as a single-family home.
- c. One-family uses on lots of one acre in size or greater may keep and maintain up to two (2) horses per acre of lot area. The horses

shall only be kept and maintained on the property for non-commercial purposes and for the enjoyment of the occupants of the property.

2. Prohibited uses in R1-MH District

- a. Same as primary district (existing classifications) which this R1-MH District overlays, except for permitted uses set forth above.

3. Uses Subject to Conditional Use Permit.

- a. Same as underlying district which this R1-MH District overlays.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the R1-MH Overlay Zoning District shall meet the following property development standards:

1. Lot Area. Lots within the R1-MH Zoning District shall have a minimum area of three thousand (3,000) square feet.
2. Lot Dimensions. Lots within the R1-MH Zoning District shall have the following minimum dimensions:
 - a. Minimum width: Thirty (30) Feet
 - b. Minimum depth: Seventy (70) Feet
3. Density and Intensity. There shall be not more than one (1) single-family dwelling on any one (1) lot.
4. Maximum Height. Twenty-six (26) feet beginning with the main floor level.
5. Setback Requirements. Buildings and structures erected in the R1-MH Zoning Districts shall be setback a minimum distance from the property boundary lines in order to provide for front, rear, and side yards. These minimum distances shall be as follows:
 - a. Front yard: Minimum twenty (20) feet.
 - b. Side yard: Minimum five (5) feet each side except corner lots shall have ten (10) feet on exterior side.
 - c. Rear yard: Minimum ten (10) feet with reasonable access.
6. Design and Development.

- a. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard except as otherwise provided in this code. The height of the wall or fence is measured from inside the enclosure.

D. Additional Requirements for Manufactured Home Installation/Construction.

1. A building permit shall be required prior to commencement of construction or installation of any structure including a manufactured home or modular home (MH) in this district.
2. No building permit may be issued for any manufactured home unless the home was manufactured in compliance with applicable Arizona and Federal laws within six (6) years of the date of application for the building permit to install same.
3. No structure or home authorized in this Section may be occupied or inhabited until such time as the building official has issued a "certificate of occupancy" certifying that the construction and/or installation has fully complied with all applicable codes and all provisions of this Section.
4. No MH shall be erected or maintained within the City pursuant to this section which has a livable space of less than nine hundred forty (940) square feet or width of less than twenty (20) feet, excluding carports and porch areas.
5. No more than one (1) single-family dwelling shall be placed on a lot or parcel. Each lot or parcel shall meet all minimum square footage and dimension requirements of the District/area in which the MH is located.
6. Except as preempted in A.R.S. § 41-2155, the MH shall be placed or constructed upon a lot or parcel within the City in compliance with all applicable building or installation codes and shall be permanently affixed and placed upon a permanent foundation by a certified/licensed installer.
7. The MH shall be installed in compliance with all regulations of the Office of Manufactured Housing and Department of Building and Fire Safety of the State of Arizona, if applicable, as well as strictly comply with all provisions of this section.
8. The MH shall be permanently oriented on a lot or parcel so that the longest side of the home faces the front lot line so that all setback requirements have been met. The narrow side may face the front lot line if there is a front door on that side.

9. All re-roofing, residing, or other structural additions or changes to the home shall conform to the building codes of the City. The roof shall have a pitch of not less than twelve (12) inches for each four (4) feet of width.
10. Unless the topography of a particular lot precludes it, the MH shall be installed no higher from grade than 18" (from ground to frame) on the highest side; and not more than 12" on the low side. The building official is authorized to approve minor deviation from the height requirement after inspection of the property to determine such deviation is necessary because of lot conformity.
11. The MH shall be placed on excavated foundation with permanent foundation wall, or if permanent foundation wall is not installed, all sides of home shall extend to meet the ground, or a facade shall be used on all sides so that the home appears to have a foundation wall similar in appearance and kind to conventional site-built homes. One of the following skirting options must be utilized on the MH:
 - a. Non-bearing Concrete or CMU block perimeter stem wall. This wall must be reinforced and have vents per building code requirements.
 - b. Ground set or pit set. This eliminates the need for siding and skirting, but may be difficult to do because of Flood Control District requirements on the finish floor elevation.
 - c. Stem wall foundation (bearing). This must be according to the manufacturer's installation requirements and meet minimum building code standards.
12. A multi-sectional Manufactured Home shall have a minimum of four (4) tie downs/anchors. All Manufactured Homes allowed to be installed pursuant to a conditional use permit shall have one on each end.
13. The home owner must file and record an affidavit of afixture with the Gila County Assessor and Recorder offices within ninety (90) days of completion of installation and file a copy with the Zoning Administrator.

Article 14-5-17 (HP) HISTORIC PRESERVATION OVERLAY DISTRICT

A. Purpose and Intent

The purpose of this Article and the Historic Preservation (HP) Overlay Zoning District shall be to insure the harmonious growth and development of the City by encouraging the preservation of archaeologically and historically significant structures and sites by providing a means by which such sites and structures may be designated as archaeologically or historically significant, through the creation of a special zoning classification, and further providing that significant alterations to such sites and

structures shall be subject to review and approval. The HP zoning classification shall not alter or modify land uses permitted under existing zoning classifications but shall overlay existing zones within which archaeologically or historically significant sites and/or structures are found to exist. It is the intent of the HP classification in this Article to insure that renovation, restoration, or alteration of designated sites or structures shall be accomplished in such a manner as to preserve their distinguishing historic qualities or character. Further, it is the intent of this Article to insure that, within designated districts, construction of new structures shall be in harmony with the historical character of said districts.

B. Procedure for Designation

When designating property within the provisions of this article, the following procedures shall be followed:

1. A Site, Structure, or District may be designated as Archaeologically or Historically Significant by the majority vote of the Council of the City of Globe, subject to the following procedure:
 - a. An application for designation may be submitted on a form provided by the City Clerk by direction of the Mayor and Council to consider a structure, site, or district for designation, an initiative of the Globe Preservation Advisory Commission or the request of an individual property owner or fifty-one percent (51%) of the property owners within a proposed district.
 - b. Within five (5) working days of the filing of an Application for Designation, said application shall be forwarded to the Chairperson or Secretary of the Commission, and a date for a hearing on the application before the Commission shall be set no later than thirty (30) days from the date of filing.
 - c. Notice of a public hearing on the application shall be published in a newspaper of general circulation within the City at least fifteen (15) days prior to the date of the hearing. In addition, notice shall be sent by certified mail to the owner of record at the address shown on the official Tax Rolls of Gila County of a proposed designated structure or site or the owners of contributing structures within a proposed designated district, and notice shall be posted upon the proposed designated structure or site and a minimum of six (6) places within a proposed designated district at least fifteen (15) days prior to the public hearing. Failure of any owner to receive a notice properly served shall not serve to invalidate the proceedings of the Commission.
 - d. At its hearing on the Application, the Commission may:
 - i. Recommend approval of the Application.

- ii. Recommend denial of the Application.
 - iii. Request additional information to support the Application and reschedule the hearing to a future date no later than thirty (30) days from the date of the initial hearing.
 - iv. Refer the Application to a subcommittee of the Commission or to a consultant for further study and reschedule the hearing to a future date no later than thirty (30) days from the date of initial hearing.
- e. Following the public hearing on the Application, the Commission will submit its recommendation to the City Clerk, who shall in turn cause it to be brought before the Mayor and Council and scheduled for public hearing no later than sixty (60) days after the date of the Commission's recommendation. In the event a request would establish a new or amended HP Overlay District designation, the request shall also comply with the rezoning amendment procedures set forth in Section 14-9-2 of this code.
2. At least fifteen (15) days prior to the public hearing before the Mayor and Council, the Clerk shall cause notice of said hearing to be given in the manner set forth in Subsection "A" of this section.
 3. Written protest to the recommendation of the Globe Historic Preservation Advisory Commission may be filed with the City Clerk within ten (10) days following the date of the public hearing at which the recommendation was made.
 4. At its hearing on the Commission's recommendation, the Mayor and Council may:
 - a. Accept the recommendation of the Commission.
 - b. Deny the recommendation of the Commission.
 - c. Refer the recommendation back to the Commission for further study, provided, however, that a subsequent hearing must be set within the time limits set forth in this section.
 5. Immediately following action by the Mayor and Council approving a recommendation of the Commission for designation, the Clerk shall notify the appropriate official to identify the designated site, structure or district on the official Zoning Map of the City of Globe with the Historic Preservation Overlay Zone demarcation (HP).

C. Criteria for Designation

When considering designation of Archaeologically and/or Historically Significant Sites, Places, Views, or Structures the following criteria shall be utilized:

1. A Site or Structure may be considered for designation as Historically or Archaeologically Significant only if it was constructed or occupied prior to 1935 and it meets one or more of the following criteria:
 - a. Exemplifies or reflects special elements of the City's or region's cultural, social, economic, political, aesthetic, engineering, or architectural past.
 - b. Embodies distinguishing characteristics of a style, period, method of construction, or development in the City, or serves as a valuable example of the use of indigenous materials or craftsmanship.
 - c. Represents the notable work of a master builder, designer, or architect.
 - d. Represents a rare building type, style, design, or indigenous building form.
 - e. Is identifiable with a person or event significant in local, state, or national history.
 - f. For archeological sites, has the potential of providing significant information on the prehistory or history of the City or region or has the potential of providing significant information about various cultures which have occupied the region during its prehistory or history.

D. Historic District Designation

An area within the corporate limits of the City of Globe may be designated an Historic Preservation (HP) District only if it meets the following criteria:

1. It possesses a significant concentration, linkage or continuity of sites, structures, or objects constructed or occupied in the history of the City or region.
2. The provisions of this chapter are met in addition to the procedures required to amend the official zoning map.

E. Historic District Use Regulations and Development Standards

1. Use Regulations.
 - a. Permitted Uses.

- i. The HP overlay zoning district is to be used in conjunction with an underlying zoning district, thereby permitting the same uses as the underlying base zoning district, except the uses permitted or prohibited in this code section.
 - ii. Permitted uses are those specified in Table 14-5.
- b. Uses subject to a conditional use permit in accordance with the administration and procedures provision of this chapter—and those conditional uses specified in the underlying base zoning district.

2. Property Development Standards.

Site plan approval shall be required in this overlay district. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property shall be of conventional construction and meet the following property development standards:

- a. Density, area, building, and yard regulations.
 - i. The minimum site area for a HP Overlay Zone shall be equal to the minimum site area of the underlying zone designation. The Zoning Administrator may permit HP Overlay Zone applications for less land area when exceptional and unique circumstances of the proposal are found to warrant such flexibility.
 - ii. For new development, the maximum density, maximum building height, maximum lot coverage, and minimum building setbacks shall not exceed the less restrictive of either the existing development on the site or an average of the existing development standards for lawfully developed parcels located on the same side of the street within two hundred (200) feet and located in the same zone designation. All adopted building and fire codes shall apply.

3. Property design guidelines.

- a. Improvements to any designated historic Site, Structure, or property within the HP Overlay District shall comply with the Historic Preservation Design Guidelines, Appendix 6.
- b. The design guidelines, landscaping and screening regulations shall be as authorized in the approved site plan under section 14-9-5, unless otherwise addressed in the Historic Preservation Design Guidelines.

F. Mandatory Review of Building and Demolition Permit Application

1. No permit may be issued to alter, renovate, remodel, demolish, or remove any designated Site, Structure, Object or any contributing Site, Structure, or Object within a designated HP District, or to construct any new structure within a designated HP District without the review of the Globe Preservation Advisory Commission and the consent of the Council through the Design and Site Plan Review process. However, nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior feature of any designated, contributing, or non-contributing Site, Structure, or Object that does not involve a change in its design, material, color, or appearance.
2. The Commission may require such photographs, plans, descriptions, dimensions, drawings, or other information as it deems necessary prior to making a recommendation regarding the issuance or non-issuance of a Permit. The minimum requirements of the Commission shall be provided in written form to all applicants. Professionally executed plans, specifications, and drawings shall be required only to the extent required by state statute or the Building Department.
3. The Commission shall meet to review an application no later than fourteen (14) days from the application date and shall make a recommendation to the Council within thirty (30) days of review; provided, however, that all information required of the applicant has been submitted in a timely manner.
4. Notice of the Commission's meeting to review the application shall be published and posted in accordance with the requirements of the open meeting laws and, further, shall be sent to the applicant by Certified Mail no later than seven (7) days prior to the date of the meeting. Notice shall be deemed served when mailed to the address shown on the application.
5. The Commission shall act upon the application by recommending approval or denial at a public meeting held for that purpose and shall specify the reasons for its recommendation. The Chairperson or Secretary shall cause the Commission's recommendation to be delivered to the Mayor and Council. Failure of the Commission to meet and act on the application within the time limits set forth in this Section shall constitute approval of the application unless the applicant agrees in writing to an extension.
6. The recommendation of the Commission shall be delivered to City Clerk within five (5) days following the date of the meeting. A hearing on the recommendation shall be scheduled at the next regular business meeting of the Council, subject to public posting and advertising requirements. A majority vote of the Council members present as a quorum for the purposes of conducting official business shall be required to overrule the recommendation of the Commission.

7. Except where a clear and present danger to the public safety exists, there shall be a mandatory one hundred and twenty (120) day waiting period between the overruling by the Council of a Commission recommendation denying an application for demolition or removal and the issuance of a Permit. During this time, the Applicant and Commission shall attempt to secure a buyer willing to preserve the site, structure, or object for which demolition or removal is sought. Such waiting period may be extended by joint agreement between the Commission and the Applicant.

G. Failure to Maintain Structure - Public Nuisance

Willful failure of the owner of a Designated or Contributing Structure to maintain said structure in a safe condition shall constitute a Public Nuisance, which may be remediated by any mechanism provided by state law or this code. Such public nuisance shall also be punishable as provided in Section 1-5-1.

H. Public Safety Exceptions

Nothing in this Article shall prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the Building Inspector shall certify is required because of an unsafe or dangerous condition.

I. Enforcement

1. It shall be the duty of the Zoning Administrator and Building Official to enforce the provisions of this Article related to construction or modification of structures.
 - a. The Building Official shall receive applications for Permits, review these applications to see that they meet all existing City requirements, including applicable fees, and transmit these applications to the Zoning Administrator and the Chairperson of the Globe Preservation Advisory Commission for the required review. At the direction of the Council, subject to the mandatory review requirements of this Article, the Building Official shall issue the necessary permits.
 - b. The Building Official shall examine premises for which permits have been issued and shall make the necessary inspections to see that the provisions of this Article and any provisions attached to the approval of the permit by the Commission and/or Council, along with the applicable building codes, are complied with.
2. The Building Official shall cause to be maintained careful and comprehensive records of permits issued, inspections made, reports rendered, and notices and orders issued. He/she shall cause to be retained file copies of all papers in connection with building work so long

as any part of the building or structure to which they relate may be in existence. Such records shall be available for public inspection at reasonable hours.

J. Violation - Penalty

It is unlawful to alter, modify, construct, reconstruct, renovate, demolish, or remove any structure or object in violation of any provision of this Article. Any person, firm, or corporation violating this Article is punishable as provided in Section 1-5-1(A). Each and every day during which the violation continues shall be considered to be a separate offense.

K. Injunction

1. If any structure or object is constructed, reconstructed, renovated, demolished, or removed in violation of this Article, the City, in addition to other remedies, may institute any appropriate actions or proceedings to restrain, correct, or abate the violation.
2. In any such action or proceeding, the court with jurisdiction thereof has the power to, and in its discretion may, issue a restraining order or a preliminary injunction upon such terms and under such conditions as will do justice and enforce the purpose of this Article.

L. Amendments - Procedure

1. The provisions of this Article may, from time to time, be amended, supplemented, changed, modified, or repealed.
2. Requests to amend this Article may be initiated by the Globe Preservation Advisory Commission, the City Council, or the owner of a designated property or a property within a designated district. Applications for amendment shall be filed with the City Clerk on the form provided.
3. There shall be a Hearing by the Globe Preservation Advisory Commission on proposed amendments under the following procedures:
 - a. All applications for amendment to this Article shall be submitted to the Chairperson or Secretary of the Commission within seven (7) days of filing, and the Chairperson or Secretary shall cause to be scheduled a public hearing on the proposed amendment not later than thirty (30) days from the date of filing.
 - b. Notice of the public hearing stating the date, time and place of the hearing, as well as the nature of the proposed amendment, shall be published once in a newspaper of general circulation in the City and posted in a public place not less than fifteen (15) days before

the date of the hearing.

- c. At its hearing on the proposed amendment, the Commission may recommend to the Council approval, denial, or modification of the proposed amendment. Such recommendation shall be in the form of a written report to the Council and shall be delivered to the City Clerk not later than five (5) days following the date of the Commission's hearing.
- d. The City Clerk, upon receipt of the Commission's report, shall schedule a hearing on the recommendation before the Council not later than thirty (30) days following the date of receipt of the report.
- e. At its hearing on the recommendation of the Globe Preservation Commission, the Council may approve or deny the Commission's recommendation or refer the matter back to the Commission for further study provided, however, that a subsequent hearing shall be set in accordance with the time limits set forth in this section.

Section 14-5-18 Medical Marijuana Related Facilities; Conditional Use Permit Required¹¹

A. Location

1. A Medical Marijuana Dispensary may not be located within any Residential District within the City.
2. A Medical Marijuana Dispensary may not be operated as a Home Occupation anywhere within the City.
3. A Medical Marijuana Dispensary includes a Medical Marijuana Dispensary, a Medical Marijuana Cultivation Facility, a Medical Marijuana manufacturing Facility, a medical Marijuana Club, and any other medical marijuana facility of any kind.¹²
4. A Medical Marijuana Dispensary may only be located in C-2, C-3, M-1 or M-2 Zoning Districts pursuant to a conditional use permit approved in like manner as provided in Section 14-9-6 of this Code, except that in addition thereto, the recommendations of the Planning and Zoning Commission shall also be reviewed, approved, denied or modified by the City Council prior to the issuance of any conditional use permit for a Medical Marijuana Related Facility.
5. Not more than one (1) Medical Marijuana Dispensary may be located within the City pursuant to A.R.S. 36-2804 (C), or as otherwise allowed

¹¹ **Editor's Notes:** Originally adopted by and through Ordinance No. 790, 10/18/10 and Resolution No. 1604; amended by Ordinance No. 799, 03-14-11

¹² **Editor's Notes:** Originally adopted by and through Ordinance No. 807, 10/17/11

by statute. City Council may allow additional Medical Marijuana cultivation facilities within the City that are not collocated with a dispensary licensed by the State to operate within the City.¹³

B. Standard Conditions of Approval Medical Marijuana Dispensaries

1. No person under the age of eighteen (18) may be present at a Medical Marijuana Dispensary except with the prior approval of the Chief of Police, or designee, for good cause shown.
2. Marijuana may not be used in any manner on the premises or in the vicinity of any Medical Marijuana Dispensary within the City.
3. Only persons with a Registry Identification Card, as defined by A.R.S. 36-2801 (14), authorized licensees, and authorized employees may be present at a Medical Marijuana Dispensary.
4. A Business License shall be required as provided under the provisions of Chapter 8.
5. The Medical Marijuana Dispensary shall comply with all the restrictions and requirements of the Arizona Medical Marijuana Act, A.R.S. 36-2801 through 2818, together with compliance with any regulations adopted by the Arizona Department of Health Services pursuant to same, and said regulations are incorporated herein by this reference as if set forth in full.
6. No alcoholic beverages shall be sold, served, or consumed on the premises.
7. Each Dispensary shall display in a manner legible and visible to its clientele:
 - a. Notice that persons without a registry identification card or under the age of 18 (eighteen) are not allowed on the premises.
 - b. A request that there be no consumption of medical marijuana on the premises or in the vicinity of the Dispensary.
8. Dispensaries are to be designed and constructed so that no area or portion where growing marijuana can be visible from the exterior while requiring the entrance to be visible from a public street.
9. Medical Marijuana Dispensaries must conform to regulations for other businesses with similar zoning and all applicable building, fire and safety codes.
10. A Conditional Use Permit under the provisions of this Section for a

¹³ Editor's Notes: Originally adopted by and through Ordinance No 793, 11/22/10

Nonprofit Medical Marijuana Dispensary may only be received or held by a registered Nonprofit Medical Marijuana Dispensary Agent for a registered and certified Medical Marijuana Dispensary as provided in A.R.S. 36-2804, and as licensed by the City pursuant to Subsection 14-5-18(A)5 above.¹⁴

11. Drive through services and dispensing machines are prohibited.
12. The Dispensary shall be operated in compliance with regulations for same that the City may adopt regardless of the date of the grant of an initial business license or the approval of a conditional use permit. Such regulations may be amended from time to time as the City deems appropriate and shall be deemed to be incorporated in any conditional use permit authorized hereunder.
13. Appropriate setbacks or screening from residential and other sensitive adjacent properties shall be required.
14. The Medical Marijuana Dispensary shall be operated in accordance with the requirements of Article 8-6, Licensing of Medical Marijuana Facilities.
15. Any other condition as may be approved by the City Council by agreement with the applicant.

C. Standard Conditions For Medical Marijuana Cultivation Facilities and Manufacturing Facilities.

1. The standard conditions as set forth in Subsections B 1, 2, 4, 5, 6, 8, 9, 10, 11, 13, 14, and 15 shall also be applicable to Medical Marijuana Cultivation and Manufacturing Facilities.
2. Only registered medical marijuana agents as defined by Arizona state law may be present at a medical marijuana cultivation or manufacturing facility. This does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of non-medical marijuana related goods to the premises.
3. In addition thereto, health, safety, security, environmental, consumer, utility, industrial, cultivation and manufacturing” best practices” shall apply.
4. Water, sewer and other infrastructure impacts shall be addressed.

D. Additional Conditions of Approval Authorized

¹⁴ Editor's Notes: Originally adopted by and through Ordinance 793, 11/22/10

In addition to the standard conditions of approval as set forth in Subsection B above, the City may add any other condition of approval appropriate to the application considering the location, building, surroundings, adjacent land uses, topography, security and safety considerations, best practices as determined from experience, or any other rational and stated basis, as may be necessary to achieve a compatible land use with the surrounding community as authorized by law.

Section 14-5-19 Donation Boxes, Approval Required¹⁵

A. Donation Box Permit

No later than 90 days from the effective date of this ordinance, no person shall place, operate, maintain or allow any donation box on any real property without first obtaining an annual permit issued by the Development Services Department ("department"), to locate a donation box.

B. Application for a Permit

1. Any person desiring to secure a permit shall make an application to the City of Globe's Department of Development Services
2. A permit shall be obtained for each donation box(es) proposed. Combining fees for donation box(es) located on a lot of record may be addressed in the fee resolution.
3. The application for a permit shall be upon a form provided by the department and be signed by an individual who is an officer, Zoning Administrator, member or manager of an entity applicant. The applicant shall furnish the following information:
 - a. Name, address and email of all partners or limited partners of a partnership applicant, all members of an LLC applicant, all officers and directors of a non-publicly traded corporation applicant, all stockholders owning more than five percent of the stock of a non-publicly traded corporate applicant, and any other person who is financially interested directly in the ownership or operation of the business, including all aliases.
 - b. Date of birth of individuals and date of establishment of an entity or the birthdate of an individual applicant.
 - c. Whether the applicant has previously received a permit for a donation box in the city or operates a donation box or similar type receptacle without a permit in the city.

¹⁵ Editor's Notes: Originally adopted by and through Ordinance No. 831 and Resolution No. 1733, 02/09/16

- d. The name, address, email and telephone number of a contact person for all matters relating to a donation box located in the city.
4. The physical address of the real property where the donation box is proposed to be located.
5. A scaled drawing sufficient to illustrate the proposed location of the donation box on the real property, the dimensions of the proposed donation box and that the location complies with all code requirements.
6. If not the owner of the real property, an affidavit from the property owner providing written permission to place the donation box(es) on the property, as well as an acknowledgment from the property owner of receipt of a copy of this article, shall be provided on a form provided by the Zoning Administrator. For purposes of this subsection, the affidavit and acknowledgment may be executed by an individual who is an officer, Zoning Administrator, member or manager of an entity owning the property.
7. A nonrefundable fee in an amount established by resolution of city council.
8. Proof of general liability insurance no less than \$1million per occurrence.
9. Within ten days of receiving an application for a permit, the Zoning Administrator shall notify the applicant whether the permit is granted or denied. If the Zoning Administrator denies an application, the Zoning Administrator shall state in writing the specific reasons for denial.
10. No person to whom a permit has been issued shall transfer, assign or convey such permit to another person or legal entity.
11. A person shall be issued a permit by the Zoning Administrator if the requirements of this article are satisfied.

C. Requirements for a Permit

A permittee shall operate and maintain, or cause to be operated and maintained, all donation box locations in the city for which the permittee has been granted a permit as follows:

1. Donation Boxes shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti. Donation boxes shall be locked or otherwise secured in such a manner that the contents cannot be accessed by anyone other than those responsible for the retrieval of the contents.

2. Donation Boxes shall have, at minimum, one-half-inch type visible from the front of each donation box the name, address, email, website and phone number of the operator, as well as whether the donation box is owned and operated by a for profit company or a not for profit company. The donation box shall not have information, advertising or logos other than those relating to the operator.
3. Donation boxes shall be serviced and emptied as needed, but at least every 30 days.
4. The permittee and property owner shall maintain, or cause to be maintained, the area surrounding the donation boxes, free from any junk, debris or other material. The property owner shall be responsible to the extent provided by law for the city's cost to abate any nuisance, in accordance with the City Code.
5. Donation boxes shall:
 - a. Not be permitted on any land used for residential purposes;
 - b. Not be permitted on any unimproved parcel, nor where the principal use of the land has been closed or unoccupied for more than 30 days;
 - c. Not be less than 1,000 feet from another donation box as measured along a straight line from one box to the other. Notwithstanding this separation requirement, up to two donation boxes on a single lot of record are permitted if the two donation boxes are side by side and are no more than one foot apart;
 - d. Not exceed seven feet in height, six feet in width and six feet in depth;
 - e. Not cause a visual obstruction to vehicular or pedestrian traffic;
 - f. Not be placed closer than ten feet from:
 - i. a public or private sidewalk except that this provision does not apply to a private sidewalk as long as the private sidewalk maintains a five-foot clearance;
 - ii. a public right-of-way;
 - iii. a driveway; or
 - iv. a side or rear property line of adjacent property used for residential purposes;

- g. Not cause safety hazards with regard to a designated fire lane or building exit;
- h. Not:
 - i. interfere with an access drive, off-street parking lot maneuvering lane and/or required off-street parking space to an extent which would cause safety hazards and/or unnecessary inconvenience to vehicular or pedestrian traffic;
 - ii. encroach upon an access drive, off-street parking lot maneuvering lane and/or required parking spaces; and be placed on a dust free paved surface.

D. Term of Permit and Renewal of Permit.

The permit year shall begin on January 1 of each year and shall terminate on December 31 of the same calendar year. An annual permit issued between December 1 and December 31 of any year shall expire on December 31 of the calendar year next following issuance thereof.

1. A donation box permit shall be renewed annually. The application for renewal must be filed not later than 30 days before the permit expires. The application for renewal shall be upon a form provided by the Zoning Administrator.
2. The Zoning Administrator shall either approve or deny the renewal of a permit within ten days of receipt of the complete renewal application and payment of the renewal fee. Failure of the Zoning Administrator to act before expiration of the permit shall constitute approval of the renewal of the permit.
3. A permit renewal fee set by resolution of the city council shall be submitted with the application for renewal.
4. Prior to expiration of the permit, the permittee may voluntarily cancel the permit by notifying the Zoning Administrator in writing of the intent to cancel the permit. The permit shall become void upon the Zoning Administrator's receipt of a written notice of intent to cancel the permit.
5. The Zoning Administrator shall approve the renewal of a permit if the Zoning Administrator finds that no circumstances existed during the term of the permit which would cause a violation to exist, and that at the time of submission of the application for renewal, or at any time during the renewal of the application for renewal, there were not circumstances inconsistent with any finding required for approval of a new permit. Any

permittee whose permit has been revoked shall be denied renewal of the permit for the subsequent calendar year.

6. If the permit expires and is not renewed, the donation box(es) must be removed from the real property within a maximum of ten days after expiration of the permit.

E. Revocation of Permit, Removal of Donation Boxes and Liability.

1. The Zoning Administrator shall have the right to revoke any permit issued hereunder for a violation of this ordinance. Any of the grounds upon which the Zoning Administrator may refuse to issue an initial permit shall also constitute grounds for such revocation. In addition, the failure of the permittee to comply with the provisions of this ordinance or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The Zoning Administrator shall provide a written notification to the permittee and property owner stating the specific grounds for a revocation and a demand for correction and abatement. The notice shall allow a maximum of ten days from mailing of the notice to correct or abate the violation. Upon failure to make the correction or abatement, the permit shall be revoked by the Zoning Administrator and, thereafter, the permittee shall not be eligible for a permit on the property for the subsequent calendar year.
2. Upon revocation, the donation box shall be removed from the real property within ten days and, if not so removed within the time period, the city or the property owner may remove, store or dispose of the donation box at the expense of the permittee and/or real property owner. All costs associated with the removal of the donation box incurred by the city, or the city's contractor shall be the responsibility of the property owner. If such obligation is not paid within 30 days after mailing of a billing of costs to the property owner, the city may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the city, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.
 - a. A permit for a donation box may be revoked if any governmental authority or agency determines that the donation box has violated the Michigan Consumer Protection Act and/or the Charitable Organizations and Solicitations Act.

F. Appeal to Planning and Zoning Commission.

Any person aggrieved by the decision rendered by the Zoning Administrator in granting or denying an application for a permit under this ordinance or in revoking a permit

issued under this ordinance may appeal the decision to the Planning and Zoning Commission. The appeal shall be made by filing a written notice thereof with the Development Services Department setting forth the grounds for the appeal not later than ten days after receiving notice of the decision of the Zoning Administrator. The Planning and Zoning Commission may grant relief if the applicant presents clear and convincing evidence that there was an error in the decision of the Zoning Administrator.

G. Penalty and Remedies.

1. In addition to revocation of permit pursuant to Section E, any person violating the provisions of this ordinance is guilty of a civil infraction.
2. In addition to the penalty provided in Subsection 2 (a) of this section, any condition caused or permitted to exist in violation of the provisions of this ordinance, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
3. Nothing in this ordinance shall prevent the city from pursuing any other remedy provided by law in conjunction with or in lieu of prosecuting persons under this section for violation of this ordinance.
4. The real property owner and permittee shall be jointly and severally liable for each violation and for payment of any fine and costs of abatement.
5. No fines shall be imposed for a violation of this ordinance until 90 days after its effective date. All donation boxes existing at the effective date of the article shall apply for a permit as required herein within 30 days of the effective date. Any donation boxes not in compliance with this ordinance after 90 days of the effective date shall be subject to all remedies for violation as provided herein.

Article 14-6 GENERAL PERFORMANCE REQUIREMENTS

- Section 14-6-1 Purpose
- Section 14-6-2 Swimming Pools
- Section 14-6-3 Glare and Lighting
- Section 14-6-4 Height Limitation on Corner Lots and Driveways
- Section 14-6-5 Fences and Walls
- Section 14-6-6 Projections of Structures into Required Yards
- Section 14-6-7 Accessory Buildings
- Section 14-6-8 Required Screening
- Section 14-6-9 Unsuitable Sites
- Section 14-6-10 Dumping and Disposal

Section 14-6-1 Purpose

- A. The purpose of this Article is to establish general development and performance standards applicable to all Zoning Districts. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the communities. The standards and regulations set forth in this Article shall qualify or supplement, as the case may be, the District Regulations set forth elsewhere in this Chapter. Design and site review and approval pursuant to Section 14-9-5 of this Chapter shall be required prior to issuance of a building permit except as exempted.
- B. The provisions of this Article shall supplement other building codes and development regulations which are adopted from time to time by the Mayor and Council.

Section 14-6-2 Swimming Pools

- A. No swimming pool shall be located within any utility easement or closer than five (5) feet to any property line or any building.
- B. Any swimming pool shall be enclosed by a fence or permanent structure not less than five (5) feet in height, and access to such and enclosed area shall be through buildings, or gates that are equipped with self-closing and self-latching devices.
- C. No heater, filter, pump or other mechanical equipment used in association with any swimming pool shall be located within three (3) feet of any property line. Any such mechanical equipment shall be situated so that no exhaust, vibration, noise, or other nuisance creates a disturbance to the adjoining property.

Section 14-6-3 Glare and Lighting

- A. Any lighting used to illuminate an on-street parking area, sign or other structure, shall be arranged so as to deflect light away from any residential area or zone

and away from public streets. Direct or sky-reflected glare, whether from flood lights or high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public rights-of-way. Any light or combination of lights which cause light on a public street, other than lights specifically intended for and authorized for that purpose by the appropriate authority, shall not exceed one (1) foot candle (meter reading) as measured from the center line of such street. Any light or combination of lights which casts light on residential property shall not exceed four (4) foot candles (meter reading) as measured from the nearest property line of such property.

- B. No light which flashes, revolves or otherwise resembles a traffic-control signal shall be allowed in any area where such light could create a hazard for passing vehicular traffic.
- C. All outdoor lighting shall be installed, maintained, and utilized in conformance with Article 14-8 of this Chapter.

Section 14-6-4 Height Limitation on Structures, Fences, Hedges, Signs, Shrubbery on Corner Lots and Driveways

Notwithstanding any other provisions in any zoning district, as an aid to safe movement of vehicles at and near street intersections, and in order to promote more adequate protection for the safety of children, pedestrians, motor vehicle operators, and for the protection of property, the height of any fences, walls, gateways, ornamental structures, other structures or fixture construction, hedges, shrubbery and plantings on corner lots in all districts shall be limited to a height not to exceed two (2) feet above the established elevation of such lots for a distance of twenty (25) feet along the front and side lot lines of such lots as measured from the corner nearest to any adjacent street intersection.

Section 14-6-5 Fences and Walls

All fences and walls within any district shall be constructed in conformance with the following:

- A. No person, firm or corporation, shall construct, or cause to be constructed or erected, any fence or wall within the City, without first making application for and obtaining a building permit for such construction.
- B. All fences and walls shall be located entirely on the private property of the person, firm or corporation constructing, or causing the construction of any such fence or wall unless the owner of the adjoining property agrees, in writing that such fence or wall may be erected on the division line of the respective properties.
- C. Construction and Maintenance

1. Every fence or wall shall be constructed in a diligent workmanlike manner and of substantial material reasonably suited for the purpose for which the fence or wall is proposed to be used. Every fence or wall shall be maintained in a condition of reasonable good repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, and shall not be allowed to constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect shall be deemed to be a public nuisance and the Zoning Administrator may commence proper proceedings for the abatement of such nuisance.
2. Link or wire fences are prohibited, except in Industrial Districts, and shall be constructed of at least eleven (11) gauge wire or comparable material.
3. Electrical or barbed wire fences or walls shall be prohibited.

D. Fence or Wall Height Measurement

1. The height of any fence or wall shall be calculated to the uppermost points as follows:
 - a. In required yards abutting a street, the height of the fence or wall shall not exceed three (3) feet in height as measured from the finished grade on the side nearest the street.
 - b. In other required yards, the height of any fence or wall shall be the total effective height above the finished grade measured on the side nearest the abutting property.
 - c. On property lines, the height of any fence or wall may be measured from the finished grade of either side of the fence or wall when the abutting property owners are in joint agreement.

E. Residential Fences or Walls

1. In all Residential Districts of the City, no fence or wall shall be erected or maintained at a height of greater than six (6) feet.

F. Business and Industrial Fences or Walls

Fences or walls in all commercial and industrial zoning districts shall not exceed ten (10) feet in height.

G. Exceptions

Special-Purpose Fences or Walls

The foregoing provisions notwithstanding, fences or walls for special purposes and fences or walls differing in construction, height, or length may be permitted in any zoning district by issuance of a conditional use permit obtained in accordance with the provisions of this Chapter. Such conditional use permit may be issued only by written findings that such fence or wall is necessary to protect, buffer or improve the premises for which the fence or wall is intended and will not detrimentally affect adjacent property.

Section 14-6-6 Projections of Structures into Required Yards

All front, side, and rear yards shall be open and unobstructed from the ground to the sky except as follows:

A. All Yards

1. In all front, side, or rear yards, sills, belt courses, cornices, eaves and ornamental features may project two (2) feet into the required yard.
2. In all front, side, and rear yards, terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the adjacent natural ground level may project into the required yard so long as these projections are a distance of at least two (2) feet from the adjacent lot lines.
3. In any front, side, and rear yards, chimneys may project two (2) feet into the required yard.

B. Front Yards

1. Balconies, stairs, and covered porches may project four (4) feet into the required yard.
2. Canopies and awnings projecting over windows may extend into the required yard three (3) feet; however, a canopy extending from the main entrance of the main structure on the property to the sidewalk, and not wider than the entrance may project to the nearest line of any easement for public right of way or utilities.

C. Side Yards

1. Balconies and stairs located in a required side yard may project two (2) feet into the required yard but not nearer than two (2) feet to the adjacent side property line.
2. In any required side yard, canopies and awnings projecting over windows may extend into the required yard three (3) feet.

3. In any required side yard, mechanical equipment, such as air conditioners, may be constructed in the side yard so long as the blower system is not directed toward the adjacent property, and so long as such mechanical equipment is not closer than ten (10) feet to any opening to an indoor living area on an adjacent lot.

D. Rear Yards

1. In any required rear yard, balconies and stairs may project four (4) feet into the required yard.
2. In any required rear yard, covered porches may project into the required yard so long as they are not closer than ten (10) feet to the rear property line.
3. In any required rear yard, canopies and awnings projecting over windows may extend into the required yard three (3) feet.
4. In any required rear yard, mechanical equipment such as air conditioners may be constructed in the rear yard so long as the blower system is not directed toward the adjacent property, and so long as such mechanical equipment is not closer than ten (10) feet to any opening to an indoor living area on an adjacent lot.

Section 14-6-7 Accessory Buildings

Any and all accessory buildings shall be established and constructed according to the regulations for the main building within the applicable zoning district and in accordance with the following provisions and exceptions:

- A. Accessory buildings >120 square feet shall not be located closer than one-half the minimum rear and side yard setback from the property line. In no case such building shall be located closer than five (5) feet to any property line.
- B. Accessory buildings < 120 square feet shall not be located closer than 3 feet to the rear and side property lines
- B. Accessory buildings shall not be constructed within any required setback adjacent to a street or within any utility easement or easement for public right-of-way.
- C. Accessory buildings shall not exceed fifteen (15) feet in height.

Section 14-6-8 Required Screening

For sanitation purposes, the Zoning Administrator may require a permanent enclosure for all refuse containers in any and all zoning districts and for any and all uses other than single-family dwellings. All refuse enclosures shall be designed and constructed to

fully screen trash containers.

Section 14-6-9 Unsuitable Sites

No land shall be used or structure erected if the Planning and Zoning Commission has determined that the land is unsuitable for such use or structure by reason of potential flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility or any other feature or features which may render such use or structure likely to be harmful to the health, safety and general welfare of the community. The person or entity proposing such use or structure on land determined by the Planning and Zoning Commission to be unsuitable for such use or structure may appeal the Planning and Zoning Commission's determination of unsuitability and may present evidence to the City Council in support of such an appeal. The City Council thereafter may affirm, modify, or withdraw the determination of unsuitability.

Section 14-6-10 Dumping and Disposal

- A. No person shall obstruct or reduce the capacity of Pinal Creek or any other natural waterway within the City by filling or dumping any earth, stone or other materials therein.
- B. The use of land for the dumping or disposal of scrap iron, junk garbage, rubbish or other refuse, or of ashes, slag, or other industrial wastes or byproducts shall be prohibited in every zoning district except as specifically otherwise provided in this Ordinance.

Article 14-7 PARKING, LOADING, ACCESS REQUIREMENTS

Section 14-7-1 Purpose

Section 14-7-2 Applicability

Section 14-7-3 Off-Street Parking Standards

Section 14-7-4 Location of Off-Premises Parking Facilities

Section 14-7-5 Off-Street Loading Standards

Section 14-7-6 Access Standards for Developments

Section 14-7-1 Purpose

The purpose of this Article is to regulate and ensure the provision of adequate motor vehicle parking and loading areas for each land use.

Section 14-7-2 Applicability

The following Subsections describe required standards for off-street parking and off-street loading:

- A. When the use of any building, structure, or premises is changed to a new use, or the intensity of use is increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified in this Article for required parking or loading facilities, parking and loading facilities shall be provided for such increase in intensity of use or change of use in accordance with the provisions of this Article.
- B. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Chapter (June, 1998) or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this Article for a similar new building or use.
- C. The requirements set forth in this Article with respect to the location or improvement of parking, standing, and loading spaces shall apply to all such spaces that are provided for, such spaces are provided in accordance with the requirements of this Article or are voluntarily provided.
- D. Off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this Article shall be used solely for the parking of passenger autos, recreational vehicles, or boats owned by occupants of the dwelling structures to which such facilities are accessory, or by guests of said occupants. Under no circumstances shall required off-street parking facilities accessory to residential structures be used for the storage of commercial vehicles associated with a business operation other than for a permitted home occupation at the same location. Such residential parking facilities shall not be used for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of nearby

commercial or manufacturing establishments.

- E. No major motor vehicle work of any kind shall be permitted in conjunction with accessory off-street parking or loading facilities; e.g., the overhauling of engines shall be prohibited.

Section 14-7-3 Off-Street Parking Standards¹⁶

A. Size

A parking space shall mean an area of not less than one hundred sixty-six and one-half (166.5) square feet, with a minimum width of nine (9) feet, and a minimum depth of eighteen and one-half (18.5) feet, which is specifically designated for, and used for, the parking of an automobile or light truck, exclusive of all driveways and access ways.

B. Permits

An applicant for Design and Site Plan Review, development review, or a building permit must submit plans showing the off-street parking required by this Article. These plans must show locations, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress, and must be approved by the designated approval authority. Whenever a permit has been issued in compliance with the requirements of this Article, subsequent use of the structure, or use of the land is conditioned upon the unqualified availability of off-street parking as shown in the approved plans.

- 1. Alterations, Additions, and Expansion of a Business:
 - a. A new use, addition, or alteration of a building shall not be approved if it would create or increase a deficit in off-street parking.
 - b. It is unlawful to reduce the amount of existing parking below the minimum required by this section without first supplying other spaces as are required.
 - c. If a building or business is destroyed, and if it is allowed to be reconstructed subject to the provisions of Section 14-1-3, it shall be required to provide only the number of parking spaces which existed prior to the destruction.
 - d. If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion.

¹⁶ Editor's Note: Originally adopted by Ordinance No. 808, 11/22/11

2. Parking Garage

All garages or other space allocated for the parking of vehicles, within buildings, basements, or on roofs of buildings, shall be considered part of the off-street parking facilities and may be included as such in computing the parking area requirements.

3. Access

All off-street parking shall have access from a public street or alley.

4. Ingress / Egress

Ingress, egress, internal traffic circulation, off-street parking and loading facilities and pedestrian ways shall be designed so as to promote safety and convenience and so that traffic visibility is not obstructed.

5. Central Commercial Zone with Historic Preservation Overlay

There shall be no additional minimum parking space requirements for the Central Commercial with Historic Preservation Overlay, however, additional off-street parking provided shall meet these standards.

C. Design and Location of Parking Spaces.

1. Single-family, Manufactured Homes, Duplexes and Agricultural Uses

- a. Location: Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve.
- b. Surfacing: Off-street parking spaces, driveways, and access ways shall be properly surfaced and graded so as to prevent impoundment of surface water in a manner satisfactory to the city engineer.

2. All Other Uses

- a. Location: Required off-street parking shall be located within three hundred (300) feet of the building or use it is intended to serve, the distance being measured along the street line from the nearest point of the building or use to the nearest point of the parking lot. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements, the owner shall submit as a part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by enforceable legal measure and such parking is authorized by the legal owner of the separate lot or parcel.

- b. Off-street parking spaces shall be situated in a manner, which will not result in automobiles backing onto a public street.
- c. Surfacing: Customer, patron parking areas, and automotive display areas: All new construction shall be subject to the following: All areas, access ways, driveways, and display areas for vehicles with gross vehicle weight of less than two and one-half (2-1/2) tons shall provide a pavement design drawing showing the extent of the new pavement area. This design drawing shall include a section specifying the type and thickness of the asphalt pavement, aggregate base, and subgrade and shall consist of a minimum of three (3) inches of asphalt over an eight (8) inch aggregate base over a compacted subgrade, or as otherwise specified by the site design engineer and approved by the city engineer. Paved parking lots shall be maintained at an approved standard for paving. Existing gravel parking lots shall be maintained at an approved standard with a compacted aggregate base and surfaced with three-quarter-inch (3/4) minus gravel (cinders prohibited) at a two (2) inch minimum depth, or a material of equal or better strength and durability which meets the city engineer's minimum standards. All surface water run-off shall be detained on-site or drained into a drainage system approved by the city engineer and shall be maintained by the property owner. The city engineer may require a drainage study or grading and drainage plans sealed by licensed civil engineer at their discretion.
- d. Curbing: A six (6) inch wide by six (6) inch high curb or bumper guard shall be installed along all property lines bordering the parking and maneuvering area, excluding necessary points of ingress and egress, and shall be so located that no part of a vehicle shall extend over or beyond any property line.
- e. Design: As indicated in the diagram below, all areas of the parking lot, with the exception of necessary points of ingress and egress, shall be no closer than ten (10) feet from the front and exterior side yard property lines. That unoccupied area shall be landscaped and maintained with trees, shrubs, ground cover, pedestrian walkways, and plazas in a manner acceptable to the Zoning Administrator. Such landscaping shall be maintained and kept in a weed-free manner. Access to off-street parking areas from a public street shall be from a two-way driveway with a minimum width of twenty (20) feet and a maximum width of forty (40) feet, or two (2) one-way driveways each with a minimum width of twelve (12) feet and a maximum width of 18 feet. No access driveway shall be located closer than twenty feet from a street intersection or other access driveway, nor any closer than ten feet from any property line unless extraordinary circumstances are demonstrated and

approval is granted through the Design and Site Plan Review process.

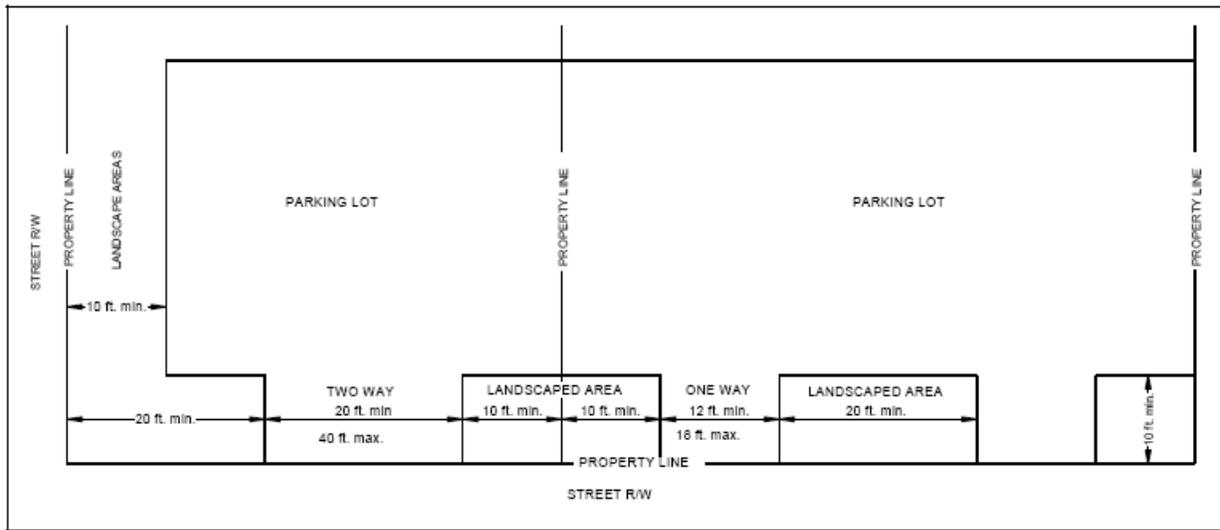


Figure 14-7.1 Parking Lot Minimum Dimensions

- f. Dimensions: Arrangements of parking spaces within the parking lot and driveway widths shall conform with the following requirements:

Table 14-7: Minimum Required Parking Area Dimensions					
Angle of Parking	Stall Width	Curb Length Per Stall	Stall Depth	One-Way Aisle Width	Two-Way Aisle Width
0° (Parallel)	9'	*22'-0"	10'-0"	12'	20'
30°	9'	18'-6"	17'-4"	12'	20'
40°	9'	14'-0"	19'-2"	12'	22'
45°	9'	12'-6"	19'-10"	13'	24'
50°	9'	11'-9"	20'-5"	15'	24'
60°	9'	10'-5"	21'-0"	18'	24'
70°	9'	9'-8"	21'-0"	19'	24'
90°	9'	9'-0"	18'-6"	24'	24'

* End cap parallel parking spaces may be reduced to 20' if proper curb taper for safe vehicle movement can be demonstrated.

Minimum parking space dimensions shall be nine (9) feet by eighteen and one-half (18 ½) feet at various angles.

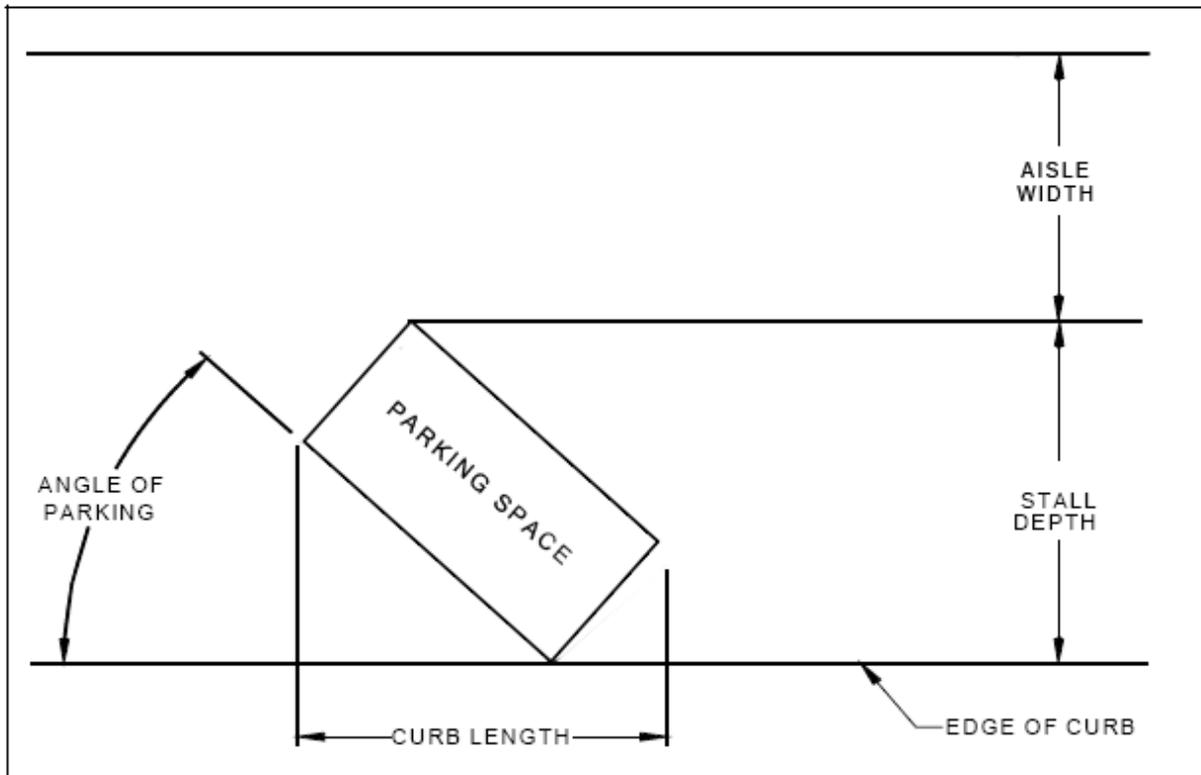


Figure14-7.2 Parking Space Dimensions

- g. Screening: All on-site parking areas shall be screened from public rights of way with a three (3) foot masonry wall or a combination of berms and landscaping. Whenever a parking lot or a driveway to a parking lot is established so as to adjoin the side or abut the rear line of a lot in a residential or manufactured home zoning district, a solid masonry or solid material fence six (6) feet in height, or of other material or height as allowed or required by the planning and zoning commission (subject also to the fence height regulations established in Section 14-6-5 of this ordinance) shall be constructed and maintained along said side or rear lot line.
- h. Lighting: Parking lots used during hours of darkness shall be lighted to minimum level of one point five (1.5) foot-candles.

Lighting shall be indirect, hooded and arranged so that the source of light is not directly visible from any street or adjoining property. All outdoor lighting shall conform to Section 14-8 of this zoning ordinance, unless otherwise specified herein. Light standards shall be a maximum of forty (40) feet in height above grade, in airport, commercial and industrial zones and sixteen (16) feet in residential zones.

D. Schedule of Required Off-street Spaces.

1. Off-street Parking Spaces

Shall be provided for each specified use in accordance with the schedule below. While the following schedule requires the minimum amount of parking spaces, the business is not relieved of the responsibility to provide adequate off-street parking for all employees and customers, including such parking as required for handicap accessibility as designated by ADA guidelines.

2. Definitions

In calculating the total number of required parking spaces, "usable area" as used herein shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.), and the term "seat" shall also include each thirty (30) inches of bench seating when individual seats are not provided.

3. Mixed uses

In the event of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements of the various uses computed separately.

4. Fractional Amount

In calculating the total number of required off-street parking spaces, fractional amounts are to be rounded to the next highest whole number.

5. Unlisted Uses

The Planning and Zoning Administrator shall determine parking requirements for a specific use not listed in this section.

6. Land Use Spaces Schedule

a. Residential Use

i. One or two-family residences: 2 per dwelling unit

ii. Multiple dwellings:

Efficiency units: 1-1/2 per dwelling unit

One-bedroom units: 1-1/2 per dwelling unit

Two or more bedroom units: 2 per dwelling unit

iii. Senior living facilities: 1 per 2 dwelling units

- iv. Rooming houses, fraternities, sororities, resident clubs, lodges: 1 per sleeping room or 1 per bed, whichever is greater
 - v. Manufactured home parks and subdivisions: 2 per manufactured home and site, plus 1 per 2 employees
 - vi. Recreational Vehicle Parks: 1 space per each recreational vehicle space, plus space required off-street parking space for any accessory uses.
- b. Commercial Sales and Services:
- i. Restaurants, bars, cocktail lounges: 1 per 50 sq. ft. of gross floor area excluding kitchens and storage areas
 - ii. Drive-in food or drink places with on-site consumption area: 1 per 50 sq. ft. of gross floor area excluding kitchens and storage areas, plus 1 per each 3 employees on the maximum shift.
 - iii. Churches, mortuaries, funeral homes: 1 per 30 square feet of assembly room space for each congregation meeting at the same time, whichever is greater.
 - iv. Self-service laundries and dry cleaners: 1 per 2 machines
 - v. Open air businesses: 1 per 500 sq. ft. of sales area for first 2,000 sq. ft., plus 1 per additional 2,000 sq. ft or portion thereof over 50 sq. ft.
 - vi. Car lots: All parking for employees, customers, and auto storage or display shall be legally contained within the boundary of the property
 - vii. Gasoline service stations: 1 per employee on the maximum shift, plus 2 for each service bay (additional parking for grocery or other retail sales shall be required in the amount specified herein)
 - viii. Car wash: 1 per employee, plus reserved spaces equal to 5 times the wash line capacity
 - ix. Motor vehicle and machinery sales, auto repair shops: 1 per 800 sq. ft. of floor area
 - x. Barbershops, beauty shops: 2 per service chair

- xi. Furniture and appliance stores, household equipment: 1 per 800 sq. ft. usable floor area
 - xii. Supermarkets, drugstores: 1 per 250 sq. ft. of gross leasable space
 - xiii. Hotels, motels: 1 per guest room or suite, plus 1 per 2 employees
 - xiv. Bus depots: 1 per 150 sq. ft. of waiting room space
 - xv. Skating rinks, dance halls, dance studios: 1 per 3 persons capacity permitted by fire regulations
 - xvi. Bowling alleys: 7 per bowling lane, plus 1 per 5 seats in gallery, plus 1 per 2 employees
 - xvii. Billiard parlors: 2 per 1 billiard tables, plus 1 per 2 employees
 - xviii. Gymnasiums, health studios: 1 per 400 sq. ft. of usable floor area, plus 1 per 2 employees
 - xix. Private golf clubs and similar uses: 1 per 8 member families or individuals
 - xx. Theaters: 1 space for each 3 seats
 - xxi. Any other retail use not indicated above: 1 per 250 sq. ft. of customer floor area, plus 1 per 2 employees on the maximum shift
- c. Office and Clinic Uses
- i. Offices, banks, savings and loan usable agencies: 1 per 200 sq. ft. of floor area
 - ii. Medical and dental offices/complexes and clinics: 1 per 150 sq. ft. of gross floor area for the first 20,000 sq. ft. and 1 per 250 sq. ft. of the remaining gross floor area over 20,000 sq. ft.
- d. Schools and Institutions
- i. Elementary and intermediate schools: 1 per employee, plus 1 per every 20 students
 - ii. High schools: 1 per 8 students, plus 1 per employee

- iii. Junior colleges, colleges, day universities: 1 per 3 enrolled full-time students, plus 1 per employee
- iv. Trade schools, business colleges: 1 per 150 sq. ft. of gross floor area
- v. Hospitals: 1 per 2 beds, plus 1 per resident employee, plus 1 per 2 nonresident employees
- vi. Day or Nursery Schools: 1 space per employee on largest work shift, plus 1 space per 6 students for student drop off area

E. Loading Space Requirements

- 1. Each use is required to provide off-street loading spaces for the safe maneuverability of loading and unloading of its delivery vehicles.

Section 14-7-4 Location of Off-Premises Parking Facilities

The location of off-premises parking facilities in relation to the use served shall be as prescribed in this section.

- A. Off-street parking facilities accessory to residential uses shall be located on the same lot as the use served.
- B. Off-street parking facilities accessory to non-residential uses may be located on a lot adjacent to or across a collector street, local street, or alley from the lot occupied by the use served but in no case at a distance in excess of one hundred (100) feet from such use except in the Central Commercial (C-3) District with a Historic Preservation Overlay where this distance may be increased to four hundred (400) feet if such off premise parking facility is shared based upon a sharing formula approved by the Zoning Administrator. The distance shall be determined as measured from the closest point of the off-street parking facility to the closest point of the site being served by such off-premise facility. No off-premise parking facilities accessory to an industrial, commercial, or institutional use shall be located in a residential district.
- C. Pedestrian access between the use or the site and the off-premise parking area shall be via paved sidewalk or walkway.

Section 14-7-5 Off-Street Loading Standards

Any use with a gross floor area of six thousand (6,000) square feet or more, and which requires deliveries or shipments, must provide off-street loading facilities as determined necessary by the Zoning Administrator after review of the site plan.

- A. No loading space shall be located within the right-of-way of any street, roadway or public alley or in any designated off-street parking area. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or the right-of-way while the truck or van is being loaded or unloaded.
- B. Adequate off-street truck maneuvering area for any required loading berths shall be provided on-site and not within any public street right-of-way or other public lands.
- C. All required loading berths shall be located on the same lot as the use served.
- D. All loading spaces shall be accessible at all times from a street, alley or driveway intended to serve such off-street loading areas. Access to loading areas may be provided by way of designated off-street parking areas using only designated and marked aisles for such access. If access to loading spaces involves the utilization of off-street parking areas, no interference of any type shall be permitted in terms of the normal use and function of said off-street parking lot and no designated off-street parking area or space shall be infringed upon at any time for the movement of any vehicle waiting to gain access to said loading space.
- E. Access to loading spaces shall not be blocked by other loading spaces, permanent or movable structures of any type including trash receptacles or compactors nor shall any loading space interfere with any fire exit or emergency access.

Section 14-7-6 Access Standards for Developments

- A. Access to public roads and highways in the City of Globe shall be limited to ensure that the congestion created by turning movements is reduced to an absolute minimum. All developments shall meet the following standards, except as otherwise specifically provided in this Section.
 - 1. All proposed single-family and two-unit attached residential uses shall have direct access to local residential streets only, if possible.
 - a. Individual detached single-family residences may have direct access to an arterial street only if no other access options are viable, if the lot is afforded an on-site turn-around area, and if the developer is physically unable to provide a local street. All access physically abutting the developer's property shall be provided at the developer's expense.
 - b. All other residential development, including multi-family development of five or more units, must have direct access to a local, collector, or arterial street even though such development may be served internally by private streets and/or drives. All access locations are subject to review and approval by the Town

Engineer or designee.

2. All nonresidential uses must have primary access to a collector or arterial street or to a frontage road. Direct primary access to a local residential street is prohibited for nonresidential uses. Nonresidential uses may have secondary access to a local residential street with the permission of the Planning and Zoning Commission when principal access to said nonresidential use is provided from either a nonresidential collector street or an arterial street. The establishment of such access shall be in the form of an easement or deed restriction placed upon the lot.
3. All uses shall be discouraged from having more than one point of access unless additional access is required by the Fire Department or for other safety purposes. In instances where more than one access point is required, the number shall be minimized by combining access points with adjacent parcels when possible.
4. Uses on collector streets which have in excess of one hundred (100) feet of frontage may have one (1) access per one hundred (100) feet of frontage. In order to promote safe and efficient access, however, uses which have less than one hundred (100) feet of frontage on said collector streets shall utilize shared access drives which are located on the abutting property lines. Such shared access drives shall also serve to link off-street parking areas on abutting lots in order to promote site internal circulation between abutting uses and thus minimizing the need to use the collector street in order to accommodate vehicular flow between abutting lots.
5. Driveway spacing along existing and planned arterial and collector streets shall be determined as a function of arterial or collector street type.
6. No portion of a driveway shall be located within one hundred twenty (120) feet of the near curb return of an existing or planned intersection signalized with a traffic light.

Article 14-8 OUTDOOR LIGHTING RESTRICTION

- Section 14-8-1 Purpose
- Section 14-8-2 Conformance with Applicable Code
- Section 14-8-3 Approved Material and Methods of Installation
- Section 14-8-4 Definitions
- Section 14-8-5 General Requirements
- Section 14-8-6 Prohibitions
- Section 14-8-7 Permanent Exemptions
- Section 14-8-8 Procedures for Compliance
- Section 14-8-9 Temporary Exemptions

Section 14-8-1 Purpose

This Article is intended to establish restrictions and guidelines for the use and installation of outdoor artificial illuminating devices. To prevent emitting undesirable rays into the night sky which have a detrimental effect on astronomical observations.

Section 14-8-2 Conformance with Applicable Codes

All outdoor artificial illuminating devices shall be installed and utilized in conformance with the provisions of the Chapter, and all other ordinances or building codes which may be applicable. Where any provision of state or federal law, or any other applicable code conflicts with the requirements of this outdoor light control article, the most restrictive shall control.

Section 14-8-3 Approved Material and Methods of Installation

The provisions of this Article are not intended to prevent the use of any material or method of installation not specifically prescribed by this Article provided any such alternate has been approved. The Zoning Administrator may approve any such alternate, provided, he/she finds that the proposed design, material or method:

- A. Provides approximate equivalence to those specific requirements of this Article or;
- B. Is otherwise satisfactory and complies with the intent of this Article.

Section 14-8-4 Definitions

- A. Outdoor Light Fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, or floodlights for:
 - 1. Buildings and structures.
 - 2. Recreational areas.

3. Parking lot lighting.
 4. Landscape lighting.
 5. Billboards and other signage (advertising or others).
 6. Street lighting.
- B. Fully Shielded: Those fixtures shall be 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.
- C. Partially Shielded: Those fixtures shall be in such a manner that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing light above the horizontal.
- D. Filtered: Outdoor light fixtures whose transmission is less than five percent (5%) total emergent flux at wavelengths less than thirty-nine hundred (3900) angstroms. Total emergent flux is defined as that between three-thousand (3000) and seven-thousand (7000) angstrom units.
- E. Individual: Any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to companies, partnerships, joint ventures or corporations.
- F. Installed: The initial installation of outdoor light fixtures defined herein, following the effective date of this Chapter but shall not apply to those outdoor light fixtures installed prior to such date.

Section 14-8-5 General Requirements

- A. Shielding. All exterior illuminating devices, except those exempt from this Chapter shall be fully and/or partially shielded as required in Subsection (C) of this Section.
- B. Filtration. All exterior illuminating devices, except those exempt from this Chapter shall be filtered as required in Subsection (C).
- C. Requirements for Shielding and Filtering. The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

TABLE 14-8: REQUIREMENTS FOR FIXTURE SHIELDING AND FILTERING		
FIXTURE LAMP TYPE	SHIELDED	FILTERED ¹
Low Pressure Sodium ²	Partially	None
High Pressure Sodium	Partially	None
Metal Halide	Fully	Yes
Fluorescent	Partially ³	Yes ⁴
Quartz ⁵	Partially	None
Incandescent Greater than 150W	Partially	None
Incandescent 150W or less	None	None
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other Lamp Types	AS APPROVED BY THE BUILDING INSPECTOR	
<p>FOOTNOTES:</p> <ol style="list-style-type: none"> 1. Glass, acrylic, or translucent enclosures satisfy these filter requirements. 2. This is the preferred lamp type to minimize undesirable light into the night sky affecting astronomical observations. 3. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. 4. Warm White and Natural Lamps are preferred to minimize detrimental effects. 5. For the purpose of this Chapter, quartz lamps shall not be considered an incandescent light source. 		

Section 14-8-6 Prohibitions

- A. Searchlights. The operation of searchlights for advertising purposes is prohibited between the hours of eleven (11:00) P.M. and six (6:00) A.M.
- B. Mercury Vapor. The installation of mercury vapor fixtures is prohibited.

Section 14-8-7 Permanent Exemptions

- A. Nonconforming Fixtures. All outdoor light fixtures existing and fully installed prior to the effective date of this Chapter (June, 1998) may remain "nonconforming" indefinitely; provided, however, that no change in use, replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of these regulations.

EXCEPTIONS:

No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after eleven (11:00) P.M. except to include a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to eleven (11:00) P.M.

- B. Fossil Fuel Light (Gas). Lighting produced by the combustion of natural gas or other utility-type fossil fuels is exempt. (This does not exempt lighting produced indirectly from combustion of natural gas or other utility-type fossil fuels, such as through the use of electricity to produce lighting.)
- C. Federal and State Facilities. Those facilities and lands owned, operated or protected by the U.S. Federal Government of the State are exempted by law from all requirements of this Chapter. Voluntary compliance with the intent of this Chapter at those facilities is sought and encouraged.
- D. Special Exemption. The Zoning Administrator may grant special exemption to the requirements of Subsection (C) of Section 14-8-5 only upon written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.
- E. Outdoor Advertising Lighting. Bottom-mounted outdoor advertising lighting is exempt provided that the lighting is equipped with a permanent automatic shut-off device and that the lights shall not be operated between the hours of eleven (11:00) P.M. and six (6:00) A.M.

Section 14-8-8 Procedures for Compliance

- A. Application
1. Any individual applying for a building or use permit under this code intending to install outdoor lighting fixtures shall as a part of said application submit evidence that the proposed work will comply with this Chapter.
 2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the Zoning Administrator providing evidence that

the proposed work will comply with this Chapter.

3. Utility companies entering into a duly approved contract with the City in which they agree to comply with the provisions of these regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.
- B. Contents of Application. The application shall contain the following information:
1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
 2. Description of the illuminating devices, fixtures, lamps, supports, and other devices, etc. This description may include but is not limited to, manufacturers' catalog cuts, and drawings (including Sections where required).
- C. The above required plans and descriptions shall be sufficiently complete to enable the Zoning Administrator to readily determine whether compliance with the requirements of this Chapter will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature of configuration of the device, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.
- D. Issuance of Permit. Upon compliance with the requirements of this Chapter, the City shall issue a permit for installation of the outdoor lighting fixtures, to be installed as in the approved application. In the event the application is part of a building permit application, the issuance of the building permit will be made if the applicant is in compliance with this Chapter as well as other pertinent laws and regulations. Appeal procedures of the zoning regulations for decisions under this Article shall apply.
- E. Amendment to Permit. Should the applicant desire to substitute outdoor light fixtures of lamps after a permit has been issued, the applicant must submit all changes to the Zoning Administrator for approval, with adequate information to assure compliance with this Chapter.

Section 14-8-9 Temporary Exemptions

- A. Request for Temporary Exemptions. Any individual as defined herein may submit a written request to the Zoning Administrator for a temporary exemption to the requirements of this Chapter, such exemption to be valid for thirty (30) days, renewable at the discretion of the Zoning Administrator.
- B. The request of temporary exemption shall contain minimally the following listed information:
1. Specific exemption requested.

2. Type and use of exterior light involved.
 3. Duration of time for requested exemption.
 4. Type of lamp and calculated lumens.
 5. Total wattage of lamp or lamps.
 6. Proposed location of exterior light.
 7. Previous temporary exemptions, if any.
 8. Physical size of exterior light and type of shielding provided.
- C. In addition to the above data, the Zoning Administrator may request any additional information which would enable him to make a reasonable evaluation of the request for temporary exemption.
- D. Appeal for Temporary Exemption. The Zoning Administrator, within five (5) days for the date of the properly completed request for temporary exemption, shall approve or reject in writing the request. If rejected, the individual making the request shall have the right of appeal to the Planning and Zoning Commission for review, pursuant to the procedures applicable to any other appeal of the decision of the Zoning Administrator.

Article 14-9 ADMINISTRATIVE PROCEDURES

- Section 14-9-1 Reservation of Authority to Make Amendments to This Chapter
- Section 14-9-2 Amendment Procedure Requiring Public Hearing with Public Notice
- Section 14-9-3 Public Hearing Required
- Section 14-9-4 Procedure for Variances to the Ordinance
- Section 14-9-5 Procedures for Design and Site Plan Review and Approval
- Section 14-9-6 Procedure for Conditional Use Permit
- Section 14-9-7 Procedure for Appeals to Board of Adjustment

Section 14-9-1 Reservation of Authority to Make Amendments to This Chapter

- A. In accordance with the provisions of Arizona State Law, the City Council may from time to time adopt amendments to this Chapter. An amendment to this Chapter may include changes in its text and wording, including but not limited to changes in the regulations regarding uses, setbacks, heights, lot areas, definitions, administration, and/or procedures. Amendments may be initiated by the City Council, the Planning and Zoning Commission, the Zoning Administrator, or by petition of a person whose property would be affected by the amendment.
- B. If an individual or other party initiates a request for an amendment to this Chapter, the request must be made on a form provided by the Zoning Administrator. The request must state the exact section of this Chapter proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted if it will assist in understanding the benefits of the amendment. The submittal must be made to the Zoning Administrator and the processing fee paid at the time of filing same.
 - 1. The Zoning Administrator shall investigate and make a written recommendation on the application to the commission within forty-five (45) days of receipt of the application. The chairperson of the commission may authorize an extension of up to ninety (90) days for good cause.
 - 2. The Zoning Administrator shall reject any application which fails to supply sufficient information to allow the Administrator to complete his or her report. The time period set forth in the preceding subsection shall not commence until a complete application for amendment has been filed and all fees have been paid.
- C. An amendment not initiated by the Planning and Zoning Commission shall be referred to the Planning and Zoning Commission for study and action after review, study, and recommendation by the Zoning Administrator. In its deliberations on the matter, the Planning and Zoning Commission shall consider oral or written statements from the petitioner, the public, City Staff, and its own

members. The Planning and Zoning Commission may approve, disapprove, or table an amendment application. The Planning and Zoning Commission shall notify the City Council, in writing, of its recommendation unless the applicant shall request that the application be withdrawn.

- D. The City Council may, after receipt of the report and recommendation of the Planning and Zoning Commission, set a date for a public meeting and hearing on the amendment request. An amendment which has been recommended for denial by the Planning and Zoning Commission shall not be reviewed by the City Council except upon written request by the applicant. In its deliberations on the matter, the Council shall consider oral or written statements from the petitioner, the public, City staff members, and its own members. The City Council may approve the request, deny the request, or table the request.
- E. In the event that an application for amendment is denied by the City Council or is withdrawn by the applicant after the Planning and Zoning Commission hearing, the Planning and Zoning Commission shall have no authority to review an application for the same amendment within one (1) year of the City Council action on the previous application, or the withdrawal of same.
 - 1. Unless by unanimous vote the commission determines such a review is warranted based on newly discovered facts or information.

Section 14-9-2 Amendment Procedure Requiring Public Hearing with Public Notice

Any amendment which changes any property from one zone to another (or applies an overlay zone), imposes any regulation not previously imposed or which removes or modifies any such regulation previously imposed shall be adopted in the manner set forth in 14-9-3. All other amendments may be made in accordance with the procedures utilized in the amendment of other ordinances of the city.

Section 14-9-3 Public Hearing Required

- A If an application for amendment proposes changing any property from one zone to another, imposes any regulation not previously imposed, or which removes or modifies any such regulation previously imposed the Planning and Zoning Commission shall hold a public hearing on said amendment. Notice of the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least fifteen (15) days before the hearing in the following manner:
 - 1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the city and shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten (10) public places in the city. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet; the word "zoning," the present zoning district

classification, the proposed zoning district classification and the date and time of the public hearing.

2. In proceedings involving rezoning of land which abuts another municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land. In addition to notice by publication, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.
3. In proceedings that are not initiated by the property owner involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the assessment of the property, to be rezoned.
4. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 5 of this section:
 - a. A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.
 - b. A ten percent (10%) or more increase or reduction in the allowable height of buildings.
 - c. An increase or reduction in the allowable number of stories of buildings.
 - d. A ten percent (10%) or more increase or decrease in setback or open space requirements.
 - e. An increase or reduction in permitted uses.
5. In proceedings governed by paragraph 4 of this subsection, the city shall provide notice to real property owners pursuant to at least one of the following notification procedures:
 - a. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
 - b. If the city issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the city shall include notice of such changes with such utility bills or other mailings.
 - c. The city shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the city.

The changes shall be published in a "display ad" covering not less than the one-eighth (1/8) of a full page.

6. If notice is provided pursuant to subparagraphs 5 (b) or 5 (c) of this subsection the city shall also send notice by first class mail to persons who register their names and addresses with the city as being interested in receiving such notice. The city may charge a fee not to exceed five (5) dollars per year for providing this service and may adopt procedures to implement this provision.
 7. Notwithstanding the notice requirements set forth in paragraph 5 of this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the municipality for which the notice was given.¹⁷
- B. After the hearing, the Planning and Zoning Commission or hearing officer shall render a decision in the form of a written recommendation to the Mayor and Council in such form and manner as may be specified by the Mayor and Council.
 - C. If the Planning and Zoning Commission has held a public hearing, the Mayor and Council may adopt the recommendations of the Planning and Zoning Commission or hearing officer without holding a second public hearing if there is no objection, request for public hearing, or other protest. The Mayor and Council shall hold a public hearing if requested by the party aggrieved or any member of the public or the governing body, or, in any case, if no public hearing has been held by the Planning and Zoning Commission or hearing officer. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning and Zoning Commission as specified in subsection A. In addition, the city may give notice of the hearing in such other manner as it may deem necessary or desirable.
 - D. The City may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to the land previously zoned by the county and annexed by the city, but in no event for longer than six (6) months after the annexation.
 - E. The City is not required to adopt a general plan prior to the adoption of zoning.
 - F. If there is no Planning and Zoning Commission, the Mayor and Council of the city shall perform the functions assigned to the Planning and Zoning Commission.
 - G. If the owners of twenty percent (20%) or more of the property by area and number of lots, tracts and condominium units within the zoning area of the

¹⁷ Editor's Notes: State law reference: Public hearing required, A.R.S. 9-462.04

affected property file a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the governing body of the city. The three-fourths (3/4) vote is to be rounded to the nearest whole number. The protest shall be filed in writing with the City Clerk at least 5 days prior to the public hearing or any continued public hearing of the City Council to allow time to verify the signatures on the protest. ¹⁸

- H. Notwithstanding any provision to the contrary herein, a decision by the governing body involving rezoning of land which is not owned by the city and which changes the zoning classification of such land may not be enacted as an emergency measure and such change shall not be effective for a least thirty (30) days after final approval of the change in classification by the governing body.¹⁹
- I. Pursuant to the provisions of ARS. 9-462.08 the Mayor and Council may establish the position of Hearing Officer and delegate to the Hearing Officer the authority to conduct hearings required in this section.

Section 14-9-4 Procedure for Variances

- A. The Board of Adjustment may authorize a departure from the terms of the zoning regulations pertaining to height or width of structures or the size of yard and open spaces where such departure will not be contrary to the public interest, and where, as a result of conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of the provisions of this Chapter would deprive the owner of the reasonable use of the land and/or building involved.
- B. The Mayor and Council shall by resolution establish fees for variance applications which shall include the anticipated cost for publishing and mailing all notices required by this chapter or Arizona Law.
- C. A request for variance shall be made by filing an application with the Zoning Administrator and paying the required application fee. The application shall be accompanied by a development plan showing such information as the Zoning Administrator may reasonably require for purposes of this Chapter. The plans shall contain sufficient information for the Board to make an informed decision on the matter. The request shall state the exceptional conditions and the peculiar and practical difficulties claimed as a basis for a variance. In all cases, the application shall include:
 - 1. Name and address of the applicant;

¹⁸ State law reference: A.R.S. 9-462.04(H)

¹⁹ State law reference: A.R.S. 9-462.04(j)

2. The legal description of the property involved in the request for variance, including the street address, if any, of the property;
 3. The names and addresses of the owners of the property and any other persons having a legal interest therein;
 4. A site plan drawn to scale showing the property dimensions, grading, landscaping, and location of utilities, as applicable;
 5. Location of all existing and proposed buildings;
 6. Drive accesses, driveways, access roads, parking spaces, off-street loading areas, and sidewalks as applicable;
 7. The variance requested and the reasons for the request; and
 8. The justification for such variance in accordance with the requirements of this Chapter and A.R.S. 9-462.06.
- D. A hearing shall be held on the variance request. Notice of the time, date, place and purpose of the variance hearing shall be published once in a newspaper of general circulation in the City and posted in a conspicuous place close to the property affected at least fifteen (15) days before the hearing, and shall be mailed at least seven (7) days prior to the Board meeting to each owner of property situated wholly or partly within three hundred (300) feet of the property to which the variance relates. The Zoning Administrator shall be responsible for mailing such notices. For the purpose of giving mailed notice, the Zoning Administrator shall require the applicant to furnish the names and addresses of all property owners within three hundred (300) feet of the property.
- E. In considering applications for variance, the Board shall consider the effect of the proposed variance upon the health, safety and welfare of the community, traffic conditions, light and air, danger of fire, risk to the public safety, and the effect on values of property in the surrounding area. The Board shall hear oral or written statements from the applicant, the public, City staff, or its own members. If the Board determines by motion that the special conditions applying to the structure or land in question are peculiar to such property or the immediately surrounding area and do not apply generally to other land or structures in the district in which said land is located, that granting the proposed variance will not in any way impair health, safety, welfare, or in any other respect be contrary to the intent of this Chapter and any general plan of development adopted by the City, and that the granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate demonstrable hardship or difficulty, the Board may grant such variance and impose conditions and safeguards therein. A variance shall not be approved except upon the affirmative vote of three-fourths (3/4) of all members of the Board.

- F. A board of adjustment may not:
1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of this Chapter provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this section.
 2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.²⁰

Section 14-9-5 Procedures for Design and Site Plan Review and Approval

- A. The purpose of the Design and Site Plan Review and Approval process is to evaluate all aspects of a proposed development pertaining to: Site planning, the relationship of the project to the surrounding community, building design, drainage, landscaping, signage, and compliance with the remaining provisions of this Chapter and the city code. Design and Site Plan Review is intended to encourage development which is attractive, in harmony with its surroundings, and safe for the residents of the community. The City recognizes that a desirable and distinctive community character, founded on the principles of sound site planning and architecture, is a prime factor for a strong building environment and preservation of property values. Design and Site Plan Review is, therefore, considered to further the public health, safety, and general welfare.
- B. Prior to the issuance of any building, excavation, or sign permit for the development, construction, remodeling, changes or alterations of any proposed or existing project or building, the property owner or designated representative shall secure approval of the Zoning Administrator, Building Official, and City Engineer, except as exempted below. The Development Services Department shall prescribe the form and content of the application and accompanying data.
1. Sufficient detail shall be provided to review the site layout and design, building architecture, drainage, landscaping treatment and signage of the project.
 2. All renderings submitted in conjunction with zoning changes, use permits, and development plans shall be realistic in nature depicting surrounding land uses, landscaping, and improvements one (1) month after project completion.
 3. Properties and uses exempted from Design and Site Plan Review and approval are as follows:
 - a. Single-family detached dwelling units and related accessory

²⁰ Editor's Notes: State law reference: A.R.S. 9-462.06

buildings within the R1-43, R1-9 and R1-6 residential districts, unless a reduction to the minimum required front yard building setback is requested.

- b. Special exemptions for residential units as determined by City Council where lot size and type of residential units do not warrant review.
- c. Temporary sales or construction offices and temporary signs.

C. For purposes of this Chapter, site plans are classified as Major or Minor Site Plans. All developments within the City except individual single family and duplex residential units in compliance with the minimum required front yard setback, shall be subject to this Section.

- 1. Any Site Plan which involves one or more of the following shall be a Major Site Plan:
 - a. Forty (40) or more dwelling units in a multiple family structure or structures.
 - b. 15,000 or more square feet of:
 - office space
 - retail commercial space
 - service commercial space
 - industrial space
 - c. One or more buildings on one site for:
 - office use
 - retail commercial use
 - service commercial use
 - industrial use
 - d. 20,000 or more square feet of exterior storage of materials or goods.
 - e. Parking for more than 80 vehicles.
- 2. Any site plan that is not a Major Site Plan shall be a Minor Site Plan.
- 3. The Planning and Zoning Commission shall review all proposed Major Site Plans, and either approve, approve with conditions, or deny such requests. The purpose of this review is to relieve demonstrable adverse impacts of the development upon public safety, health, or welfare; to protect public investment in roads, drainage facilities, sewage facilities, and other public facilities; to conserve the value of buildings; and to

ensure that the regulations of the City are upheld.

4. The Zoning Administrator shall conduct a review of all proposed Minor Site Plans and either approve, approve with conditions, or deny such requests. Any variances sought for approval of major or minor site plans must be sought from the Board of Adjustment.
- D. For those rezoning requests that do not comply with the general plan adopted by the City, the site plan shall be submitted in conjunction with a rezoning application and the site plan or rezoning. The site plan and rezoning application must be submitted and approved prior to any construction or development. A general plan amendment process shall be processed prior to, or simultaneously with, the rezoning application.
1. For those areas with desired zoning, the site plan shall be submitted prior to any construction or development.
- E. Applications for Major or Minor Site Plan Approval shall be on a form provided by the Zoning Administrator. The application shall be accompanied by the appropriate fee and development plans showing sufficient information for the Planning and Zoning Commission or City staff to determine whether the proposed development will meet the development requirements of the City. In all cases, the application shall contain the following:
1. General Information:
 - a. Name of project/development;
 - b. Location of project/development by street address;
 - c. Location map, including area within one-half mile of site;
 - d. Name and mailing address of developer/owner;
 - e. Name and mailing address of registered engineer/architect;
 - f. Date of plan preparation;
 - g. North point indicator;
 - h. Scale of not less than one (1") inch to one hundred (100') feet; and
 - i. Names and addresses of property owners within three hundred (300') feet of site.
 - j. Existing and proposed land use category of General Plan, and Zoning(s) of proposed site and adjacent properties.

2. Site Plan, including:
 - a. Boundary line of property with dimensions;
 - b. Location, identification and dimension of existing and proposed data, to a distance of one hundred (100') feet unless otherwise stated and how it compares to this code:
 - i. Topographic contours at a minimum interval of two (2) feet
 - ii. Adjacent streets and street rights-of-way to a distance of one hundred fifty (150') feet, except for sites adjacent to major arterial streets where the distances shall be two hundred (200') feet
 - iii. On-site streets and rights-of-way
 - iv. Ingress and egress points
 - v. Traffic flow on-site
 - vi. Traffic flow off-site
 - vii. Utilities and utility rights-of-way or easements:
 - a) electric
 - b) natural gas
 - c) telephone, cable TV
 - d) water
 - e) sewer (sanitary treated effluent and storm)
 - viii. Buildings and structures
 - ix. Parking facilities
 - x. Water bodies
 - xi. Surface water holding ponds and drainage ditches
 - xii. Surface water drainage arrows and detail showing method of controlling proper drainage.
 - xiii. Significant rock outcroppings
 - xiv. Sidewalks, walkways, driveways, loading areas and docks, bikeways
 - xv. Fences and walls

- xvi. Exterior signs
 - xvii. Exterior refuse collection areas
 - xviii. Exterior lighting
 - xix. Landscaping (detailed plan showing plantings, equipment, etc.)
 - a) botanical and common names of vegetation to be used
 - b) size of plantings at time of planting and maturity
 - c) areas to be irrigated
 - c. Number of employee and non-employee parking spaces, existing and proposed, and total square footage of each;
 - d. Site statistics including site square footage, percent of site coverage (building and parking), dwelling unit density, percent park or open space; and
 - e. All data necessary to show compliance with any applicable State or Federal requirements such as the Americans with Disabilities Act.
 - f. A reproducible copy of the site plan with appropriate signatures shall be submitted upon approval.
3. Building Information (On-Site), including:
- a. Height above mean sea level of the lowest floor when the structure is proposed to be located in a floodway or floodplain area;
 - b. Gross square footage of existing and proposed structures; and
 - c. Front, rear and side elevations, with a description of exterior materials to be used.
4. Permits:
- a. A listing of all required Federal, State and City Permits and status of applications.
- F. In considering an application for Site Plan Approval under this Section, the applicant shall provide information to the City staff, and they shall consider the following:

1. Relationship of the plan elements to conditions both on and off the property;
 2. Conformance to the provisions of this Chapter;
 3. Conformance to the general plan adopted by the City;
 4. The impact of the plan on the existing and anticipated traffic, parking, water, sewer, schools, fire, police, and parks;
 5. The adequacy of the plan with respect to land use;
 6. Pedestrian and vehicular ingress and egress;
 7. Building location and height;
 8. Landscaping;
 9. Lighting;
 10. Provisions for utilities;
 11. Site drainage;
 12. Open space;
 13. Loading and unloading areas;
 14. Grading;
 15. Signage;
 16. Screening;
 17. Setbacks; and
 18. Other related matters.
 19. Other matters as requested by the Zoning Administrator.
- G. The City staff shall meet with the applicant upon request. The City staff shall also consider oral or written statements from the public or other City staff members. A decision shall be made on a Site Plan within thirty (30) days of the date of application.
1. If the above designated City approval authority determines that the proposed Site Plan will not be detrimental to the health, safety, or welfare of the community nor will cause traffic congestion or other community impacts, including but not limited to adverse drainage impacts, or seriously depreciate surrounding property values and at the same time is

in harmony with the purposes and intent of this Chapter, the plan for the area, and the general plan adopted by the City, the approving authority may grant such Site Plan Approval and such conditions and safeguards may be imposed as they deem necessary.

2. Minor Site Plan Approval Applications may be denied by City staff upon finding and determination by the staff that the conditions or information required for consideration do not exist or are not complete or the proposed plan would be detrimental to the health, safety, or welfare of the community or otherwise is a violation of any provision of the City Code.
 3. When a Minor Site Plan Approval Application is denied by City staff, the applicant may appeal that denial to the Planning and Zoning Commission. If unusual or significantly difficult conditions exist which affect the Site Plan, the Zoning Administrator may require that the Site Plan be reviewed and acted upon by the Planning and Zoning Commission, in the same manner as a Major Site Plan Application. Applicants may appeal the final Site Plan decisions of the Planning and Zoning Commission for review by the City Council, if applicant provides a formal written request explaining the specific reason(s) for the appeal to the City Clerk within 15 calendar days of the Commission's action.
- H. An approved site plan shall be valid for one (1) year from its date of approval, unless expressly modified as a condition of the Site Plan Approval. In no event shall a Site Plan Approval be granted and valid beyond a period of Three (3) years without an active building permit
- I. Any amendment or modification to an approved site plan shall be submitted for approval. All amendments shall be shown on a revised site plan drawing.
1. Amendments to site plans shall be submitted to City staff who shall review and process, such amendment(s) in the same manner as the original approval. Amendment requests may be approved if the approval authority determines that such amendment(s) are acceptable pursuant to the provisions of this Section.
 2. Amendments to site plans previously approved by the Planning and Zoning Commission may be approved by the Commission upon finding the amended Site Plan is in substantial compliance with the originally approved Site Plan. If it is determined by the Commission that the amended Site Plan is not in substantial compliance with the originally approved Site Plan, the application shall be resubmitted and processed in accordance with the provisions and requirements of this Section.

Section 14-9-6 Procedure for Conditional Use Permit

- A. Certain uses, while generally not suitable in a particular zoning district, may, under certain circumstances, be acceptable if appropriate conditions are

imposed. When such circumstances exist, a Conditional Use Permit may be granted if authorized in the zoning district which is the subject of the request. The Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person or firm.

- B. The person applying for a Conditional Use Permit shall fill out and submit to the Zoning Administrator the appropriate form together with the required fee. The request for a Conditional Use Permit shall follow the applicable procedures and submittal requirements of Section 14-9-5 of this chapter regarding site plan approval.
- C. A hearing shall be held on the conditional use request. Notice of the time, date, place and purpose of the hearing shall be published once in a newspaper of general circulation in the City and posted in a conspicuous place close to the property affected at least fifteen (15) days before the hearing, and shall be mailed at least seven (7) days prior to the Commission meeting to each owner of property situated wholly or partly within three hundred (300) feet of the subject property. The Zoning Administrator shall be responsible for mailing such notices. For the purpose of giving mailed notice, the Zoning Administrator shall require the applicant to furnish the names and addresses of all property owners within three hundred (300) feet of the property.
- D. No Conditional Use Permit shall be given for a use which is not listed in this Chapter as a Conditional Use in the particular District in which it is proposed to be located. The Planning and Zoning Commission shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding land, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect of the proposed use on any general plan adopted by the City. The Planning and Zoning Commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application.

If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist. Applicants may appeal the decision of the Planning and Zoning Commission for consideration of the City Council, if applicant provides a formal written request explaining the specific reason(s) for the appeal to the City Clerk within 15 calendar days after the Commission's action. No application for a Conditional Use Permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by Planning and Zoning Commission.

- E. The applicant shall be notified in writing of the action taken by the Planning and Zoning Commission within seven (7) days of its action. If the application has

been granted, a permit shall be issued upon the signature of the Chairman of the Planning and Zoning Commission and the Zoning Administrator, and any conditions, automatic termination date, or period of review shall be stated on the permit.

Section 14-9-7 Procedure for Appeals to Board of Adjustment

- A. Any aggrieved person or any officer or department of the City affected by a decision of the Zoning Administrator pertaining to this Ordinance, may appeal to the Board of Adjustment by filing an application with the Zoning Administrator and paying the required fee. The application shall state the name and address (or City office) of the applicant and the reasons for filing the appeal. The application shall be made within thirty (30) days of the date said applicant received or should have received notice of the decision which is being appealed. The Zoning Administrator shall then transmit to the Board of Adjustment the complete record of the action from which the appeal is made. Failure to file a timely appeal shall preclude any other challenge to the decision of the officer of commission.
 - 1. For purpose of determining the date notice of action is received or should have been received under this subsection, notice shall be deemed received, three (3) days after notice is mailed to the person appealing, the day a building permit is posted on the subject property, or the date construction commences, which ever shall first occur.
- B. An appeal to the Board stays all proceedings in furtherance of the action appealed unless the officer or body from which the appeal is taken certifies to the Board that by reason of facts stated in the application opposing the stay, the stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the Superior Court on notice to the Zoning Administrator and with due cause shown.
- C. No appeal may be granted by the Board of Adjustment until a public hearing has been held on the application. A notice of time, date, place, and purpose of the hearing shall be posted in accordance with the open meeting laws and mailed to the applicant and all other parties at least fifteen (15) days prior to the date of the hearing.
- D. If the appeal relates to a decision on a specific site, a similar notice shall be posted in conspicuous places close to the site affected and shall be mailed at least seven (7) days prior to the date of the hearing to each owner of the property situated within three hundred (300) feet of the property to which the appeal relates. The Zoning Administrator shall be responsible for mailing such notice. For the purpose of giving mailed notice, the applicant shall furnish the names and addresses of all property owners within three hundred (300) feet of the property. The failure to receive notice by individual property owners will not

invalidate the proceedings.

- E. Within forty five (45) days of the date of application, but no sooner than fifteen (15) days from the date of public notice, the Board shall hear arguments favoring and opposing the appeal. The Board shall consider oral or written statements from the appellant, the public and City staff members. The Board shall also consider the record of the action from which the appeal is taken. The Board may, by three-fourths (3/4) majority of the entire Board, decide in favor of the appeal or by simple majority, continue the appeal. If continued, the Board shall make a decision on the appeal at its next regularly scheduled meeting. If a three-fourths (3/4) majority of the Board does not decide in favor of the appellant, the appeal shall be denied. The Board may impose such conditions and safeguards on its decision as it deems necessary to satisfactorily mitigate the situation or issues of concern, but it shall not attempt to decide matters not specifically contained in the appeal.
- F. The Board shall issue a written notice of its decision to all concerned parties and to the Zoning Administrator, who shall notify the City Council and make official record of the decision. The notice shall state the facts or findings of the matter as determined by the Board, the reasons for its decision, and any conditions applied to the decision.
- G. The procedures set forth in this Section shall be considered an administrative remedy for any person aggrieved by a decision of the Planning and Zoning Commission or the Zoning Administrator of the City. Said remedy must be exhausted prior to commencement of any action in Superior Court to challenge the decision. Any appeal of a decision of the Board of Adjustment shall be pursuant to the Rules of Procedure for Special Actions adopted by the Arizona Supreme Court. No appeal shall be accepted unless taken within thirty (30) days of the Board decision.

Article 14-10 ENFORCEMENT

- Section 14-10-1 Violations
- Section 14-10-2 Enforcement and Remedies
- Section 14-10-3 Inspection of Development
- Section 14-10-4 Criminal Penalties
- Section 14-10-5 Other Enforcement Powers and Actions

Section 14-10-1 Violations

- A. Any violation of the provisions and requirements of this Chapter shall be subject to the enforcement remedies and penalties provided by this code.
- B. Except as otherwise specified in this code, each day that a violation continues shall be considered a separate violation.

Section 14-10-2 Enforcement and Remedies

- A. The Zoning Administrator shall have the duty and authority to enforce the provisions of this Chapter.
- B. The Zoning Administrator shall have the authority to enter any building, structure or premises, upon reasonable notice, at any and all reasonable times, for the purpose of performing the duties prescribed to the Zoning Administrator by this Chapter.
- C. All remedies provided in this code shall be cumulative and the use of one remedy shall not prohibit the use of other remedies for the same violation. To the extent that Arizona State law may limit the availability of a particular remedy for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.
- D. The Zoning Administrator shall order, in writing, the correction of any violation. Such order shall state the nature of the violation, the code provision violated, and the time in which the violation must be corrected. After such order has been served upon the record owner of the property affected or its agent, no work shall proceed on any structure or tract of land covered by such an order except to correct such violation or to comply with the order.
- E. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment in accordance with the Section 14-9-7.
- F. In addition to or in lieu of the procedures outlined above the provisions of this code shall be enforceable by the City in a court of proper jurisdiction utilizing any available remedies at law or equity.
- G. This Chapter shall not be construed to hold the City of Globe, its Community

Development Director, Zoning Administrator, City Engineer or any other City official, responsible for any damage to persons or property by reason of any inspection or re-inspection authorized herein or the failure to so inspect or re-inspect or by reason of the issuance of a building permit as herein required.

Section 14-10-3 Inspection of Development

- A. Following the issuance of any permit pursuant to this chapter, the Zoning Administrator shall:
 - 1. Review all permits issued and construction undertaken,
 - 2. Compare actual development with approved plans and permits for development and the approved development schedule, conditions, or stipulations if any, and
 - 3. Report his or her findings to the Chairperson of the Planning and Zoning Commission.
- B. If at any time during the construction of a development the Zoning Administrator determines that development is not proceeding or has not been completed in accordance with the approved plans and permits for development, the Zoning Administrator may issue a stop work order.
- C. The Zoning Administrator may issue a stop work order on any development, excavation, building, or structure on any land on which there is an uncorrected violation of a provision of this code or of a permit or other form of authorization issued hereunder.

Section 14-10-4 Penalties

- A. Any person, or entity which knowingly or willfully violates any provision of this chapter, except where specifically provided otherwise, shall be guilty of a civil violation and shall be punished as provided in section 1-5-1(A) of this code.
- B. In the event that the Zoning Administrator determines that a violation of this Chapter has occurred, the Zoning Administrator shall send written notification of such violations to the person or entity causing the violation and the owner of record of the property where the violation has occurred, if different. Both shall be deemed to be a violator. The violator shall have seven (7) days to correct the violation. If the violation is not corrected within the specified period, all development shall cease and all permits granted by the City shall become null and void. The Zoning Administrator may extend the seven (7) day period if the violation cannot be corrected within seven (7) days and the violator and owner, within the seven (7) day period, show a good faith intent to correct the violation.
- C. Each and every day beyond the initial seven (7) day notice period during which such violation continues shall be deemed a separate violation, punishable as set

forth in paragraph A above.

- D. Violation of a stop work order issued pursuant to section 14-10-3 shall be a class one misdemeanor punishable as provided in section 1-5-1(B).

Section 14-10-5 Other Enforcement Powers and Actions

- A. Nothing in this Section shall prohibit the continuation of previous enforcement actions undertaken pursuant to prior valid law or regulation.
- B. Whenever the Zoning Administrator has reasonable cause to believe that any person or entity is violating or threatening to violate the provisions of this Chapter, the Zoning Administrator may, either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the City for injunctive relief to restrict the violation or threatened violation. This injunctive action shall be brought in the Superior Court. The institution of injunctive action under this Section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of the provisions of this chapter.
- C. The Zoning Administrator shall have such other enforcement powers and remedies as are and may from time to time be provided for or permitted by Arizona law for the violation of city codes.

Article 14-11 DEDICATION OR EXACTION APPEALS

- Section 14-11-1 Compliance with Arizona Statute, Appointment of Hearing Officer
- Section 14-11-2 Notice Provisions, Continuing Education
- Section 14-11-3 Appeals Procedure, Time Limits, Ruling
- Section 14-11-4 Legislative Act - Non-applicability

Section 14-11-1 Compliance with Arizona Statute, Appointment of Hearing Officer

- A. In order to comply with State and Federal laws, there is hereby created the office of Hearing Officer for the City of Globe to hear appeals from property owners who have been required by a decision of an administrative agency or official of the City to complete a dedication or exaction as a condition of approving an applied for use, improvement, or development of the owner's real property. All actions of the hearing officer shall be in full compliance with the provisions of A.R.S. §9-500.12 et seq., as amended from time to time, and with the provisions of this Article. Should there be a conflict between the provisions of this Article and State law, the provisions of State law shall apply.
- B. The hearing officer shall be appointed by the Mayor and Council and shall serve a term of two (2) years, be over the age of eighteen (18), be a resident of the City of Globe, shall not be a City employee other than as a hearing officer, and shall be informed of, and follow, the Conflict of Interest Policy established by the City.
- C. The compensation of the hearing officer shall be determined by the Mayor and Council at the time of appointment and shall include reimbursement for expenses of appearing at hearings. There shall be no change to the compensation during the term of office.

Section 14-11-2 Notice Provisions, Continuing Education

The City Manager shall establish procedures to comply with the provisions of A.R.S. §9-500.12 et seq. as same may be amended from time to time, including the establishment of a procedure to notify property owners of their appeal rights pursuant to State law and this Article. The City Manager shall further establish a method of insuring continuing education and notification of all City administrative agencies, City staff and the Mayor and Council of the requirements of State law.

Section 14-11-3 Appeals Procedure, Time Limits, Ruling

- A. At the time of any decision by an administrative agency or official of the City which makes a final determination granting the approval of a requested use, improvement, or development of real property subject to the requirement of a dedication or exaction as a condition of granting the approval, the property owner shall be notified in writing of his/her right to appeal the required

dedication or exaction pursuant to this Code and A.R.S. §9-500.12. The notice shall further describe the appeals procedure which shall, in all respects, comply with A.R.S. §9-500.12.

B. Appeals:

1. The appeal shall be in writing and filed with or mailed to the hearing officer designated by the City within fifteen (15) days of the decision of the administrative agency or official requiring the dedication or exaction.
2. No fee will be charged for the filing.
3. The hearing officer shall schedule a hearing within thirty (30) days of the receipt of the request.
4. At the hearing, the City shall bear the burden of proving that the dedications or exactions being required bear an essential nexus between the requirement imposed and a legitimate governmental interest of the City and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement, or development proposed by the property owner.
5. The hearing officer shall provide at least ten (10) days notice of the date, time, and place of the hearing unless the property owner acknowledges, in writing, that less notice is acceptable to him/her. The hearing officer must render his/her decision within five (5) working days after the appeal is heard.
6. The hearing officer can affirm the dedication or exaction, modify it, or delete the requirement. His/her decision shall be in writing and delivered to the address provided by the property owner and to the City Manager and City Attorney.
7. If the property owner is aggrieved by decision of the hearing officer which modifies or affirms the requirement of the dedication or exaction, the property owner may, within thirty (30) days, after the hearing officer has rendered a decision, file a complaint for a trial de novo in Superior Court on the facts and the law regarding the issues of the condition or the requirement of a dedication or exaction.

Section 14-11-4 Legislative Act - Nonapplicability

The provisions of this Article shall not apply to a dedication or exaction required in a legislative act of the City Council which does not give discretion to an administrative agency or official to determine the nature or extent of the dedication or exaction.

Article 14-12 SEXUALLY ORIENTED BUSINESSES

Section 14-12-1 Sexually Oriented Business Regulation²¹

A. Purpose and Intent.

It is the purpose and intent of this Section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City of Globe and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

B. Definitions.

1. Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine 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."
2. Adult bookstore, adult novelty store or adult video store means a commercial establishment which, offers for sale or rental, for any form of consideration any one or more of the following:
 - a. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";

or

²¹ Editor's Notes: Originally adopted by and through Ordinance No. 770 and Resolution No. 1544, 7/20/09

- b. instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities"; and which meets one (1) or more of the following criteria:
 - i. a substantial or significant portion of its inventory, stock or merchandise on hand at any time is comprised of sexually explicit material; or
 - ii. a substantial or significant portion of its gross income for any one month is derived from the sale or rental, in any form of consideration, of sexually explicit material; or
 - iii. a substantial or significant amount of sexually explicit material is displayed in its display area; or
 - iv. its principal business purpose is the sale or rental of sexually explicit material; or
 - v. regularly excludes all minors from the premises because of the sexually explicit nature of the items sold, rented or displayed therein.
- 3. Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which features:
 - a. persons who appear in a state of nudity or semi-nude; or
 - b. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
 - c. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 4. Adult motel means a hotel, motel or similar commercial establishment which:
 - a. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions 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 adult type of photographic reproductions; or
 - b. offers a sleeping room for rent for a period of time that is less than

ten (10) hours; or

- c. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
5. Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
6. Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
7. Employee means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
8. Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
9. Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
10. Establishment means and includes any of the following:
 - a. the opening or commencement of any sexually oriented business as a new business;
 - b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c. the additions of any sexually oriented business to any other existing sexually oriented business; or
 - d. the relocation of any sexually oriented business.

11. Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.
12. Massage establishment means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or simulating of external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance.
 - a. This paragraph does not apply to:
 - i. physicians licensed pursuant to A.R.S. Title 32, Chapter 7, 8, 13, 14, or 17, as amended.
 - ii. registered nurses, licensed practical nurses, physical therapists or technicians who are acting under the supervision of a physician licensed pursuant to A.R.S. Title 32, Chapter 13, 15, 17, or 19, as amended.
 - iii. persons who are employed or acting as trainees for a bona fide amateur, semiprofessional athlete or athletic team.
 - iv. persons who are licensed pursuant to A.R.S. Title 32, as amended, or if the activity is limited to the head, face, or neck.
 - v. massage therapy which is a non-sexual massage offered by an individual who is licensed by a professionally recognized organization.
13. Nude model studio means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Arizona or a college, junior college or university supported entire or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or in a structure:
 - a. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is

available for viewing; and

- b. where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - c. where no more than one nude or semi-nude model is on the premises at any one time.
14. Nudity or a state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
15. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
16. Semi-nude or in a semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
17. Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. 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 or semi-nude.
18. Sexually explicit material means any material which depicts or describes "specified sexual activities" or "specified anatomical areas".
19. Sexually oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
20. Specified anatomical areas means:
- a. the human male genitals in a discernibly turgid state, even if

completely and opaquely covered; or

- b. less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

21. Specified criminal activity means any of the following offenses:

- a. prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

b. for which:

- i. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
- ii. less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
- iii. less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

- c. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

22. Specified sexual activities means any of the following:

- a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

- c. excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.
- 23. Substantial enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%).
- 24. Transfer of ownership or control of a sexually oriented business means and includes any of the following:
 - a. the sale, lease, or sublease of the business;
 - b. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - c. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

C. Classification.

Sexually oriented businesses are classified as follows:

- 1. adult arcades;
- 2. adult bookstores, adult novelty stores, or adult video stores;
- 3. adult cabarets;
- 4. adult motels;
- 5. adult motion picture theaters;
- 6. adult theaters;
- 7. escort agencies;
- 8. nude model studios; and
- 9. sexual encounter centers.

D. Location of sexually oriented businesses.

- 1. No person shall operate or cause to be operated a sexually oriented business in any zoning district other than Light Industrial (M-1) or General Industrial (M-2) as defined and described in this Chapter, nor shall any person operate or cause to be operated a sexually oriented business

without a conditional use permit which meets all of the requirements set forth in Section 14-9-6, Conditional Use Permits, and this Section.

2. No person shall operate or cause to be operated a sexually oriented business within five hundred (500) feet of:
 - a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - c. A boundary of a residential zoning district as defined in this Chapter;
 - d. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;
 - e. The property line of a lot devoted to a residential use;
 - f. An entertainment business which is oriented primarily towards children or family entertainment; or
 - g. A licensed premise, licensed pursuant to the alcoholic beverage control regulations of the State.
3. No person shall cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within two hundred (200) feet of another sexually oriented business.
4. No person shall cause or permit the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

5. For purposes of the five hundred (500) foot restriction referenced in paragraph (2) above, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection D(2) above. Presence of a City, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
6. For purposes of the two-hundred foot (200) requirement referenced in paragraph (3) above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

E. Additional regulations for adult motels.

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.
2. It shall be unlawful for any person, if as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he or she rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he or she rents or sub-rents the same sleeping room again.
3. For purposes of (2) above, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

F. Regulations pertaining to exhibition of sexually explicit films, videos or live entertainment in viewing rooms.

1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - a. Upon application for a conditional use permit for a sexually oriented business, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which

patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or of an architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- b. The application shall be sworn to be true and correct by the applicant.
- c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City.
- d. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.
- f. It shall be the duty of the licensee to ensure that the view area specified in Subsection (e) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (a) of this Subsection F(1).
- g. No viewing room may be occupied by more than one person at any time.

- h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.
- i. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- j. No licensee shall allow openings of any kind to exist between viewing rooms or booths.
- k. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
- l. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- m. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
- n. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48") inches of the floor.

G. Additional regulations for escort agencies.

- 1. An escort agency shall not employ any person under the age of 18 years.
- 2. No person shall act as an escort or agree to act as an escort for any person under the age of 18 years.

H. Additional regulations for nude model studios.

- 1. A nude model studio shall not employ any person under the age of 18 years.
- 2. No person under the age of 18 years shall appear semi-nude or in a state of nudity in or on the premises of a nude model studio. No employee shall allow a person under the age of 18 year to appear semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this Subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.
- 3. No person shall appear in a state of nudity, or knowingly allow another

person to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

I. Additional regulations concerning public nudity.

1. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity or depict specified sexual activities.
2. No person shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two feet from the floor.
3. No employee shall, while in a semi-nude condition in a sexually oriented business, solicit any pay or gratuity from any patron or customer nor shall any patron or customer pay or give any gratuity to any employee, while said employee is in a semi-nude condition in a sexually oriented business.
4. No employee of a sexually oriented business shall, while in a semi-nude condition, touch a customer or the clothing of a customer.

J. Prohibition against children.

No person shall knowingly allow a person under the age of 18 years on the premises of a sexually oriented business.

K. Prohibition against serving alcohol.

No alcoholic beverages shall be sold, served, or consumed on the premises of any sexually oriented business.

L. Hours of operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of twelve o'clock (12:00) A.M. and eight o'clock (8:00) A.M.

M. Exemptions.

1. It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:
 - a. by a proprietary school, licensed by the State of Arizona; a college, junior college, or university supported entirely or partly by taxation;

- b. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- c. in a structure:
 - i. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - ii. where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - iii. where no more than one nude model is on the premises at any one time.

N. Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of any part of this Section is subject to a suit for injunction and shall be guilty of a civil violation punishable as provided in Section 1-5-1(A). Each day a sexually oriented business operates in violation of any part of this Section is a separate offense or violation.

Article 14-13 SIGN REGULATIONS

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CITY OF GLOBE

SIGN CODE

Article 14-13 SIGN REGULATIONS

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Section 4-13-1 Purpose

The purpose of this chapter is to regulate signs as defined herein.

- A. To preserve and protect the public health, safety and welfare within the City of Globe.
- B. To encourage development of private property in harmony with the desired character of the City while providing due regard for the public and private interests involved.
- C. To promote the effectiveness of signs by preventing their over-concentration, improper placement, and excessive size.
- D. To protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the City of Globe.
- E. To protect pedestrians and motorists of the City of Globe from damage or injury caused, or partially attributable to the distraction and obstructions which are hereby declared to be caused, by improperly situated signs.

- F. To enhance the flow of traffic and convenience, ease and enjoyment of travel within the City of Globe.

14-13-2. Interpretation of Chapter

- A. Where there is a conflict between the provisions of this chapter and provisions of other regulations of the City of Globe, the provisions of this chapter shall apply.
- B. The provisions of this chapter shall apply to the erection, construction, alteration, use, location, and maintenance of all signs within the City of Globe
- C. Any sign permitted by this chapter may contain a non-commercial message in lieu of any other message.
- D. Under no scenarios shall the City of Globe have content-based sign regulations via this Sign Code, the Site Plan and Design Review process or other administrative processes. Any provision of this code that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral. Any provision of this Sign Code that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from this Sign Code in a manner that preserves the Sign Code and protects freedom of speech.
 - 1. Notwithstanding anything in this code to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
 - 2. Notwithstanding anything in this code to the contrary, it is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.
 - 3. Within this code, any distinction between onsite signs and offsite signs applies only to Commercial Messages. It does not apply to Noncommercial Messages.

14-13-3 Definitions-

Abandoned Sign: A sign which is no longer being maintained and property owner makes no claim of ownership or responsibility for said sign.

Appraiser: Any licensed person, firm or corporation whose primary occupation or service is the valuation of signs in the State of Arizona.

Art: Is a visible attraction used to beautify a property and does not contain any Commercial Messages or images.

Attached Sign: Any sign which is attached, fastened, connected or supported in whole or in part by a building or structure other than a sign structure which is supported wholly by the ground.

Banner: A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame, and mounted so as to allow movements of the sign by atmospheric conditions.

Bandit Signs: Offsite temporary signs set on State or City right-of-way

Billboard: A structure portraying information that measures a minimum of 300 square feet and can portray a commercial advertising message either on or off the property on which it is located.

Block: At least seven hundred (700) feet of street frontage, including rights-of-way.

Building Front Foot: The lineal distance of a building measured along a straight line parallel to the street. Where a building is not parallel to the street, the front foot shall be measured along the exterior front wall of the building. In the event that a building fronts on two (2) or more streets, one (1) of which is primarily residential, the property owner shall be given the option of selecting one (1) street frontage for the purpose of computing allowable sign area. For corner lots abutting arterial streets, the owner may use both building frontages for computing sign area.

Business Front Foot: The lineal distance of a single business's frontage measured along a straight line parallel to the street of a building consisting of two or more businesses. Where a building is not parallel to the street, the front foot shall be measured along the exterior front wall of the building.

Business, outdoor type: A business in which all or most of the business is conducted or items displayed in an open area subject to the zoning codes of the City of Globe.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity or is otherwise defined as "commercial speech" by the Arizona Supreme Court, the United States District Court for the District of Arizona, the Ninth Circuit Court of Appeals, or the United States Supreme Court for purposes of interpreting the United States Constitution or Arizona Constitution regarding freedom of expression or speech.

Curbline: The line at the face of the curb nearest the street or roadway. In the absence of a curb, the curbline shall be determined by the City Engineer.

Fascia: A parapet-type wall used as part of the fascia of a flat-roofed building and projecting not more than six (6) feet from the building face. Such a wall shall enclose at least three (3) sides of the project flat roof and return to a parapet wall or the building.

Ground level: The finished grade of existing sidewalk; or where there is no sidewalk, the street centerline elevation shall be the established ground level.

Height of Sign: The distance measured from ground level to the top of the sign.

Illegal Sign: Includes any sign except the following:

- A. A sign allowed by this chapter and not requiring a permit.
- B. A sign allowed by this chapter with a permit and carrying a valid permit.
- C. A sign not allowed by this chapter but which has been legalized by variance and proper permit.

D. A sign allowed by this chapter subject to a use permit, provided the use permit has been granted and a proper permit is in force.

E. A nonconforming sign as defined by this chapter.

Indirect Lighting: A source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal viewing position.

Internal Lighting: A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but where in the source of the illumination is not visible.

Internal Indirect Lighting: A source of illumination entirely within the sign visible at night by means of lighting the background upon which the freestanding character is mounted. The character itself shall be opaque, and thus will be silhouetted against the background. The source of the illumination shall not be visible.

Maintenance: The replacing or repairing a part or portion of a sign made unusable by ordinary wear or tear, not exceeding fifty (50) percent of the sign's value, as determined by an appraiser.

Marquee: A permanent roofed structure attached to and supported by the building and projecting over public property.

Multiple-tenant Commercial: A commercial building or development in which exists two (2) or more separate commercial activities, where appurtenant shared facilities exist (such as parking or pedestrian mall, and which is designed to provide a single area in which the public can obtain varied products and services). Distinguishing characteristics may but need not include common ownership of the real property, common wall construction or multi-occupant commercial use of a single structure.

Nameplate Sign: A street address or a sign indicating the name of a building and date and incidental information about its construction, which sign is cut into masonry surface or made of bronze or other permanent material, and affixed to or placed near a building.

Non-commercial Message:-Any sign copy that is not a commercial message as defined above, and includes any definition of "noncommercial speech" by the Arizona Supreme Court, the United States District Court for the District of Arizona, the Ninth Circuit Court of Appeals, or the United States Supreme Court for purposes of interpreting the United States Constitution or Arizona constitution regarding freedom of expression or speech.

Parapet Wall: A wall extending above the plat line of the building.

Roof Line: The height of the main roof structure but not to include cupolas, pylons, projections or other minor raised portions of the roof.

Sign: Any visual communications which is used to attract the attention of the public, when the display is visible beyond the boundaries of the property.

Sign Area: The entire area within a single continuous perimeter of the sign or any existing border of the sign; to exclude the necessary supports or uprights on which the sign is placed. In any event, composition of allowable sign area includes all existing signs on the premises, whether such signs be conforming or

nonconforming under the terms of this chapter. Where a sign is double-faced or V-shaped, only one side will be measured.

Sign, Change Panel: A sign designed to permit immediate change of copy.

Sign, Directory: A sign designed to show the relative locations of tenants in the shopping center or other multi-tenant development and/or building.

Sign, Freestanding: A sign which is supported by one (1) or more uprights or poles, and braced in or upon the ground.

Sign, Low-profile: A sign not exceeding a six-foot height above ground level.

Sign, Nonconforming: Any sign which is not permitted by this chapter, but which, when first constructed, was legally permitted by the City or the political subdivision then having jurisdiction and regulation over construction of signs.

Sign, On-site: A sign which correctly identifies a business, commodity, service or entertainment conducted, sold or offered on the same premises as those upon which the sign is located, whether an attached sign or freestanding sign, and which may include other non-changeable information that further identifies the type of business, commodity, service, or entertainment offered therein, including addresses and phone numbers.

Sign, Permanent: Any sign constructed and intended to be of an enduring and lasting condition, remaining unchanged in character, condition (beyond normal wear) and position.

Sign, Portable: Any sign not permanently attached to the ground or to a structure on the property it occupies.

Sign, Projecting: Any sign attached to a building or other structure and extending in whole or in part beyond the building line.

Sign, Temporary: Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without frames, intended to be displayed for a short period of time as defined in this chapter.

Sign, V-shaped: Signs erected upon common or separate structures which present a V-shape appearance and having an exterior angle between faces of not more than forty-five (45) degrees with a distance between faces of such signs at their closest point not exceeding two (2) feet.

Sign, Vehicle: Any sign mounted or painted upon or otherwise erected on a trailer, truck, automobile or other vehicle so parked or placed so that the signs thereon are visible from a public street or right-of-way.

Sign, Window: Any permanent sign affixed to the interior or exterior of a window so as to attract the attention of persons outside the building.

14-13-4 Requirement of Conformity; Violations and Penalties-

Unless specifically exempted herein, no sign shall be erected, installed, enlarged or maintained without first obtaining a permit from the City as herein provided. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the City, or cause or permit the same to be done contrary to or in violation of any of the provisions of this chapter.

- A. All signs maintained contrary to the provisions of this chapter are declared to be nuisances, and such nuisances may be abated as provided by law.
- B. Any person, firm or corporation violating any provision of this chapter or failing to comply with any order or regulations made hereunder shall be guilty of a misdemeanor and shall be guilty of a separate offense for each and every day or portion thereof during which any violation or failure to comply with this chapter is committed, continued or permitted. Upon conviction of any such violation, such person shall be subject to the penalties as set forth in Chapter 1 of the Globe City Code.

14-13-5 Nonconforming Signs-

- A. Any nonconforming sign, as defined in this chapter, may be continued in use and reasonable repair and maintenance made to same.
- B. If any such sign is damaged or vandalized, such sign must be restored in a like manner within ninety (90) days or it shall be removed at the owner's expense.

14-13-6 Enforcement Authority-

The Zoning Administrator or designee is hereby authorized and directed to enforce all provisions of this chapter in conformance with the regulations and procedures specified herein, in conjunction with the provision of the Globe Zoning Code.

14-13-7 Prohibited Signs, Lighting and Movement (moved from 14-14-16 & 14-14-11)

Signs and sign features prohibited under this chapter include the following:

- A. Offsite temporary signs unless falling under Special Temporary Sign Periods
- B. Outlining of a building by means of neon lighting, incandescent lighting or other exposed artificial lighting.
- C. A fixed balloon used as a sign. (Means any lighter-than-air or gas-filled balloon attached by a tether to a fixed place.)
- D. Signs over 300 square feet in area
- E. Billboards
- F. Signs which are abandoned for a period of thirty (30) days or greater.
- G. No exposed incandescent bulbs exceeding forty (40) watts each, neon or similar tube type illumination exceeding thirty (30) miliamps shall be permitted. No flashing, blinking or rotating lights shall be permitted, nor shall the sign contain audible sound or odor.

- H. There shall be no movement of the sign body or any segment thereof such as rotating (in excess of five (5) revolutions per minute, moving up and down or any other type of action involving a change in position of the sign body or segment thereof, whether caused by mechanical or any other means.)

14-13-8 Required Signs

All primary buildings, including single-family homes or group of buildings must be identified by a street number.

4-13-9 Requirements and Procedures

A. Permits required. No sign shall hereafter be erected, re-erected, constructed or altered except as provided by this chapter. A separate permit shall be required for a sign or signs for each business entity, and/or separate permit shall be required for each group of signs on a single supporting structure. In addition, the following applies:

1. Signs being relocated require a permit prior to demolition and installation.
2. Re-facing existing sign cabinet for new business requires a permit.

B. Exceptions. A permit shall not be required for the following signs; however, such signs shall be subject to any and all applicable provisions of this chapter:

1. Nameplate signs.
2. Any sign six (6) square feet or less in area not otherwise prohibited by this chapter.
3. Repainting, unless sign is within the Historic Preservation District.
4. Interior signs not visible from the public right-of-way.
5. Special Temporary Sign Periods:
 - a. Temporary signs posted where the display is limited to sixty (60) days immediately preceding any primary, general or special elections, and shall be removed ten (10) days following said election.
 - b. From October 1 to December 31 of each year
 - c. The total sign area in residential districts allows an additional sign and shall not exceed ten (10) square feet, nor five (5) feet in height. Total additional sign area in commercial and industrial district shall not exceed fifty (50) square feet in area, nor eight (8) feet in height.

Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire and police signs, signals, devices, and markings of the State of Arizona and the City of Globe, or other competent public authorities, or the posting of notices required by law.

14-13-10 Permit Application and Expiration

- A. Application. A sign permit shall be made in writing upon forms provided by the Development Services Department. This application shall contain the location by street and number of the proposed sign, as well as the name and address of the business owner and/or the sign contractor. Two (2) copies of plans and specifications shall be submitted with the application for each sign, in the case of a sign permit application for the Globe Historic District, a 3rd copy may be needed, one (1) copy being returned to the applicant at the time the permit is issued. All plans shall show complete details, to include size, parcel boundary dimensions, building frontage dimensions, materials, method of support or attachments, name and address of the persons or firm designing said sign, building elevations (when mounted on a building), and plot plan showing location of sign on the premises.
- B. Revocation of permits for nonuse. If actual work is not commenced under any permit issued under the provisions of this section within ninety (90) days from the date of such permit, or upon completion of building, such permit shall become null and void.

14-13-11 Permit Fees-

Before issuing any sign permit required by this chapter, the City shall collect a fee in accordance with the schedule adopted by Council resolution.

14-13-12 Construction Requirements-

- A. Code conformance. All signs shall be designed and constructed in conformance with engineering standards set by the State and are in compliance with adopted building codes of the City of Globe
- B. Lighting. When allowed, lighting shall not be installed so as to create a traffic hazard as determined by the traffic engineer.
- C. Guy wires. In no case shall any sign be secured with wires or strips of wood which are visible and not on an integral part of the sign.

14-13-13 Inspections-

All signs for which a permit is required shall be subject to the following inspections:

- A. Footing inspection on all freestanding signs exceeding fifty (50) square feet in area and/or exceeding thirty (30) inches in height.
- B. All signs containing electrical wiring shall be subject to the adopted Electrical Code of the City and the electrical components shall bear the label of an approved testing agency.
- C. Inspection of all braces, anchors, supports and connections, including wall signs.
- D. Shop and/or site inspection to ensure that the sign has been constructed according to approved application and valid sign permit.

14-13-14 Maintenance

Each sign shall be maintained in good order and repair at all times so that it constitutes no danger or hazard to public safety.

14-13-15 Revocation of Permits.

The Zoning Administrator shall have the authority to revoke any permit which has been granted when it has been determined that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.

- A. Notice of the decision to revoke a sign permit shall be served on the holder of the permit by:
 - 1. Delivering a copy of the notice to the holder of the permit, mail return receipt requested, to the last-known post office address of the holder of the permit; and
 - 2. Leaving a copy of the notice with any person in charge of the premises and a copy mailed to the property owner; or
 - 3. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at or near the entrance to the premises.
- B. The holder of the permit may appeal the decision to the Board of Adjustment. This appeal must be made in writing within thirty (30) days from the date when the notice was served.
- C. If no appeal has been filed by the end of the thirty-day appeal period, then the permit is revoked, and the sign is illegal. The Zoning Administrator shall then initiate the procedure for the removal of the illegal sign.

14-13-16 Removal of Signs

The Zoning Administrator is hereby authorized to require the removal of any illegal sign as defined by this chapter.

- A. Before bringing action to require the removal of any illegal sign, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located. The notice shall state the reasons for removal, listing the deficiencies or defects in the sign with reasonable definiteness, and the violations charged. The notice shall include what repairs if any will make such an installation conform to the requirements of this chapter. The notice shall specify that the sign must be removed or made to conform with the provisions of this chapter within the time period listed below. Service of notice may be given personally to the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit or last-known address.

- B. The period of notice for permanent sign as defined by this chapter shall be thirty (30) days. The period of notice for temporary signs as defined by this chapter shall be three (3) working days.
- C. The re-erection of any sign or substantially similar sign on the same premises after a removal notice has been issued shall be deemed a continuance of the original violation.
- D. If the owner or lessee of the premises where the sign is located has not complied with this chapter by the end of the notice period, the Zoning Administrator shall certify the violations to the City Attorney for prosecution, or any other remedy allowed by law.

14-413-17 Emergency Removal or Repair

- A. The Zoning Administrator is hereby authorized to cause the immediate removal or repair of any sign or signs found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property. Actual notice to the property owner or lessee shall not be required. The Zoning Administrator shall make a reasonable effort to notify the property owner or lessee that the defective and unsafe sign must be removed or repaired immediately.
- B. All actual costs incurred by the Zoning Administrator in the removal or repair of said sign shall be paid by the owner of the sign or the owner of the premises where the sign is located. Action for recovery may be brought by the City Attorney upon proper certification to him/her by the Zoning Administrator.

14-13-18 Integration

All signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project. No sign area shall be greater than twenty-five (25) percent of area of wall section of the building.

- A. The means of integrating freestanding signs with the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. As an example, a canister sign mounted atop a masonry base or other fixture shall not be considered as integrated with the architecture of the building. Instead, where a canister sign is proposed as a component of a freestanding sign, such canister shall be bordered or backgrounded by the architectural materials and embellishments found within the building design.
- B. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, colors, and method of attachment as used for wall-mounted signing found on the building.
- C. When mounted on a building, the sign shall be located on or below the fascia or parapet wall of the primary building; when freestanding, the sign shall not exceed six (6) feet in height. All freestanding signs shall be placed in

conformance with Sign Distance Standard, as adopted by the City of Globe and administered by the City Engineer, so as not to impede traffic visibility at street corners and driveways.

14-13-19 Location Requirements

- A. Clearance from fire escapes, exits or standpipes. No sign or structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.
- B. Obstructions of openings. No sign shall obstruct traffic by obstructing the vision of motorists as determined by the City Engineer. No detached sign shall be located adjacent to driveways so as to result in a traffic hazard.
- C. Construction over public property. No person, firm or corporation shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or public place, unless such sign is approved in advance by the City of Globe.
- D. Signs on vehicles. No sign shall be erected or attached to any vehicle except for standard advertising or identification markings which are painted on or permanently attached to a business or commercial vehicle. The primary use of such vehicles shall be in the operation of the business and not in advertising or identifying the business premises
- E. Signs in public right-of-way. No sign shall be erected or maintained in the public right-of-way except as provided in this chapter.

14-13-20 Signs Permitted by Zoning District and Use

Zoning District	Allowable Sign Size*	Number of Signs allowed	Setback
R1-6	Up to 6 sqft	1 +	5'
R1-9	Up to 6 sqft	1 +	5'
R1-43	Up to 6 sqft	1+	5'
R2	Up to 6 sqft	1 +	5'
MHS	Up to 6 sqft	1 +	5'
TR, NS	Up to 6 sqft	1 +	5'
RV	Up to 6 sqft	1 +	5'
OS	0	0	0
C-2	2 sqft per foot of building frontage	Not to exceed the total allowable sign area	5'
C-3	2 sqft per foot of building frontage	Not to exceed the total allowable sign area	5'
Historic Preservation	1 sqft per foot of frontage	Not to exceed the total allowable sign area	0'

*Refer to Special Temporary Sign Periods §14-13-9(B.5), for exceptions to signage allowance

*Refer to signs permitted by Zoning District, below. Signs over 100 square feet or a height exceeding 16 feet require City Council Approval

A. Single-family Residential Zoned Lots and Manufactured Home Subdivisions.

1.No Permit Required

- a.Single family zoned lots are allowed one sign up to six (6) square feet.
- b.Single family zoned lots are allowed one additional sign during Special Temporary Sign Periods subject to §14-13-9(B.5)

2.Permit Required

- a.Single-family Residential Subdivisions and Manufactured Home Subdivisions are allowed one on-site freestanding or monument sign per arterial street frontage (collector street frontage when arterial frontage does not exist). Freestanding or monument signs shall be located adjacent to the subdivision entrance(s).

b.Sign Height:

- i.The maximum height of any freestanding sign shall not exceed eight feet in height for any property.
- ii.The width of the sign base shall not be greater than ten feet.
- iii. The architectural elements of the sign are included in the height calculation

c.Sign Area:

- i.The maximum area of a freestanding sign shall be 32 square feet.
- ii.The architectural elements of the sign are excluded from the sign area calculation.

- d.Freestanding signs shall maintain a distance of at least 200 linear feet apart on the same parcel or at least 50 linear feet on different parcels.

- e.All freestanding signs and sign structures must contain similar architectural elements and materials visually compatible with related buildings on the site. All supports used as a part of freestanding or monument sign structures shall be covered/wrapped and architecturally integrated with the structure.

- f.Freestanding signs must be located at least five feet from all property lines, easements and/or rights-of-way, except where such placement may be allowed with a Right-of-Way Permit.

- g. Freestanding signs must not be located within any sight distance or sight triangle areas defined by the City of Globe.
- h. Freestanding sign placement shall include enhanced landscaping and/or a landscape planter at the sign base for an area equal to the freestanding sign area. The enhanced landscape area shall be in addition to the minimum required landscaping of this Code and provide minimum amount of plant material equal to 35% of the required enhanced landscape area.
- i. Freestanding signs may be internally or externally illuminated provided such illumination meets the requirements of the Sign Code and Zoning Code.

B. Multiple-family Residence Zoned Lots, Transitional (TR), Neighborhood Services (NS), and Recreational Vehicle (RV) Districts.

1. No Permit Required

- a. All lots are allowed one sign up to six (6) square feet
- b. All lots are allowed one additional sign during Special Temporary Sign Periods subject to §14-13-9(B.5)

2. Permit Required

- a. The total permanent sign area allowed, including wall signs and freestanding signs, is one (1) square foot for each dwelling unit. However, in no instance shall this total sign area exceed sixty (60) square feet, with no more than thirty-two (32) square feet fronting on any one (1) street.
- b. For other permitted buildings, the sign area permitted shall not exceed thirty-two (32) square feet.
- c. Traffic directional signs are allowed on the site.
- d. Multiple-family developments consisting of more than eight (8) dwelling units are allowed freestanding or monument signage subject to §14-13-20.A(2.a).

C Public uses, institutional uses, churches, fraternal organizations, and civic organizations in all zones.

1. No Permit Required

- a. Traffic directional signs are allowed on the site
- b. Public uses are allowed additional signage subject to §14-13-9.

2. Permit Required

- a. For public uses, institutional uses, churches, fraternal organizations and civic organizations, the total amount of permanent sign area allowed, including wall signs and freestanding signs, is thirty-six (36) square feet.

b. One-half ($\frac{1}{2}$) of the freestanding sign area may be a change panel sign.

D. C-2 Zoning District Permitted Signs. On-site signs shall meet the following requirements in the C-2 district:

1. Signs shall not exceed two (2) square feet in area for each linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection. The sign shall not project more than four (4) feet from the building, or structure to which it is attached. No attached sign shall exceed one hundred (100) square feet in area without City Council approval.
2. One (1) freestanding sign for each single-user site not to exceed one (1) square foot of sign area for each linear foot of business frontage. Where the developed parcel has an excess of three hundred (300) feet of street frontage, one (1) additional freestanding sign may be erected for each additional three hundred (300) feet of street frontage, not to exceed two (2) freestanding signs per City block. In no event will said additional signs be located closer than three hundred (300) feet to each other.
3. Freestanding signs for shopping centers and other multi-user sites shall conform to the standards set forth in subsection (J) of this section.
4. Traffic directional signs are permitted, provided they are no higher than three (3) feet. The sign may be internally illuminated or non-illuminated.

E. C-3 Zoning District Permitted Signs (Except Historic Preservation District). Signs shall meet the following requirements in the C-3 District

1. On-site signs shall not exceed two (2) square feet in any area for each linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection. The sign shall not project more than four (4) feet from the building, or structure to which it is attached. No attached sign shall exceed hundred (100) square feet in area without City Council approval.
2. One (1) detached sign for each developed area or parcel not to exceed one and one-half ($1\frac{1}{2}$) square feet of sign area for each linear foot of business frontage. Where the developed parcel under single ownership has an excess of three hundred (300) feet of street frontage, one (1) additional detached bonus sign may be erected for each additional three hundred (300) feet of street frontage, not to exceed two (2) detached signs per City block. In no event will bonus signs be located closer than three hundred (300) feet to each other.
3. Detached signing for shopping centers and other multi-user sites shall conform to the standards set forth in this section
4. In no event shall the total combined area of all detached signs exceed three hundred (300) square feet.

5. Traffic directional signs are permitted, provided they are no higher than six (6) feet. The sign may be internally illuminated or non-illuminated. Traffic directional signs are subject to approval of the City Traffic Engineer and not included in area calculations.
1. All proposed signs with an area larger than 100 square feet require City Council approval
 6. Such sign structure must maintain a side yard setback from any adjacent residential zoning district or residential use equal to that of the residential zoning district or half the sign's structure height, whichever is greater.
 7. No such sign structure may be closer than three hundred (300) feet to any other such sign structure on the same side of the same street and oriented to that street unless said structures are back-to-back, or V-shaped. No such sign shall be closer than eight (8) feet to ground level or sixteen (16) feet in height. For purposes of this section, a sign structure may be back-to-back, or V-shaped.
 8. No such sign structure face area or combination of sign structure face areas shall exceed three hundred square feet (300) as measured on one side of structure.
 9. Embellishments shall not extend more than five and one-half (5½) feet above or below the horizontal edges of the sign structure face area and not more than three (3) feet beyond any vertical edge of the sign structure face area. Neon embellishments shall conform to the requirements of the Electrical Code of the City. The total area of all such embellishments shall not increase the total area of the outdoor advertising structure face area to which they are attached by more than twenty (20) percent.
 10. On any lot contiguous to a residential zoning district or separated there from only by an alley, no such illuminated sign structure may be placed within fifty (50) feet of said residential zoning district in such a manner that any portion of the face of the sign is visible to the adjacent residential district.
 11. Outdoor advertising signs shall not be erected upon the roof of any building
 12. No sign permit shall be issued for outdoor advertising signs (billboards)
 13. Any variance or exception to the foregoing shall be in accordance with the provisions of the Zoning Code.
 14. Additional signs are allowed under the Special Temporary Sign Period §14-13-9(B.5)

F. **Industrial zones.** In industrial zones, permitted signs shall be in accordance with provisions in the C-3 District.

G. **Planned area Development Designations.** For such properties zoned with a planned area development (PAD) designation, all signing shall be subject to the standards specified for the underlying zoning district unless otherwise governed by sign criteria specified either as part of a preliminary development

plan approval by the Planning and Zoning Commission and City Council, or other previous sign package approval by the City.

H. **Shingle Signs.** Shingle signs are over a public right-of-way. These signs are included as part of permitted sign area.

1. Only one (1) sign shall be allowed for each business front, and a permit is required for such sign.
2. The sign must be perpendicular to the building front and shall contain no more than ten (10) square feet.
3. The sign shall be a minimum of eight (8) feet above the sidewalk.

I. **Window signs.** Window signs may be painted on or otherwise displayed from the surface of any window, showcase or other similar facility. The area of such signs shall not exceed twenty-five (25) percent of the area of the window on which it is displayed using an opaque lettering; the use of transparent lettering will be permitted eighty percent (80%). The area of said sign shall be included in the total allowed sign area.

J. **Signs for shopping centers and multi-tenant commercial sites.**

1. Sign criteria shall be established as part of building/sign plan review process.
2. Wall mounted signs for shopping centers and other commercial and industrial sites shall be subject to the development standards as specified in this chapter for the particular district in which the property is zoned. Signs shall be integrated with building façades and shall be proportional to the scale of the façades so that they are not the dominant architectural features.
3. Freestanding signs for shopping centers and other multitenant commercial centers (individually, collectively, "centers") and for industrial sites shall be subject to the following standards:
 - a. One (1) detached sign per arterial street, not to exceed one (1) square foot of sign face area for each linear foot of business frontage. Where the property has an excess of three hundred (300) feet of frontage along an arterial street, one (1) additional sign may be erected along such frontage, not to exceed two (2) signs per frontage and located not less than three hundred (300) feet apart.
 - b. Notwithstanding signs shall not exceed sixteen (16) feet in height unless approved by City Council.
4. **Additional quality standards.** The intent of the following standards is to encourage creative and innovative design techniques, quality and merit. A minimum of three (3) of the following items shall be achieved for shopping centers, office and commercial complexes:
 - a. Incorporate site signage on low planter walls in lieu of freestanding monument signs to create a shared identity for the site.
 - b. Utilize letters that are "halo" or indirectly illuminated throughout entire site.

- c. Utilize individual reverse pan channel letters throughout entire site.
- d. Letter size shall be limited to fifteen (15) percent of the building height for all wall-mounted signs.
- e. Incorporate landscape planter feature at base of all freestanding monument signs.
- f. Any other design amenity, which is otherwise not required but which meets the general intent for design innovation, may be substituted for any of the above additional quality standards.

K. Historic Preservation District

1. All signs in the Historic Preservation District require a recommendation of the Globe Historic Preservation Advisory Committee to the City Council for the issuance of a sign permit by the City of Globe.
2. General requirements.
 - a. No sign shall be permitted which does not correctly identify the occupancy, services, or types of products offered, within the business premises. (Exception to Historic Landmarks signs designated by City Council)
 - b. All signs shall be free of labels and manufacturer's advertising
 - c. For those installations involving paint applied to a sign board, all copy and borders shall be applied with a high-quality acrylic latex and primer, in accordance with manufacturer's recommendations.
 - d. Only signage which is surface-mounted may be permitted on the side or rear elevation of a building, provided however, that such elevation is improved in an architectural manner similar to the front elevation of the building. The design of such signage shall comply with the standards and requirements for surface-mounted signs.
 - e. All signage materials, including sign boards and letter styles, shall to the extent possible, replicate the historic look of signage consistent with the architecture of buildings within the Historic Preservation District.
 - f. All surface-mounted signage, shall be manufactured as individual letters, or be manufactured as a sign board which may then be mounted onto the building wall surface.
 - g. Surface-mounted signage shall be indirect lighting for surface-mounted signage wherein such lighting is not provided by the City.
 - h. Raceways may be used for the purpose of electrifying indirect lighting for individual letters constituting a surface-mounted sign. If used, such raceway shall be painted to match the building.
 - i. Sign copy and borders may be any color that are approved by the Historic Preservation Committee; background colors shall either match, or otherwise complement, the building color. If used, sign borders shall be a maximum four (4) inch width.
 - j. As provided herein, the use of neon as a means of illumination to a sign face, may be permitted.

- k. Any sign installation for which a City of Globe building permit was issued prior to the effective date of these regulations, which subsequently becomes non-conforming to these regulations as defined in 14-13-3 may continue in existence in the manner.
 - l. For mounting of any sign proposed to overhang any portion of the public right-of-way, a separate building permit shall be required in accordance with the standards and requirements of the code as adopted by the City of Globe, and an encroachment permit shall be required in accordance with Chapter 12 of the Globe City Code.
 - m. All signs shall be maintained in good condition.
3. Design requirements. Surface-mounted signage may be permitted for each business use, in conformance with the standards and requirements set forth herein.
- a. For signs size, up to one (1) square foot of sign for every linear foot of frontage on store front. On corner buildings, non-storefront side allows additional .25 (one quarter) square feet per linear foot of frontage on that side. Length of said signs shall not exceed eighty (80) percent of the storefront width. Any second story business will be allowed to have window signs limited to 50% (fifty percent) of window area, up to 2 (two) windows.
 - b. Signs may be mounted flush, angled, bowed, or perpendicular to the wall surface, and where possible, be centered horizontally over the storefront. Irrespective of the method used for mounting, no sign shall extend above the top of the wall parapet, nor be mounted on any roof or roof fascia. No sign shall extend more than five (5) feet from the exterior face of the building wall, and no sign shall overlap any window, door, or architectural feature. Maximum sign face area for any sign mounted perpendicular to the exterior face of the building wall shall be twenty-four (24) square feet.
 - c. Signs may be illuminated by external sources. Any use of neon lighting, mounted to the exterior surface. In no event shall any flashing, blinking, rotating, or light motion implying movement be permitted.
 - d. No more than two (2) signs over six (6) square feet per business occupant shall be permitted on any side of building.

I. Temporary signs. Temporary signs require a permit unless specifically exempted herein. Each Temporary sign can be used for 30 days. The following temporary signs are prohibited unless expressly authorized within any of the subsections set out below and for the limited purposes stated within any such subsection:

- Non-public signs in public rights-of-way or on public property;
 - Signs mounted on a building roof;
 - Signs having flashing illumination, animated or moving parts, or that emit sound;
- Bandit, and inflatable signs;

- Signs imitating official traffic control signs, or any sign or device obscuring actual municipal or other public traffic control signs or devices;
- Signs mounted on, or applied to trees, utility poles, rocks, or City owned property;
- Signs placed upon private property without the property owner's approval;
- Off-premises, (portable signs or "A-frame" signs);
- Feather or Sail Signs in Historic Preservation District
- Business identification/advertising signs in single-family zoning districts.