Somerton Zoning Ordinance

City Code Article 2-7
Section 1-9

Adopted: 3/3/2015 Effective: 4/2/2015

PENDING ADOPTION

CITY OF SOMERTON
ZONING CODE

Prepared for:

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Table of Contents

SECTION 1 - GENERAL PROVISIONS 1-1

1.1. Title and Authority 1-1
1.2. Purpose 1-1
1.3. Consistency with the General Plan 1-2
1.4. Applicability 1-2
1.4.1. General Applicability 1-2
1.4.2. Applicability to Public Agencies 1-2
1.4.3. New Land Uses or Structures, Changes to Land Uses or Structures 1-2
1.4.4. Subdivisions 1-2
1.4.5. Annexed Property 1-2
1.5. Conflicting Provisions 1-3
1.5.1. Provisions Interpreted as Minimum Requirements 1-3
1.5.2. Relation to Other Regulations 1-3
1.5.3. Relation to Private Agreements 1-3
1.6. Transitional Provisions 1-3
1.6.1. Violations Continue 1-3
1.6.2. Uses Rendered Nonconforming under prior Ordinance 1-3
1.6.3. Uses Rendered Nonconforming under this Ordinance 1-4
1.6.4. Applications Filed Prior to the Effective Date 1-4
1.6.5. Developments with Approvals or Permits 1-4
1.6.6. Waiver of Requirements 1-5
1.7. Rules for Interpretation 1-5
1.7.1. Zoning Land Use Regulations 1-5
1.7.2. Official Zoning Map 1-5
1.8. Severability 1-6

SECTION 2 – ZONING DISTRICTS 2-1

2.1. Zoning Districts and Map Established 2-1
2.1.1. Zoning Districts Established 2-1
2.1.2. Official Zoning Map 2-2
2.1.3. Boundary Determination 2-2
2.2. Agriculture Districts 2-3
2.2.1. General Purpose of Agriculture Districts 2-3
2.2.2. Agriculture Districts 2-3
2.2.3. Agriculture Use Standards 2-3
2.2.4. Agriculture Development Standards 2-5
2.3. Residential Districts 2-6
2.3.1. General Purpose of Residential Districts 2-6
2.3.2. Residential Districts 2-6
2.3.3. Residential Use Standards 2-7
2.3.4. Residential Development Standards 2-10
2.3.5. Residential Architectural Guidelines and Standards 2-12
2.4. Mixed-Use Districts 2-13
2.4.1. General Purpose of Mixed Use Districts 2-13
2.4.2. Mixed-Use District 2-13
2.4.3. Mixed-Use Use Standards 2-13
2.4.4. Mixed-Use Development Standards 2-16
2.4.5. Mixed-Use Architectural Guidelines and Standards 2-17
2.5. Commercial Districts 2-21
2.5.1. General Purpose of Commercial Districts 2-21
2.5.2. Commercial Districts 2-21
2.5.3. Commercial Use Standards 2-21
2.5.4. Commercial Development Standards 2-24
2.6. Industrial Districts 2-26
2.6.1. General Purpose of Industrial Districts 2-26
2.6.2. Industrial Districts 2-26

2.6.3. Industrial Use Standards 2-27
2.6.4. Industrial Development Standards 2-30
2.7. Government Districts 2-32
2.7.1. General Purpose of Government District 2-32
2.7.2. Government Districts 2-32
2.7.3. Government Use Standards 2-32
2.7.4. Government Development Standards 2-33
2.8. Open Space District 2-34
2.8.1. General Purpose of Open Space District 2-34
2.8.2. Open Space District 2-34
2.8.3. Open Space Use Standards 2-34
2.8.4. Open Space Development Standards 2-35
2.9. Overlay Districts 2-37
2.9.1. Airport Overlay District (AO) 2-37
2.9.2. Planned Development Overlay District (PD) 2-44

SECTION 3 – SUPPLEMENTARY USE STANDARDS 3-1
3.1. Additional Use Specific Regulations 3-1
3.1.1. Purpose 3-1
3.1.2. Agricultural Use Categories 3-1
3.1.3. Residential Use Categories 3-2
3.1.4. Public and Semi Public Use Category 3-10
3.1.5. Commercial Use Category 3-18
3.2. Accessory Buildings, Uses and Structures 3-33
3.2.1. Purpose 3-33
3.2.2. Establishment of Accessory Buildings, Uses and Structures 3-33
3.2.3. General Development Standards for Accessory Buildings, Uses and Structures 3-33
3.2.4. Location Standards for Accessory Buildings, Uses and Structures 3-34
3.2.5. Size Standards for Accessory Buildings and Structures 3-34
3.2.6. Additional Standards for Specific Accessory buildings, Uses and Structures 3-34
3.3. Temporary Uses and Structures 3-44
3.3.1. Purpose 3-44
3.3.2. Temporary Use Approval 3-44
3.3.3. Allowed Temporary Uses 3-44
3.3.4. Exempt Temporary Uses 3-46

SECTION 4 – GENERAL DEVELOPMENT REGULATIONS 4-1
4.1. Setback and Height Regulations 4-1
4.1.1. Setback Regulations 4-1
4.1.2. Height Regulations 4-3
4.2. Performance Standards 4-4
4.2.1. Glare and Heat 4-5
4.2.2. Lighting 4-5
4.2.3. Fire and Explosion Hazards 4-5
4.2.4. Vibration 4-5
4.2.5. Air Pollution 4-5
4.2.6. Liquids and Solid Waste 4-5
4.2.7. Odors 4-5
4.2.8. Noise 4-6
4.3. Off-Street Parking and Loading 4-6
4.3.1. Purpose 4-6
4.3.2. Applicability 4-6
4.3.3. General Parking and Loading Regulations 4-7
4.3.4. Number of Parking Spaces Required 4-8
4.3.5. Required Parking in Mixed Use District 4-12
4.3.6. Alternative Parking Provisions 4-12
4.3.7. Accessible Parking 4-16
4.3.8. Bicycle Parking 4-17
4.3.9. Parking Space Dimensions 4-17

4.3.10. Parking Area Design and Layout Standards 4-19
4.3.11. Parking Area Landscaping 4-25
4.3.12. Parking Area Lighting 4-25
4.3.13. Special Parking Requirements for Residential Uses 4-25
4.3.14. Stacking Spaces 4-28
4.3.15. Loading Area Requirements 4-29
4.4. Open Space, Landscape and Walls 4-31
4.4.1. Purpose 4-31
4.4.2. Open Space 4-32
4.4.3. Landscape 4-36
4.4.4. Fences, Walls and Screening 4-41
4.4.5. Landscape and Wall Maintenance 4-43
4.5. Signage 4-44
4.5.1. Purpose 4-44
4.5.2. Applicability 4-44
4.5.3. General Provisions 4-44
4.5.4. Standards by Sign Type 4-50
4.5.5. Prohibited and Restricted Signs 4-69
4.5.6. Permits Required and Process 4-70
4.6. Lighting 4-73
4.6.1. Purpose 4-73
4.6.2. Applicability 4-73
4.6.3. Exempt Lighting 4-74
4.6.4. Prohibited Lighting 4-74
4.6.5. Lighting Zones 4-75
4.6.6. Regulations 4-75
4.6.7. Special Approvals 4-79
4.6.8. Submission of Plans and Evidence of Compliance with Ordinance 4-80
4.6.9. Exemptions 4-80

SECTION 5 – ADMINISTRATION 5-1
5.1. Purpose 5-1
5.2. City Council 5-1
5.2.1. Powers and Duties 5-1
5.3. Planning and Zoning Commission 5-2
5.3.1. Members 5-2
5.3.2. Meetings 5-2
5.3.3. Powers and Duties 5-2
5.4. Board of Adjustment 5-3
5.4.1. Members 5-3
5.4.2. Meetings 5-3
5.4.3. Powers and Duties 5-3
5.4.4. Restrictions 5-3
5.5. Development Review Committee 5-4
5.5.1. Members 5-4
5.5.2. Meetings 5-4
5.5.3. Powers and Duties 5-4
5.6. Minor Modification Committee 5-4
5.6.1. Members 5-5
5.6.2. Powers and Duties 5-5
5.7. Zoning Administrator 5-5
5.7.1. Powers and Duties 5-5
5.7.2. Restrictions 5-6
5.7.3. Liability 5-6
5.8. General Provisions of Appointed Bodies 5-7
5.8.1. Absence of Member 5-7
5.8.2. Removal of Member 5-7
5.8.3. Secretary 5-7
5.8.4. Meeting and Hearing Procedures 5-7

5.8.5. Meeting and Hearing Conduct 5-7
5.8.6. Consent Agenda 5-8
5.8.7. Quorum – Official Action 5-8
5.8.8. Conflict of Interest 5-8
5.8.9. Ex Parte Communications 5-8

SECTION 6 – ZONING PROCEDURES AND FEES 6-1

6.1. Purpose 6-1
6.2. Common Procedures 6-1
6.2.1. Pre-application Conference 6-1
6.2.2. Application Submittal (Administrative Completeness Review) 6-2
6.2.3. Citizen Review Process 6-4
6.2.4. Application Review and Report (Substantive Review) 6-5
6.2.5. Notice of Public Hearings 6-5
6.2.6. Public Hearing 6-7
6.2.7. Written Decision 6-7
6.2.8. Limitation on Reapplication 6-8
6.2.9. Reconsideration or Rehearing of Decisions 6-8
6.2.10. Amendments to Permits or Other Forms of Approval 6-8
6.2.11. Appeals 6-9
6.2.12. Appeals of Dedications or Exactions to Hearing Officer 6-10
6.2.13. Effective Date and Exercising Approval at Risk 6-10
6.3. Review Authority 6-11
6.4. General Plan Amendment 6-12
6.4.1. Purpose and Applicability 6-12
6.4.2. Initiation of Amendments 6-12
6.4.3. Timing of Amendments 6-12
6.4.4. General Plan Amendment Application Process 6-12
6.4.5. Issues for Consideration 6-14
6.4.6. Appeal 6-15
6.5. Amendments to Zoning Code Text 6-15
6.5.1. Purpose and Applicability 6-15
6.5.2. Initiation of Amendments 6-15
6.5.3. Text Amendment Application Process 6-15
6.5.4. Issues for Consideration 6-17
6.5.5. Appeal 6-17
6.6. Amendments to Zoning Map (Rezoning) 6-17
6.6.1. Purpose and Applicability 6-17
6.6.2. Initiation of Amendments 6-17
6.6.3. Rezone Application Process 6-18
6.6.4. Issues for Consideration 6-19
6.6.5. Revocation or Modification 6-19
6.6.6. Appeals 6-19
6.7. Conditional Use Permit 6-19
6.7.1. Purpose and Applicability 6-19
6.7.2. Types of Conditional Uses 6-20
6.7.3. Conditional Use Permit Application Process 6-20
6.7.4. Required Findings 6-22
6.7.5. Expiration and Time Extensions: 6-23
6.7.6. Revocation or Modification 6-23
6.7.7. Appeal 6-24
6.8. Temporary Use Permit 6-24
6.8.1. Purpose and Applicability 6-24
6.8.2. Types of Temporary Uses 6-24
6.8.3. Temporary Use Permit Application Process 6-24
6.8.4. Appeal 6-25
6.9. Variance 6-25
6.9.1. Purpose and Applicability 6-25
6.9.2. Variance Application Process 6-25

6.9.3. Required Findings 6-27
6.9.4. Expiration and Time Extensions 6-27
6.9.5. Revocation 6-28
6.9.6. Appeals 6-28
6.10. Minor Modification 6-28
6.10.1. Purpose and Applicability 6-28
6.10.2. Minor Modification Application Process 6-29
6.10.3. Required Findings 6-29
6.10.4. Appeals 6-30
6.11. Sign Permits, Master Sign Programs and Comprehensive Sign Plans 6-30
6.11.1. Purpose and Applicability 6-30
6.11.2. Sign Permit and Comprehensive Sign Plan Application Process 6-30
6.11.3. Master Sign Program Application Process 6-31
6.11.4. Revocation 6-31
6.11.5. Appeal 6-31
6.12. Site Plan Review 6-32
6.12.1. Purpose and Applicability 6-32
6.12.2. Site Plan Process 6-32
6.12.3. Issues for Consideration 6-33
6.12.4. Final Inspection 6-33
6.12.5. Expiration of Approval 6-34
6.12.6. Appeal 6-34
6.13. Building Permit 6-34
6.13.1. Purpose and Applicability 6-34
6.13.2. Applications 6-34
6.13.3. Review and Decision 6-35
6.13.4. Expiration or Cancellation 6-35
6.13.5. Validity of Permits 6-35
6.13.6. Violations 6-35
6.14. Certificate of Occupancy 6-36
6.14.1. Purpose and Applicability 6-36
6.14.2. Issuance of a Certificate of Occupancy 6-36
6.14.3. Temporary Occupancy Permits 6-36
6.15. Annexation 6-36
6.15.1. Purpose 6-36
6.15.2. Initiation of Annexations 6-36
6.15.3. Annexation Process 6-36

SECTION 7 – ENFORCEMENT 7-1
7.1. Purpose 7-1
7.2. Enforcement Responsibilities 7-1
7.3. Types of Violations and Offenses 7-1
7.4. Invalid Permits and Approvals 7-1
7.5. Violation Remedies 7-1
7.6. Criminal and Civil Penalties 7-2
7.7. Continuation of Prior Enforcement Actions 7-2
7.8. Cumulative Procedures and Remedies 7-3

SECTION 8 – NONCONFORMITIES 8-1
8.1. Purpose 8-1
8.2. General Provisions 8-1
8.2.1. Determination of Nonconformance Status 8-1
8.2.2. Change of Ownership or Tenancy 8-1
8.2.3. Maintenance and Minor Repair 8-1
8.3. Nonconforming Uses 8-1
8.3.1. Continuance 8-1
8.3.2. Expansion, Enlargement and Modification 8-2
8.3.3. Change of Use 8-2

8.3.4. Loss of Nonconforming Status 8-2
8.3.5. Conditional Uses 8-2
8.4. Nonconforming Structures 8-2
8.4.1. Continuance 8-2
8.4.2. Expansion, Enlargement and Modification 8-2
8.4.3. Destruction and Replacement 8-3
8.5. Nonconforming Lots of Record 8-3
8.6. Nonconforming Signs 8-3
8.6.1. Continuance 8-3
8.6.2. Expansion, Enlargement and Modification 8-3
8.6.3. Loss of Nonconforming Status 8-4
8.6.4. Destruction and Replacement 8-4

SECTION 9 – DEFINITION 9-1
9.1. Purpose 9-1
9.2. General Rules 9-1
9.2.1. Tenses, Plurals, Gender and Persons 9-1
9.2.2. Illustrations and Photographs 9-1
9.2.3. Lists and Examples 9-1
9.2.4. Computation of Time 9-1
9.2.5. References to Other Regulations/Publications 9-1
9.2.6. Mandatory and Discretionary Terms 9-2
9.2.7. Conjunctions 9-2
9.2.8. Interpretations 9-2
9.3. Definitions of Use Categories and Specific Uses 9-3
9.3.1. Residential Use Category 9-3
9.3.2. Public and Semi Public Use Category 9-5
9.3.3. Agriculture Use Category 9-8
9.3.4. Commercial Use Category 9-9
9.3.5. Industrial Use Category 9-15
9.3.6. Accessory Uses 9-17
9.4. Supplemental Definitions 9-18

APPENDIX A – APPROVED PLANT LIST

SECTION 1 - GENERAL PROVISIONS

1.1. TITLE AND AUTHORITY

These regulations shall be known as the "City of Somerton Zoning Ordinance", and may be cited as such and will be referred to herein as this "Code", this "Zoning Ordinance" or this "Ordinance".

This Zoning Ordinance is enacted based on the authority granted by the Somerton City Charter, Somerton Municipal Code and the laws of the State of Arizona, including but not limited to Arizona Revised Statutes § 9-461, et seq. and § 9-462, et seq., which provides for the regulation of land use and structures by municipalities in Arizona.

1.2. PURPOSE

These regulations are adopted for the following purposes:

A. To protect and to provide for the public health, interest, safety and general welfare of the citizens of the City of Somerton.

B. To guide the future growth and development of the municipality and to provide the minimum requirements for the implementation of the City of Somerton General Plan.

C. To provide for adequate light, air and privacy, and to secure safety from fire, flood and other dangers, and to prevent overcrowding of the land and undue congestion of the population by establishing land use classifications and by imposing regulations on the use of land and on the location, height and bulk of buildings and structures placed on the land.

D. To protect the character and the social and economic stability of all parts of the community.

E. To establish procedures, offices, boards and commissions for the enforcement, interpretation and processing of amendments, variances, conditional use permits and appeals, and to establish procedures for violations and penalties for infractions of this Ordinance.

F. To protect and conserve both the value of the land and the improvements throughout the City of Somerton.

G. To guide public actions to ensure adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation and other public requirements and/or facilities.

H. To provide for the most appropriate relationship between the uses of land and the built environment.

I. To prevent the pollution of air and water and to encourage the wise use of noise attenuations and the management of natural resources throughout the community.

J. To ensure appropriate development with regard to the natural characteristics of the community.

K. To provide for open space through the enforcement of these regulations and design standards.

1.3. CONSISTENCY WITH THE GENERAL PLAN

The City's General Plan is the document that establishes the broad goals and policies for all future development. This Zoning Ordinance is the primary tool used to implement the goals, objectives, and policies of the General Plan. This Zoning Ordinance is hereby deemed to be consistent and in accordance with the adopted General Plan.

Any amendments to or actions pursuant to the Ordinance shall be consistent with the General plan, as it may be amended from time to time. An amendment to the text of this Ordinance is consistent with and in accordance with the General Plan if it complies with the goals and policies stated in the General Plan. An amendment to the zoning map is consistent with the General Plan if the map amendment is consistent with the land use map contained in the General Plan.

1.4. APPLICABILITY

This Zoning Ordinance applies to all land uses, subdivisions, and development within the City of Somerton as follows.

1.4.1. General Applicability

The requirements of this Zoning Ordinance shall apply to all land, buildings, structures, and uses within the City of Somerton, including land owned by the City.

1.4.2. Applicability to Public Agencies

Any governmental agency shall be exempt from the provisions of this Ordinance only to the extent that such property may not be lawfully regulated by the City of Somerton. All exempt agencies are encouraged to design any new developments in compliance with the standards set forth in this Code and to cooperate in meeting the goals and objectives of this Zoning Ordinance and the General Plan.

1.4.3. New Land Uses or Structures, Changes to Land Uses or Structures

No building, structure, or land shall be used or occupied, and no building, structure, or land shall be constructed, replaced, occupied, enlarged, or altered, nor shall any applicable permit be issued unless in conformity with all the provisions of this Zoning Code for the zone in which it is located and other applicable regulations, except as provided in Section 6 (Nonconformities).

1.4.4. Subdivisions

Any subdivision of land proposed within the City after the effective date of this Ordinance shall be consistent with Section 2, Zoning Districts - Use Standards and Development Standards, of this Ordinance; the subdivision requirements of the City of Somerton Subdivision Ordinance; and all other applicable requirements of this Ordinance.

1.4.5. Annexed Property

When any territory is brought into the jurisdiction of the City of Somerton, it may be zoned at the time of annexation or within six (6) months (A.R.S. §9-462.04(E)) after annexation to the City. In the event that zoning is not established with annexation, as described above, the area shall be considered zoned as the Somerton zoning district which permits densities no greater than those permitted by the

County zoning immediately before the annexation, per A.R.S §9-471(L) and provided that the zoning district(s) for the annexed area conforms to the land use designation(s) for the area as identified in the General Plan, until such time, within the six (6) months, as a request for zoning comes before Council. This provision shall not preclude subsequent rezoning of such property by amendment in the manner set forth in Section 5.4, Amendment to the Zoning Map (Rezone) of this Zoning Ordinance.

1.5. CONFLICTING PROVISIONS

1.5.1. Provisions Interpreted as Minimum Requirements

The standards and regulations established by this Ordinance shall be construed to be the minimum requirements necessary for the promotion of public health, safety, or other general welfare. Minimum values are not intended to be target values. In some instances, conditions may create the need to exceed stated minimum standards.

1.5.2. Relation to Other Regulations

The regulations of this Ordinance and requirements or conditions imposed pursuant to this Ordinance shall not supersede any other regulations or requirements adopted or imposed by the State of Arizona, or any federal agency that has jurisdiction by law over uses and development authorized by this Ordinance. All uses and development authorized by this Ordinance shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Ordinance and any other City Ordinance, chapter, resolution, guideline or regulation, (such as, but not limited to, fire codes, building codes, or engineering standards) the more restrictive provisions shall control, as determined by the Zoning Administrator, unless otherwise specified herein.

1.5.3. Relation to Private Agreements

The provisions of this Ordinance shall apply regardless of any private agreements in the event that the provisions of this Ordinance are more restrictive. Otherwise, this Ordinance shall not interfere with, affect or annul any recorded easement, covenant, or other private agreement now in effect, unless a Development Agreement has been authorized by the City Council and executed by recording the Development Agreement with the County Recorder's Office, pursuant to A.R.S §9-500.05.

1.6. TRANSITIONAL PROVISIONS

The following rules shall apply to all properties in the City on the effective date of this Zoning Code:

1.6.1. Violations Continue

Any violation of the zoning code previously in effect (2008 Zoning Ordinance) will continue to be a violation under this Zoning Code and shall be subject to the penalties and enforcement provisions provided in Section 4.6 (Enforcement), unless the use, development, construction or other activity complies with the provisions of this Zoning Code.

1.6.2. Uses Rendered Nonconforming under prior Ordinance

Any legal nonconformity under the previous Zoning Ordinance also will be a legal nonconformity under this Ordinance, so long as the situation that resulted in the legal nonconforming status under the previous Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then said use or structure will no longer be considered a nonconformity.

1.6.3. Uses Rendered Nonconforming under this Ordinance

A. When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this Zoning Ordinance, and this Zoning Ordinance no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Section 6, (Nonconformities).

B. Where any building, structure, or lot that legally existed on the effective date of this Zoning Ordinance does not meet all standards set forth in this Zoning Ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 6 (Nonconformities).

1.6.4. Applications Filed Prior to the Effective Date

A. Pending Applications filed prior to the effective date

1. Complete applications for new developments or amendments including, but not limited to Site Plan Review and Approval, Conditional Use Permits, Rezones, and preliminary plats, filed prior to the effective date of this Zoning Code may be approved under the provisions of the zoning code previously in effect (2008 Zoning Ordinance).

2. Applicants with a complete application that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this Zoning Ordinance, may request review under this Zoning Ordinance by a written letter to the Zoning Administrator.

3. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements in accordance with the Zoning Ordinance in effect on the date the application was deemed complete, the application shall expire and subsequent applications shall be subject to the requirements of this Zoning Ordinance.

B. Planning Applications Filed After the Effective Date

All applications for new developments including, but not limited to, Site Plan Review and Approval, Conditional Use Permits, and preliminary plats as well as amendments to the Zoning Map, filed on or after the effective date of this Zoning Ordinance, including modifications and amendments, shall conform to the provisions of this Zoning Ordinance.

1.6.5. Developments with Approvals or Permits

A. Conditional Use Permit Approved Prior to Effective Date

An applicant for a use for which a Conditional Use Permit has been approved prior to the effective date of this Zoning Ordinance may file an application for a Building Permit, even if the use does not fully comply with the provisions of this Zoning Ordinance. If a Building Permit application is not filed within one year of the date of approval of the Conditional Use Permit, it shall expire. No time extensions shall be permitted. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

B. Final Site Plan Approved Prior to Effective Date

An applicant whose development has received Site Plan Approval prior to the effective date of this Zoning Ordinance may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Zoning Ordinance. Upon approval of construction plans for the development, a Building Permit may be issued. Site Plan Approval for developments approved prior to the effective date of this Zoning Ordinance shall be valid for one year from the date of

approval. No time extensions shall be permitted. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

C. Preliminary Subdivision Plat Approved Prior to Effective Date

A project which has a preliminary plat approved prior to the effective date of the this Ordinance may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provisions of the this Ordinance. If a final plat application is not filed within one year, unless extended as provided by the Subdivision Ordinance, of the date of preliminary plat approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Zoning Ordinance and the Somerton Subdivision Ordinance.

D. Building Permit Issued Prior to Effective Date

Any building, structure, or sign for which a lawful Building Permit is issued or for which a complete Building Permit or Sign Permit application as determined by the Zoning Administrator has been filed one day prior to the effective date of this Zoning Ordinance, may be constructed and completed in conformance with the permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with this Zoning Ordinance. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension in compliance with the provisions of the Building Code. If the building, structure, or sign has not been completed before the building permit or any extension of the permit expires, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with this Ordinance.

1.6.6. Waiver of Requirements

A. Properties for Which the Owner Believes the Adoption of this Ordinance has a Direct Effect Upon and has caused a Diminution of Value upon a Specific Property.

If a property owner has reason to believe the adoption of this Ordinance and the requirement(s) related to this ordinance has directly affected the property by a diminution in value, the property owner may file an application for a waiver of requirements from this Ordinance, in favor of all requirements of the Zoning Ordinance in effect previous to 4/2/2015 (Code Effective Date) being applicable. Applications requesting this waiver must be filed before 4/2/2018 (3 years from date of adoption).

1.7. Rules for Interpretation

1.7.1. Zoning Land Use Regulations

Where uncertainty exists regarding the interpretation of any provision of the Zoning Ordinance or its application to a specific site, the Zoning Administrator shall determine the intent of the provision as defined under Section 4.5 (Zoning Administrator). The determination of the Zoning Administrator may be appealed in accordance with the provisions of Section 5.13 (Procedures for Appeals).

1.7.2. Official Zoning Map

Where uncertainty exists regarding the boundary of a zoning district, the provisions and rules set forth in Section 2.1.2 (Zoning Map) shall apply.

1.8. SEVERABILITY

If any Court of competent jurisdiction rules any division, section, sentence, clause, phrase, word, portion, or provision of this Ordinance invalid, that ruling shall not affect, impair, or invalidate any other division, section, sentence, clause, phrase, word, portion, or provision of this Zoning Ordinance not specifically included in the judgment.

If any Court of competent jurisdiction rules invalid the application of any division, section, sentence, clause, phrase, word, portion, or provision of this Ordinance to a particular property, building, or other structure or use, that ruling shall not affect the application of any division, section, sentence, clause, phrase, word, portion, or provision of this Ordinance to any property, building, other structure or use not specifically included in the judgment.

SECTION 2 – ZONING DISTRICTS

This Chapter establishes the zoning districts applied to property within the City, determines how the zoning districts are applied on the Zoning Map, and provides general permit requirements for development and land uses.

2.1. ZONING DISTRICTS AND MAP ESTABLISHED

2.1.1. Zoning Districts Established

In accordance with the requirements of the Zoning Enabling Act, A.R.S. § 9-462 et. seq., zoning regulation is by Districts, the City of Somerton is hereby divided into the following Zoning Districts as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference. If a specific use is not included in this document then it shall be considered prohibited.

Table 2.1 -1: Zoning Districts Established

Abbreviation	Zoning District	Associated General Plan Land Use Designation
Agriculture Districts		
AG-20	Agriculture-20	Agriculture Agriculture/Industrial
AG-10	Agriculture-10	
AG-5	Agriculture-5	
Residential Districts		
SR	Suburban Ranch	Rural Density Recreation and Open Space
R1-18	Single-Family Residential 18,000	Low Density
R1-10	Single-Family Residential 10,000	
R1-8	Single-Family Residential 8,000	
R1-6	Single-Family Residential 6,000	
R-2	Multi-Family Residential 2	Medium Density Downtown Overlay
R-3	Multi-Family Residential 3	High Density Downtown Overlay
MH/RV	Manufactured Homes / Recreational Vehicles	Low Density Medium Density
Mixed-Use District		
MSC	Main Street Corridor	High Density Commercial Downtown Overlay
Commercial Districts		
C-1	Neighborhood Commercial	Commercial Downtown Overlay
C-2	Regional Commercial	
Industrial Districts		
L-I	Light Industrial	Employment Agriculture/Industrial Downtown Overlay
H-I	Heavy Industrial	
Government District		
G	Government	Any Land Use District
Open Space District		
OS	Open Space	Any Land Use District
Airport Overlay District		
AO	Airport Overlay District	Any Land Use District
Planned Development Overlay District		
PD	Planned Development	Any Land Use District

2.1.2. Official Zoning Map

The locations and boundaries of Zoning Districts shall be designated on a map or maps entitled as the Official Zoning Map of the City of Somerton. The Official Zoning Map together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, dated and signed by the Mayor and City Clerk, is hereby incorporated by reference as if set forth in its entirety herein.

The Official Zoning Map shall be located in the office of the Community Development Director and a copy shall be kept on file with the City Clerk. Any changes thereto shall be identified as an amendment to the Official Zoning Map and shall be filed in accordance with Subsection 6.6. The Official Zoning Map may, from time to time, be republished to delineate any rezoning approved pursuant to Subsection 6.6 of this Ordinance or any other amendments thereto.

2.1.3. Boundary Determination

Where uncertainty exists concerning the boundaries of any Zoning District shown on the Official Zoning Map, the following rules shall apply:

A. Where Zoning District boundaries are indicated as approximately following street or alley center lines, such center lines shall be construed to be the district boundary.

B. Where Zoning District boundaries are so indicated that they approximately follow property lines, such property lines shall be construed to be the district boundary.

C. Where Zoning District boundaries are indicated as approximately following the line of any canal or other water way, the center of such canal or water way shall be construed to be the district boundary.

D. Where Zoning District boundaries divide a lot or parcel, the zoning boundary shall be determined by using the scale of the zoning map and shall be considered a "lot line" if the area created by such lot line follows the designated zoning district lot area and lot width requirements. If the area created by such lot line would not comply with the designated district lot area and lot width requirements, zoning for the entire parcel shall be that which is applied to the largest portion of the property.

E. Where a public street or alley, railroad, or utility right-of-way is officially vacated or abandoned, the property that was formerly in the right-of-way will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned right-of-way or easement.

F. In case of doubt or disagreement concerning the exact location of a district line, determination shall lie with the Zoning Administrator as defined under Section 5.7 (Zoning Administrator). The determination of the Zoning Administrator may be appealed in accordance with the provisions of Section 6.2.11 (Appeals).

2.2. AGRICULTURE DISTRICTS

2.2.1. General Purpose of Agriculture Districts

The principal purpose of the Agricultural District is to conserve and protect farms and other agricultural land uses, to foster orderly growth in rural and outlying areas and to prevent urban and agriculture land use conflicts.

2.2.2. Agriculture Districts

The agriculture districts are:

Agriculture-20 (AG-20). The purpose of the Agricultural AG-20 District is to allow and preserve commercial agricultural, farming, ranching and related uses within the City. The other purpose of the AG-20 District is to act as a holding zone for land until a suitable rezoning and development occurs. The purpose of requiring minimum lot acreages for residential uses is to discourage small-lot residential subdivisions where public facilities such as water, sewer, schools, parks, playgrounds and other governmental services are not available or could not reasonably be made available in the immediate or near future. This district has a minimum lot size of 20 acres.

Agriculture-10 (AG-10). The purpose of the AG-10 District is to retain the community's agricultural heritage through preservation of large, working farms or ranches in appropriate locations with spacious buffering affording transition for the mitigation of negative impacts upon or from farming operations. The purpose of requiring minimum lot acreages for residential uses is to discourage small-lot residential subdivisions where public facilities such as water, sewer, schools, parks, playgrounds and other governmental services are not available or could not reasonably be made available in the immediate or near future. This district has a minimum lot size of 10 acres.

Agriculture-5 (AG-5). The purpose of the AG-5 district is to provide a very low-density, estate-type residential use with large animal (horse) privileges. The District serves as a transition between agricultural uses and urban development. The purpose of requiring minimum lot acreages for residential uses is to discourage small-lot residential subdivisions where public facilities such as water, sewer, schools, parks, playgrounds and other governmental services are not available or could not reasonably be made available in the immediate or near future. This district has a minimum lot size of 5 acres.

2.2.3. Agriculture Use Standards

Table 2.2-1 (Table of Allowed Uses for Agriculture Districts) identifies the uses of land allowed by this Zoning Code in each Agriculture Zoning District, and the land use permit required to establish each use. In the Table, the land use regulations for each Agriculture Zoning District are established by letter designations as follows:

- "P" designates use classifications permitted.
- "C" designates use classifications permitted on approval of a Conditional Use Permit.
- "X" designates a prohibited use.

Use classifications not listed are prohibited. The "Supplemental Use Regulations" refers to additional regulations that are applicable to the subject use and denotes the section in which the information is located; however, provisions in other sections of this Ordinance may also apply.

Table 2.2-1: TABLE OF ALLOWED USES FOR AGRICULTURE DISTRICTS					
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use			
		Agriculture Zoning Districts			
		AG-20	AG-10	AG-5	Supplemental Use Regulations
Residential Use Category	Dwelling, Single-Family Detached	P	P	P	
	Dwelling, Modular Home	P	P	P	
	Dwelling, Manufactured Home	P	P	P	3.1.3.B
	Dwelling, Mobile Home	C	C	C	3.1.3.A
	Assisted Living Home	C	C	C	
	Group Home	P	P	P	3.1.3.J
	Day Care, Home	C	C	C	3.1.3.E
Public and Semi Public Use Category	Arboretum or botanical garden	C	C	C	
	Campground and Camps	C	C	C	
	Cemetery	C	C	C	3.1.4.B
	Community Playfields and Parks	P	P	P	
	Nature Preserves, Non-Profit	P	P	P	
	Public Safety Facility	P	P	P	
	School, Boarding	C	C	C	3.1.4.D
	School, Public or Private, K-8	C	C	C	3.1.4.D
	School, Public or Private, 9-12	C	C	C	3.1.4.D
	Solar Generation Facility	C	C	C	3.1.4E
	Utility Facility and Service Yard, Major	C	C	C	
	Utility Facility, Minor	P	P	P	
	Wireless Facility (including tower and supporting facilities)	C	C	C	3.1.4.F
Agriculture Use Category	Agribusiness, Entertainment Farming	P	P	P	
	Agriculture, General	P	P	P	3.1.2.A
	Agriculture, Processing	C	C	X	
	Agriculture, Storage	P	P	P	
	Greenhouse	P	P	C	
	Intensive Animal Operation	P	C	X	3.1.2.B
	Nursery, Commercial	P	P	C	
	Nursery, Wholesale	P	P	C	
	Ranching, Commercial	P	C	C	3.1.2.C
Commercial Use Category	Animal, Kennel	P	P	P	
	Animal Training School	P	P	C	
	Bed and Breakfast	C	C	C	3.1.5.B
	Farmers Market	P	P	P	
	Feed Store	P	P	P	
	Flea Market	P	P	P	
	Resort, Cabins, Lodges	C	C	X	

Table 2.2-1: TABLE OF ALLOWED USES FOR AGRICULTURE DISTRICTS					
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use			
		Agriculture Zoning Districts			
		AG-20	AG-10	AG-5	Supplemental Use Regulations
	Shooting Range, Outdoor	C	C	X	
	Veterinary Clinic	C	C	C	3.1.5.A
	Zoo	C	C	C	
Industrial Use Category	Auctions, Livestock	C	C	X	
	Resource Extraction	C	C	X	

2.2.4. Agriculture Development Standards

Except as otherwise noted, the maximum density, minimum lot size, minimum lot width, minimum building setbacks, maximum lot coverage, and maximum building height for uses in each residential district shall be governed by the dimensional standards in Table 2.2-2 Agriculture District Development Standards below. The standards shown in the following table may be modified by additional provisions contained in this section or in additional sections of this zoning ordinance as noted.

Table 2.2-2: AGRICULTURE DISTRICT DEVELOPMENT STANDARDS										
	Zoning District	Unit Type	Density, Maximum (dwelling units/gross acres)	Lot Dimensions, minimum		Setbacks			Lot Coverage, maximum (%)	Building Height, maximum (feet)
				Lot size (acres)	Lot width (feet) [1]	Front (feet)	Side (feet)	Rear (feet)		
Agriculture District	AG-20	Agriculture-20	0.05	20	660	60	30	60	25	50
	AG-10	Agriculture-10	0.1	10	330	50	30	50	35	50
	AG-5	Agriculture-5	0.2	5	165	40	20	40	40	40

NOTES:

[1] Lot width is measured at front setback

A. Additional Development Standards

1. Setback and height exceptions – See Section 4.1 Setback and Height Regulations for additional development and design regulations.

2. Parking and loading requirements – See Section 4.3 Off-Street Parking and Loading for additional development and design regulations.

3. Landscaping, stormwater retention, open space and wall/fencing requirements – See Section 4.4 Open Space, Landscape and Walls for additional development and design regulations.

4. Signage requirements – See Section 4.5 Signage for additional development and design regulations.

5. Exterior Lighting requirements – See Section 4.6 Lighting for additional development and design regulations.

2.3. RESIDENTIAL DISTRICTS

2.3.1. General Purpose of Residential Districts

The residential districts are designed to promote high quality neighborhoods that have a distinct character, superior aesthetics, desirable amenities, open space and landscaping to meet the needs and expectations of the City's residents. The Districts range from low to high density, with distinct lists of allowed uses, development regulations and design requirements. These regulations are intended to further the intent and policies of the City's General Plan and to promote the health, safety and welfare of the City's citizens and visitors.

2.3.2. Residential Districts

The residential districts are:

Suburban Ranch (SR). This SR district is intended to promote rural density, ranch or estate style residential uses to be maintained without encroachment from industrial, commercial or higher density residential development. This district is intended to assure adequate area for residents to keep a limited number of domesticated animals or to engage in organic agriculture or small permitted owner operated occupations without adversely affecting the use and enjoyment of nearby residential properties. This district has a minimum lot size of 43,560 square feet

Single Family Residential-18 (R1-18). The R1-18 zoning district is intended to promote and encourage a suitable environment for low-density, single-family residential uses where adequate public facilities and services exist with capacity to serve them. It is the intent of this district to promote the construction of and continued use of large lot neighborhoods that serve as a transition between agriculture and suburban ranch development. This district has a minimum lot size of 18,000 square feet.

Single Family Residential-10 (R1-10). The R1-10 zoning district is intended to promote and encourage a suitable environment for low-density, single-family residential uses where adequate public facilities and services exist with capacity to serve them. It is the intent of the R1-10 district to promote the construction of and the continued use of residential neighborhoods that are semi-urban in character, where medium sized lots afford large private yards. The district has a minimum lot size of 10,000 square feet.

Single Family Residential-8 (R1-8). The R1-8 zoning district is intended to promote and encourage a suitable environment for low-density, single-family housing uses where adequate public facilities and services exist with capacity to serve them. It is the intent of the R1-8 district to promote the construction of and the continued use of residential neighborhoods that are urban in character, where smaller sized lots allow for reasonable outdoor enjoyment and privacy. The district has a minimum lot size of 8,000 square feet.

Single Family Residential-6 (R1-6). The R1-6 district is intended to allow a mix of detached residential unit types and low-densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. The small lot sizes created by the R1-6 district are intended to promote a very compact form of development, similar to traditional urban residential or neo-traditional neighborhoods. The district has a minimum lot size of 6,000 square feet.

Multi-Family Residential-2 (R-2). The R-2 Zoning District is intended to provide a transition from single family residential neighborhoods to a mixture of higher intensity land uses. It is the intent of this district to promote and preserve site-built medium-density residential development such as detached single family dwellings or duplexes. The district also allows patio homes, townhomes, and neighborhood scale multi-family uses. The district allows a density of 6-10 dwelling units an acre.

Multi-Family Residential-3 (R-3). The R-3 district is intended to provide for and encourage the orderly development of site-built, multi-family residences in areas appropriate for high density residential development. This district is intended to be used along major transportation corridors and in or near the downtown area, but is not intended to be used in the immediate proximity of single-family residential development at substantially lower densities. The district allows a density of 10-20 dwelling units an acre.

Manufactured Home/Recreational Vehicle Residential (MH/RV). The purpose of the MH/RV zoning district is to provide an alternative living style and dwelling type to conventional site-built single-family and multi-family housing. This district is intended to provide for manufactured home and recreational vehicle parks and subdivisions which are suitably developed for the placement and occupancy of manufactured homes or recreational vehicles for residential purposes on rented, leased, or owned spaces with the necessary accessory uses and amenities. The standards of this district are intended to be consistent with the standards for other types of housing at similar densities to maintain the general character of residential development within the City.

2.3.3. Residential Use Standards

Table 2.3-1 (Table of Allowed Uses for Residential Districts) identifies the uses of land allowed by this Zoning Code in each Residential Zoning District, and the land use permit required to establish each use. In the Table, the land use regulations for each Residential Zoning District are established by letter designations as follows:

- "P" designates use classifications permitted.
- "C" designates use classifications permitted on approval of a Conditional Use Permit.
- "X" designates a prohibited use.

Use classifications not listed are prohibited. The "Supplemental Use Regulations" refers to additional regulations that are applicable to the subject use and denotes the section in which the information is located; however, provisions in other sections of this Ordinance may also apply.

Table 2.3-1: TABLE OF ALLOWED USES FOR RESIDENTIAL DISTRICTS

Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use								
		Residential Zoning Districts								
		SR	R1-18	R1-10	R1-8	R1-6	MH/RV	R-2	R-3	Supplemental Use Regulations
Residential Use Category	Dwelling, Single-Family Detached	P	P	P	P	P	X	P (w/ PD Overlay)	X	2.3.5
	Dwelling, single-Family Attached	X	X	X	X	X	X	P	P	2.3.5
	Dwelling, Modular Home	P	P	P	X	X	P	X	X	2.3.5
	Dwelling, Manufactured Home	P	P	X	X	X	P	X	X	2.3.5, 3.1.3B
	Dwelling, Duplex	X	X	X	X	X	X	P	P	2.3.5
	Dwelling, Multi-Family	X	X	X	X	X	X	P (w/ PD Overlay)	P	2.3.5

Table 2.3-1: TABLE OF ALLOWED USES FOR RESIDENTIAL DISTRICTS										
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use								
		Residential Zoning Districts								
		SR	R1-18	R1-10	R1-8	R1-6	MH/RV	R-2	R-3	Supplemental Use Regulations
	Dwelling, Townhouse	X	X	X	X	X	X	P	P	2.3.5
	Manufactured Home, park or subdivision	X	X	X	X	X	P	X	X	3.1.3.C
	Recreational Vehicle, Park	X	X	X	X	X	P	X	X	3.1.3.D
	Assisted Living Center	X	X	X	X	X	X	C	C	3.1.3.G
	Assisted Living Home	P	P	P	C	C	C	C	C	3.1.3.H
	Nursing Home	X	X	X	X	X	X	C	C	3.1.3.I
	Group Care Home	P	P	P	P	P	X	P	C	3.1.3J
	Day Care Home	C	C	C	C	C	X	C	C	3.1.3.E
Public and Semi Public Use Category	Arboretum or Botanical Garden	C	C	C	C	C	X	C	C	
	Assembly Hall/Auditorium	C	C	C	C	C	C	C	C	
	Campground and Camps	C	X	X	X	X	X	X	X	
	Cemetery	C	C	C	C	C	C	C	C	3.1.4.B
	College or University	X	X	X	X	X	X	C	C	3.1.4.D
	Community Playfields and Parks	P	P	P	P	P	P	P	P	
	Community Recreation Center	P	P	P	P	P	P	P	P	
	Country Club, Private Membership	P	P	P	P	P	P	P	P	
	Day Care, Center	X	X	X	X	X	X	C	C	3.1.3.F
	Fraternal or social Club, Nonprofit	X	X	X	X	X	X	C	C	
	Library	X	P	P	P	C	X	C	C	
	Public Safety Facility	P	P	P	P	P	P	P	P	
	Religious Assembly	C	C	C	C	C	C	C	C	3.1.4.A
	School, Boarding	C	C	C	X	X	X	C	C	3.1.4.D
	School, Public or Private, K-8	C	C	C	C	C	X	C	C	3.1.4.D

Table 2.3-1: TABLE OF ALLOWED USES FOR RESIDENTIAL DISTRICTS										
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use								
		Residential Zoning Districts								
		SR	R1-18	R1-10	R1-8	R1-6	MH/RV	R-2	R-3	Supplemental Use Regulations
	School, Public or Private, 9-12	C	C	C	C	C	X	C	C	3.1.4.D
	Social Service Facility	X	X	X	X	X	X	C	C	
	Solar Generation Facility	C	X	X	X	X	X	X	X	3.1.4.E
	Utility Facility and Service Yard, Major	C	X	X	X	X	X	X	X	
	Utility Facility, Minor	P	P	P	P	P	P	P	P	
	Wireless Facility (including tower and supporting facilities)	C	C	C	C	C	C	C	C	3.1.4.F
Agriculture Use Category	Agribusiness, Entertainment Farming	C	X	X	X	X	X	X	X	
	Greenhouses	C	X	X	X	X	X	X	X	
	Market Garden	P	X	X	X	X	X	X	X	
	Nursery, Commercial	C	X	X	X	X	X	X	X	
	Nursery, Wholesale	C	X	X	X	X	X	X	X	
Commercial Use Category	Animal Training School	C	X	X	X	X	X	X	X	
	Animal, Kennel	C	X	X	X	X	X	X	X	3.1.5.A
	Bed and Breakfast	C	C	C	X	X	X	C	C	3.1.5.B
	Farmers Market	P	C	C	X	X	C	C	C	
	Feed Store	C	X	X	X	X	X	X	X	
	Flea Market	C	X	X	X	X	X	X	X	
	Golf Course, Unlighted	P	P	P	P	P	P	P	P	
	Golf Course/Driving Range Lighted	C	C	C	C	C	C	C	C	
	Parking Lots and Parking Structure	X	X	X	X	X	X	P	P	
	Veterinary Clinic	C	X	X	X	X	X	X	X	3.1.5.A

2.3.4. Residential Development Standards

Except as otherwise noted, the maximum density, minimum lot size, minimum lot width, minimum building setbacks, maximum lot coverage, and maximum building height for uses in each residential district shall be governed by the dimensional standards in Table 2.3-2 Residential District Development Standards below. The standards shown in the following table may be modified by additional provisions contained in this section or in additional sections of this zoning ordinance as noted.

Table 2.3-2: RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

	Zoning District		Density, Maximum (dwelling units/ gross acre)	Lot Dimensions, minimum		Setbacks [7]			Lot Coverage, maximum (%)	Building Height, maximum (feet)
				Lot size (square feet)	Lot width (feet) [1]	Front (feet)	Side (feet)	Rear (feet)		
Single-Family Residential	SR		-	43,560	132	35	15	30	25	40
	R1-18		-	18,000	90	20	10	20	35	35
	R1-10		-	10,000	80	20 [2]	10	20	40	35
	R1-8		-	8,000	70	20 [2]	7 [3]	15	40	35
	R1-6		-	6,000	50	20 [2]	7 [3]	10	40	35
Multi-Family Residential	MH/RV	Manufactured Home Subdivision/ Park	10 (lots-spaces/ gross acre)	5 Acre Site 3,000 SF lot/space	40	20	5 [3]	10	-	30
		Recreational Vehicle Park	10 (spaces/ gross acre)	5 Acre Site 1,200 SF space	28	10	5 [3]	5	-	20
	R-2	Single-Family Detached	10	PD Overlay Required (see Section 2.9.2)						
		Multi-Family	10 (100 units maximum)	PD Overlay Required (see Section 2.9.2)						
		All other Uses	10	4,356	40	20	7 [3] [4]	10	50	35 [6]
	R-3		20	5,000 [9]	50	20	15 [5]	15	65[8]	40 [6]

NOTES:

[1] Lot width is measured at front setback

[2] Front setback shall be 20-feet for front entry garages, 15-feet for side entry garages, and 10-feet for covered front porch

[3] For all corner lots adjacent to public right-of-way, the minimum street side yard setback shall be 10 feet

[4] Seven (7) feet for lots and fourteen (14) feet for dwelling units with no common walls; zero (0) feet for lots/dwelling units with common walls.

[5] Fifteen (15) feet for lots/dwelling units with no common walls; zero (0) feet for lots/dwelling units with common walls.

[6] For lots adjacent or abutting land zoned AG, SR, or R-1, the maximum building height shall be reduced to 30-feet

[7] For lots adjacent to or abutting AG zoned land, an additional setback of ten (10) feet shall be required.

[8] For Attached Single-Family and Duplex uses, the maximum lot coverage shall be fifty (50) percent.

[9] Lots for attached townhouses may be reduced to three thousand (3,000) square feet and thirty (30) feet minimum lot width

A. Buffer Yards

A landscape buffer and screen wall shall be designed and constructed in accordance with the provisions as set forth herein and shall be required along all property lines of a site developed for any non-single family use when such property lines are contiguous with or separated only by an alley from a single-family residential development or zoning district at the time of development:

1. A landscape buffer at least 15 feet wide shall be provided on the non-signage family use parcel.

2. The landscape buffer shall include one, 24 inch box, spreading tree per 30 linear feet and one, five gallon, tall growing shrub per 100 square feet of buffer yard. Evergreen trees and shrubs are preferred.

3. Parking and maneuvering areas shall not be permitted in the landscape buffer.

4. An opaque screen wall, a minimum of 6 feet in height, shall be installed along all common parcel boundaries on the single-family residential side of the landscape buffer.

5. For screen walls located along a common alley, the walls shall have no vehicular access points to or from the alley. Within the first twenty-five (25) feet from the street property line, the height of the wall may be gradually reduced to three (3) feet in height if there is a potential for obstructed visibility for pedestrian and/or vehicular traffic.

6. All screen walls shall adhere to the City of Somerton adopted standards for construction and be constructed of brick, stone, concrete or similar solid and durable material. The surface of all walls should be finished (stucco, plaster, etc.) and painted on both sides to match the on-site buildings (unless they are split-faced, grid or similar decorative types of concrete masonry units). Prohibited materials for screening walls include wood, metal, unfinished concrete or concrete block and manufactured materials such as fiberglass.

7. Buffer yards shall be installed prior to certificate of occupancy.

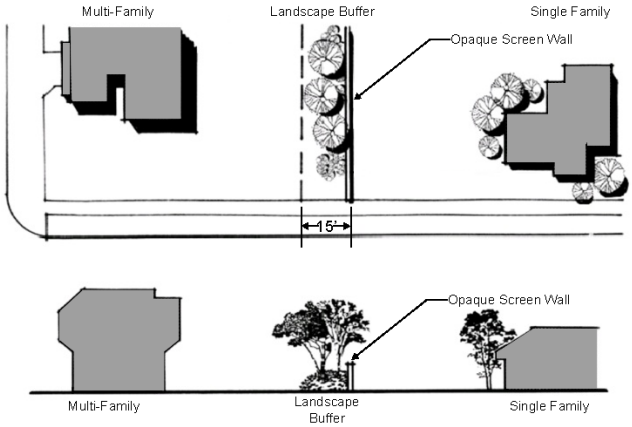


Figure 2.3-A

B. Residential Districts Adjacent to Employment Uses

The designation of a residential district adjacent to an H-I development or zoning district is prohibited.

C. Additional Development Standards

1. Setback and height exceptions – See Section 4.1 Setback and Height Regulations for additional development and design regulations.

2. Parking and loading requirements – See Section 4.3 Off-Street Parking and Loading for additional development and design regulations.

3. Landscaping, stormwater retention, open space and wall/fencing requirements – See Section 4.4 Open Space, Landscape and Walls for additional development and design regulations.

4. Signage requirements – See Section 4.5 Signage for additional development and design regulations.

5. Exterior Lighting requirements – See Section 4.6 Lighting for additional development and design regulations.

2.3.5. Residential Architectural Guidelines and Standards

A. General Standards for All Residential Development

1. Purpose

The following design guidelines are provided to assist developers, project applicants and city staff in producing quality residential development. City staff, Planning Commissioner's and Elected Officials will use these guidelines as a framework for evaluating development proposals and for commenting on the design aspects of proposed projects. See Subdivision Ordinance for additional architectural guidelines and standards applicable to residential subdivision developments.

2. Architectural Diversity

a. All residential building elevations shall have a similar level of architectural treatment and detail through the incorporation of the following elements:
   i. windows and/or doors;
   ii. varying types of materials and/or textures;
   iii. offsets or insets, such as bays;
   iv. vertical or horizontal changes to wall planes; and/or
   v. vertical breaks or changes to roof lines.

b. Multi-family units shall be broken up into groups of structures to reduce building mass and shall incorporate common architectural treatments across each structure to instill a unified overall design. Minimum separation between structures shall be fifteen (15) feet.

3. Garage Massing

a. The maximum width of front-loaded garages, including the garage door and architectural elements on each side of the garage door, shall not exceed 30 percent of the overall building façade width on lots of 10,000 square feet or greater; 40 percent of the façade width on lots of between 6,000 and 10,000 square feet; and 50 percent of the façade width on lots of less than 6,000 square feet.

b. The street-facing façade of an attached side-loaded garage shall include at least one window and a similar architectural treatment as the remainder of the residential structure.

4. Fire Suppression
   a. Any residential home that exceeds five thousand (5,000) square feet shall provide automatic fire protection due to the size or configuration of the building or contents that would limit normal fire suppression

2.4. MIXED-USE DISTRICTS

2.4.1. General Purpose of Mixed Use Districts

Mixed-use districts are enacted to provide for and encourage a compatible mix of uses, rather than a separation of uses. Mixed Use Districts are designed to recognize and enhance the vitality of unique areas within a City by allowing and encouraging a full range of high-intensity uses, including retail, multi-family housing, offices, entertainment and civic uses. The Mixed Use District offers one zoning designation, with distinct lists of allowed uses, development regulations and design requirements. These regulations are intended to further the intent and policies of the City's General Plan and to promote the health, safety and welfare of the City's citizens and visitors.

2.4.2. Mixed-Use District

The mixed-use districts are:

Main Street Corridor (MSC). The Main Street Corridor (MSC) Zoning District is intended to be the economic core of the community by allowing a mix of retail, business, residential and government center uses. This zoning district encourages the mixture of uses both vertically and horizontally, to create a lively pedestrian-oriented district that accommodates a broad range of commercial uses which cater to a local or regional market, and multifamily residential units that offer a density of up to 30 units per acre. The development standards for this district allow flexibility to promote attractive, street-front development as well as an open and pleasant street appearance.

2.4.3. Mixed-Use Use Standards

Table 2.4-1 (Table of Allowed Uses for Mixed-Use District) identifies the uses of land allowed by this Zoning Code in each Mixed-Use Zoning District, and the land use permit required to establish each use. In the Table, the land use regulations for each Mixed-Use Zoning District are established by letter designations as follows:

- "P" designates use classifications permitted.
- "C" designates use classifications permitted on approval of a Conditional Use Permit.
- "X" designates a prohibited use.

Use classifications not listed are prohibited. The "Supplemental Use Regulations" refers to additional regulations that are applicable to the subject use and denotes the section in which the information is located; however, provisions in other sections of this Ordinance may also apply.

Table 2.4-1: TABLE OF ALLOWED USES FOR MIXED-USE DISTRICTS			
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use	
		Mixed-Use Zoning Districts	
		MSC	Supplemental Use Regulations
Residential Use Category	Dwelling, Single-Family Attached	P	2.3.5
	Dwelling, Multi-Family	P	2.3.5
	Dwelling, Townhouse	P	2.3.5
	Assisted Living Center	C	3.1.3.G
	Assisted Living Home	C	3.1.3.H
	Nursing Home	C	3.1.3.I
	Group Care Home	C	3.1.3.J
	Group Recovery Home/Treatment Facility	C	
	Day Care, Home	C	3.1.3.E
Public and Semi Public Use Category	Arboretum or botanical garden	P	
	Assembly Hall/Auditorium	C	
	Bus Terminal	P	
	College or University	P	3.1.4.D
	Community Playfields and Parks	P	
	Community Recreation Center	P	
	Day Care, Center	C	3.1.3.F
	Fraternal or Social Club, Nonprofit	P	
	Government Offices and Civic Buildings	P	
	Health Care Related Facility or Clinic	P	
	Hospitals	P	3.1.4.C
	Library	P	
	Museum, Cultural Facility (Public)	P	
	Public Safety Facility	P	
	Religious Assembly	C	3.1.4.A
	School, Boarding	C	3.1.4.D
	School, Public or Private, K-8	C	3.1.4.D
	School, Public or Private, 9-12	C	3.1.4.D
	Social Service Facility	P	
	Utility Facility, Minor	P	
Commercial Use Category	Alcoholic Beverages, Retail Sale	P	
	Animal Hospital	C	3.1.5.A
	Automobile, Repair Minor	C	
	Automobile, Sales And Leasing	C	
	Bar, Lounge, or Tavern	P	
	Business Services	P	
	Car Wash	C	3.1.5.I

Table 2.4-1: TABLE OF ALLOWED USES FOR MIXED-USE DISTRICTS			
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use	
		Mixed-Use Zoning Districts	
		MSC	Supplemental Use Regulations
	Catering Service	P	
	Coffee Shops/Cafes	P	
	Commercial Entertainment, Indoor	P	
	Convenience Store	P	3.1.5.G
	Dry Cleaning And Laundry Service	C	
	Farmers Market	C	
	Financial Institution	P	
	Financial Institution, With Drive Thru	C	3.1.5.D
	Fitness And Sports Center	P	
	General Recreation, Indoor	P	
	General Recreation, Outdoor	C	
	General Personal Services	P	
	Hotel or Motel	P	
	Instructional Services or Trade Schools	P	
	Mobile Food Vendors	P	3.1.5.E
	Movie Theater	C	
	Nightclub	C	
	Non-Chartered Financial Institution (check cashing)	C	3.1.5.C
	Office Business or Professional	P	
	Parking Lots And Parking Structure	P	
	Research Laboratory	P	
	Resort, Cabins, Lodges	P	
	Restaurant, Bar And Grill	P	
	Restaurant, Full Service	P	
	Restaurant, Limited Service	P	
	Restaurant, Live Entertainment	C	
	Restaurant, Outdoor Seating	C	
	Restaurant, With Drive Thru	C	3.1.5.D
	Retail, General	P	
	Retail, Large	C	3.1.5.F
	Service Station	C	3.1.5.H
	Studios, Artist, Dance, Photography	P	
	Veterinary Clinic	P	

2.4.4. Mixed-Use Development Standards

Except as otherwise noted, the maximum density, minimum lot size, minimum building setbacks, and maximum building height for uses in each mixed-use district shall be governed by the dimensional standards in Table 2.4-2 Mixed-Use District Development Standards below. The standards shown in the following table may be modified by additional provisions contained in this section or in additional sections of this zoning ordinance as noted.

Table 2.4-2: MIXED-USE DISTRICT DEVELOPMENT STANDARDS		
Zoning District		**MSC**
Residential Density, maximum (dwelling units/gross acres)		30
Lot Dimensions	Lot Area, minimum (square feet)	--
Setbacks, minimum	Front – for building (feet)	0
	Front – for parking (feet)	20
	Side (feet)	0
	Side, *street* – for building (feet)	0
	Side, *street* – for parking (feet)	20
	Rear, *street* (feet)	0
	Rear, *alley* (feet)	8
	Rear, *Residential* (feet)	15
	Rear, *Non-Residential* (feet)	0
Building Height, maximum (feet/stories)		40 [1]

NOTES:
[1] Building height step-back required adjacent to Residential Districts

A. Buffer Yards

A landscape buffer and screen wall shall be designed and constructed in accordance with the provisions as set forth herein and shall be required along all property lines of a site developed for multi-family, commercial or employment uses when such property lines are contiguous with or separated only by an alley from a single-family residential development or zoning district at the time of development:

1. A landscape buffer at least 15 feet wide shall be provided on the multi-family, commercial or employment use parcel.

2. The landscape buffer shall include one, 24 inch box, spreading tree per 30 linear feet and one, five gallon, tall growing shrub per 100 square feet of buffer yard. Evergreen trees and shrubs are preferred.

3. Parking and maneuvering areas shall not be permitted in the landscape buffer.

4. An opaque screen wall, a minimum of 6 feet in height, shall be installed along all common parcel boundaries on the single-family residential side of the landscape buffer.

5. For screen walls located along a common alley, the walls shall have no vehicular access points to or from the alley. Within the first twenty-five (25) feet from the street property line, the height of the wall may be gradually reduced to three (3) feet in height if there is a potential for obstructed visibility for pedestrian and/or vehicular traffic.

6. All screen walls shall adhere to the City of Somerton adopted standards for construction and be constructed of brick, stone, concrete or similar solid and durable material. The surface of all walls should be finished (stucco, plaster, etc.) and painted on both sides to match the on-site buildings (unless they are split-faced, grid or similar decorative types of concrete masonry units). Prohibited materials for screening walls include wood, metal, unfinished concrete or concrete block and manufactured materials such as fiberglass.

7. Buffer yards shall be installed prior to certificate of occupancy.

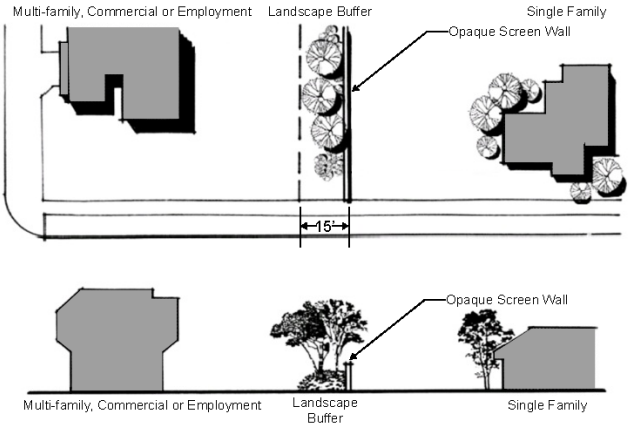


Figure 2.4-B

A. Additional Development Standards

1. Setback and height exceptions – See Section 4.1 Setback and Height Regulations for additional development and design regulations.

2. Parking and loading requirements – See Section 4.3 Off-Street Parking and Loading for additional development and design regulations.
3. Landscaping, stormwater retention, open space and wall/fencing requirements – See Section 4.4 Open Space, Landscape and Walls for additional development and design regulations.

4. Signage requirements – See Section 4.5 Signage for additional development and design regulations.

5. Exterior Lighting requirements – See Section 4.6 Lighting for additional development and design regulations.

2.4.5. Mixed-Use Architectural Guidelines and Standards

A. Purpose

The MSC district architectural guidelines are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all new land divisions and development applications that are subject to Site Plan Review or a Conditional Use Permit.

B. Site Layout and Building Orientation

This section is intended to encourage the efficient use of space and connectivity to parking areas in the MSC district. In the MSC district each of the following standards shall be met.

1. New land division and developments in the MSC district which are subject to a Site Plan Review or a Conditional Use Permit, shall provide pedestrian pathways, as necessary, to ensure safe, direct and convenient access to building entrances and off-street parking.

    a. All new land division, Site Plan Review and Conditional Use Permit applications in the MSC district are encouraged to be oriented to (facing) the adjacent primary street. The building orientation standard is met when all of the following criteria are met.

    b. Buildings shall have their primary entrance oriented to (facing) the adjacent primary street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

    c. Off-street parking, driveways or other vehicular circulation should not be placed between a building and the street. On corner lots, buildings and their entrances should be oriented to the street corner. Parking, driveways and other vehicular areas shall not be permitted adjacent to street corners.

C. Architectural Diversity

1. In the MSC district each of the following standards shall be met.

    a. All buildings shall contribute to the pedestrian-friendly character of the MSC district. This criterion shall be met by providing all of the architectural features listed in (i) through (iv) below along the front building elevation (i.e., facing the street), as applicable.

        i. Buildings located at a street corner or intersection shall have the main building entrance located at that corner; however, a building entrance may be located away from the corner if the building corner is beveled or incorporates other detailing to reduce the regular appearance of the building at the street corner.

        ii. Regularly spaced and similar-shaped windows with window hoods or trim on all building stories.

        iii. Large display windows on the ground floor facing the street.

        iv. Compatibility with adjacent commercial and office areas. Development shall be intended to be aesthetically pleasing for motorist, mass transit users, pedestrians and the businesses themselves.

D. Pedestrian and Transit Amenities:

This section is intended to complement the building orientation standards in Section 2.4.5B by providing pedestrian spaces within the MSC district. This section applies to all development applications that are subject to Site Plan Review or a Conditional Use Permit.

1. Every development in the MSC district shall provide at least one (1) of the "pedestrian amenities" listed in (e) through (e) below. Pedestrian amenities may be provided within the public right-of-way when approved by the Community Development Department.

    a. A plaza, courtyard, square, or extra-wide sidewalk next to the building entrance.

b. Sitting space, i.e., dining area, benches or ledges between the building entrance and sidewalk.

c. Building canopy, awning, pergola or similar weather protection projecting a minimum of four (4) feet over the sidewalk or other pedestrian spaces.

d. Public art which incorporate seating, e.g., fountain, sculpture, etc.

e. Bicycle parking facilities located near the pedestrian space and building entrance.

E. Special Standards for Certain Uses

This section provides additional standards for the following land uses to control the scale and compatibility of those uses within the MSC district; Primary uses, Accessory uses and structures, Automobile-oriented uses and facilities, and high traffic generating uses.

1. Primary uses within the MSC district shall comply with the following standards:

   a. All lots less than 10,000 square feet shall have a minimum width of 50 feet with alley access or access from a non-primary arterial street.

   b. Factory built or modular buildings shall not be allowed in the MSC district for compatibility with adjacent commercial areas. Development shall be intended to be aesthetically pleasing for motorist, mass transit users, pedestrians and the businesses themselves.

   c. Commercial uses are required on the ground floor adjacent to arterial streets and at all corners adjacent to arterial streets.

   d. Residential uses, other than live/work units, shall be prohibited on the ground floor adjacent to arterial streets. Residential entrances and lobbies are permitted on the ground floor adjacent to arterial streets. Residential uses above ground floor commercial or behind ground floor commercial frontage within mixed-use buildings are encouraged. Stand-alone residential uses located behind commercial uses adjacent to arterial streets may be permitted with a Conditional Use Permit.

2. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory use structures in the MSC district include small workshops, green houses, studios, storage sheds and similar structures. Accessory uses and structures shall comply with the following standards.

   a. An accessory structure shall not be allowed in the MSC district before or without a primary use.

   b. Accessory structures shall comply with the MSC district setback requirements, as provided in Section 2.4.4.

   c. No structure in the MSC district shall be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

   d. The property owner in the MSC district may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

3. Outdoor Display in the MSC District shall be subject to the following conditions:

   a. Outdoor Display may be conducted on a public sidewalk where the principal building of the use is located immediately adjacent to the public sidewalk, subject to the liability and insurance requirements of the City.

   b. Evidence of insurance shall be submitted and approved by the Zoning Administrator prior to placement of any merchandise or materials in the public right-of-way.

   c. Sidewalk displays of merchandise shall be limited to cards, plants, gardening/floral products, food (associated with an adjacent, established business and not including mobile vendors), books, newspapers, bicycles and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum sidewalk clearance of five (5) feet shall be maintained. Display of large items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, furniture and similar vehicles, equipment or materials is specifically prohibited.

   d. Outdoor dining and sidewalk cafés are highly encouraged and on a project-by-project basis will be permitted and provided with a building construction and occupancy easement for use of the sidewalk area. Provided however, that the use of the sidewalk for this purpose does not pose any hazard to the public and provides at a minimum a five-foot wide clear pedestrian passageway around the use, which can be maintained at all times.

   e. For displays adjacent to parking lots/spaces, at least five (5) feet along the parking lot/space side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or street to walk around the display.

   f. See Section 3.2.6.G for additional guidelines regarding Outdoor Displays. In the event of a conflict between a provision of this section and section 3.2.6.G, the more restrictive provision shall apply.

4. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the MSC district. The standards are intended to provide a vibrant commercial character and encourage walking, and mass transit.

   a. "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted in the MSC district because, when unrestricted, they detract from the pedestrian-friendly character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standard:

      i. On corner lots in the MSC district, parking lots or garage entrances shall be oriented to the side-street (i.e., away from the major street), unless topography, ownership patterns or unreasonable expenses would make this requirement unacceptable.

      ii. In the MSC district, no drive-up, drive-in or drive-through facilities (i.e., driveway queuing areas, drive-up windows, teller machines, service windows, drop-boxes and similar facilities) are located within twenty (20) feet of a street and shall not be oriented to a street corner. Walk-up teller machines and kiosks may be oriented to a corner.

5. High traffic-generating uses that are likely to generate "significant" levels of vehicular traffic (e.g. due to shipping, receiving, and/or customer traffic) in the MSC district shall require a Conditional Use Permit. "Significant traffic" means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by ten (10) percent or more as a result of the development. The City may require a traffic impact analysis prepared by a qualified professional prior to accepting a land use application and determining whether the proposed use requires a Conditional Use Permit. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis.

2.5. COMMERCIAL DISTRICTS

2.5.1. General Purpose of Commercial Districts

One of the major purposes of the regulations governing development in commercial zoning districts is to ensure that a full range of retail and office uses are available throughout the city so that residents can fulfill all or most of their needs within easy driving and, ideally within easy walking and/or biking distance of their homes. The location of land within each commercial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of commercial activity on established residential areas.

2.5.2. Commercial Districts

The commercial districts are:

Neighborhood Commercial (C-1). The Neighborhood Commercial (C-1) Zoning District is intended to promote and preserve convenient shopping areas, which contain retail and service establishments to meet the needs of nearby residents and local neighborhoods.
General Commercial (C-2). The General Commercial (C-2) Zoning District is intended to permit the full range of commercial activities deemed suitable to serve the community at large. This district typically includes uses associated with regional shopping centers. The C-2 zoning district identifies areas along major corridors appropriate for medium to large scale commercial uses, emphasizing community serving retail, office and service uses.

2.5.3. Commercial Use Standards

Table 2.5-1 (Table of Allowed Uses for Commercial District) identifies the uses of land allowed by this Zoning Code in each Commercial Zoning District, and the land use permit required to establish each use. In the Table, the land use regulations for each Commercial Zoning District are established by letter designations as follows:

- "P" designates use classifications permitted.
- "C" designates use classifications permitted on approval of a Conditional Use Permit.
- "X" designates a prohibited use.

Use classifications not listed are prohibited. The "Supplemental Use Regulations" refers to additional regulations that are applicable to the subject use and denotes the section in which the information is located; however, provisions in other sections of this Ordinance may also apply.

Table 2.5-1: TABLE OF ALLOWED USES FOR COMMERCIAL DISTRICTS				
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use		
		Commercial Zoning Districts		
		C-1	C-2	Supplemental Use Regulations
Residential Use Category	Assisted Living	C	P	3.1.3.G
	Nursing Home	C	P	3.1.3.I
Public and Semi Public Use Category	Arboretum or Botanical Garden	X	P	
	Assembly Hall/Auditorium	C	P	
	Bus Terminal	X	P	
	Cemetery	C	P	3.1.4.B
	College or University	X	P	3.1.4.D
	Community Playfields and Parks	P	P	
	Community Recreation Center	P	P	
	Crematorium or Funeral Parlor	X	P	
	Day Care, Center	P	P	3.1.3.F
	Fraternal or Social Club, Nonprofit	C	P	
	Government Offices And Civic Buildings	P	P	
	Health Care Related Facility or Clinic	P	P	
	Hospitals	X	P	3.1.4.C
	Library	X	P	
	Museum, Cultural Facility (Public)	P	P	
	Public Safety Facility	P	P	
	Religious Assembly	P	P	3.1.4.A
	School, Boarding	C	C	3.1.4.D
	School, Public or Private, K-8	C	C	3.1.4.D
	School, Public or Private, 9-12	C	C	3.1.4.D
	Social Service Facility	P	P	
	Utility Facility And Service Yard, Major	C	C	
	Utility Facility, Minor	C	C	
	Wireless Facility (Including Tower and Supporting Facilities)	C	C	3.1.4.F
Commercial Use Category	Adult Oriented Business	X	C	3.1.5.L
	Alcoholic Beverages, Retail Sale	P	P	
	Animal, Hospital	C	P	3.1.5.A
	Animal, Kennel	C	P	3.1.5.A
	Automobile, Rentals	C	P	
	Automobile, Repair Major	X	P	
	Automobile, Repair Minor	C	P	
	Automobile, Sales And Leasing	C	P	

Table 2.5-1: TABLE OF ALLOWED USES FOR COMMERCIAL DISTRICTS				
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use		
		Commercial Zoning Districts		
		C-1	C-2	Supplemental Use Regulations
	Bar, Lounge, or Tavern	X	C	
	Business Services	P	P	
	Car Wash	C	P	3.1.5.I
	Catering Service	P	P	
	Coffee Shops/Cafes	P	P	
	Commercial Entertainment, Indoor	C	P	
	Commercial Entertainment, Outdoor	X	P	
	Convenience Store	P	P	3.1.5.G
	Dry Cleaning And Laundry Service	P	P	
	Farmers Market	C	P	
	Feed Store	C	P	
	Financial Institution, With Drive Thru	C	P	3.1.5.D
	Financial Institution	P	P	
	Fitness And Sports Center	P	P	
	General Personal Services	P	P	
	General Recreation, Indoor	C	P	
	General Recreation, Outdoor	X	P	
	Hotel or Motel	X	P	
	Instructional Services or Trade Schools	C	P	
	Mobile Food Vendors	P	P	3.1.5.E
	Movie Theater	X	P	
	Nightclub	X	P	
	Non-Chartered Financial Institution (Check Cashing)	X	P	3.1.5.C
	Office Business Or Professional	P	P	
	Outside Storage (Boat, RV)	X	C	
	Parking Lots And Parking Structure	X	P	
	Research Laboratory	X	P	
	Resort, Cabins, Lodges	X	P	
	Restaurant, Bar And Grill	C	P	
	Restaurant, Full Service	P	P	
	Restaurant, Limited Service	P	P	
	Restaurant, Outdoor Seating	C	P	

Table 2.5-1: TABLE OF ALLOWED USES FOR COMMERCIAL DISTRICTS				
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use		
		Commercial Zoning Districts		
		C-1	C-2	Supplemental Use Regulations
	Restaurant, With Drive Thru	C	P	3.1.5.D
	Restaurant, With Live Entertainment	X	P	
	Restaurant, With Off Track Betting	X	P	
	Retail, General	P	P	
	Retail, General With Drive Thru	C	C	3.1.5.D
	Retail, Large	X	P	3.1.5.F
	Retail, Massage	X	C	3.1.5.J
	Retail, Smoke Shop	X	C	
	Retail, Tattoo and Body Piercing Parlor	X	C	3.1.5.J
	Self-Storage, Indoor	X	P	3.1.5.J
	Service Station	C	P	3.1.5.H
	Studios, Artist, Dance, Photography	P	P	
	Veterinary Clinic	P	P	3.1.5.A
	Wholesale Establishment	X	P	
Industrial Use Category	Assembly, Light	X	P	
	Building Materials Sales, Indoor Retail	P	P	
	Building Materials Sales, Outdoor or Wholesale	C	P	
	Large Vehicle And Equipment Sales, Service, And Rental	X	P	

2.5.4. Commercial Development Standards

Except as otherwise noted, the lot size, minimum building setbacks, maximum lot coverage, and maximum building height for uses in each commercial district shall be governed by the dimensional standards in Table 2.5-2 Commercial District Development Standards below. The standards shown in the following table may be modified by additional provisions contained in this section or in additional sections of this zoning ordinance as noted.

Table 2.5-2 COMMERCIAL DISTRICT DEVELOPMENT STANDARDS			
Zoning District		**C-1**	**C-2**
Lot Dimensions, maximum	Size of Use or User (square feet)	25,000	--
Setbacks, minimum [2]	Front, *Residential* (feet)	20	30
	Front, *Non-Residential* (feet)	15	20
	Side, *Residential* (feet)	25	35
	Side, *Non-Residential* (feet)	10 [1]	10 [1]
	Rear, *Residential* (feet)	25	35
	Rear, *Non-Residential* (feet)	10 [1]	20
Lot Coverage, maximum (%)		50	50
Building Height, maximum (feet)		30	56

NOTES:

[1] Zero lot lines may be applied if adjacent parcel is also zoned commercial and firewall regulations of the building code in force at the time of the review are met.

[2] For lots adjacent to or abutting AG zoned land, an additional setback of ten (10) feet shall be required.

A. Buffer Yards

A landscape buffer and screen wall shall be designed and constructed in accordance with the provisions as set forth herein and shall be required along all property lines of a site developed for commercial or employment uses when such property lines are contiguous with or separated only by an alley from a single-family residential development or zoning district at the time of development:

1. A landscape buffer at least 15 feet wide shall be provided on the commercial or employment use parcel.

2. The landscape buffer shall include one, 24 inch box, spreading tree per 30 linear feet and one, five gallon, tall growing shrub per 100 square feet of buffer yard. Evergreen trees and shrubs are preferred.

3. Parking and maneuvering areas shall not be permitted in the landscape buffer.

4. An opaque screen wall, a minimum of 6 feet in height, shall be installed along all common parcel boundaries on the single-family residential side of the landscape buffer.

5. For screen walls located along a common alley, the walls shall have no vehicular access points to or from the alley. Within the first twenty-five (25) feet from the street property line, the height of the wall may be gradually reduced to three (3) feet in height if there is a potential for obstructed visibility for pedestrian and/or vehicular traffic.

6. All screen walls shall adhere to the City of Somerton adopted standards for construction and be constructed of brick, stone, concrete or similar solid and durable material. The surface of all walls should be finished (stucco, plaster, etc.) and painted on both sides to match the on-site buildings (unless they are split-faced, grid or similar decorative types of concrete masonry units). Prohibited materials for screening walls include wood, metal, unfinished concrete or concrete block and manufactured materials such as fiberglass.

7. Buffer yards shall be installed prior to certificate of occupancy.

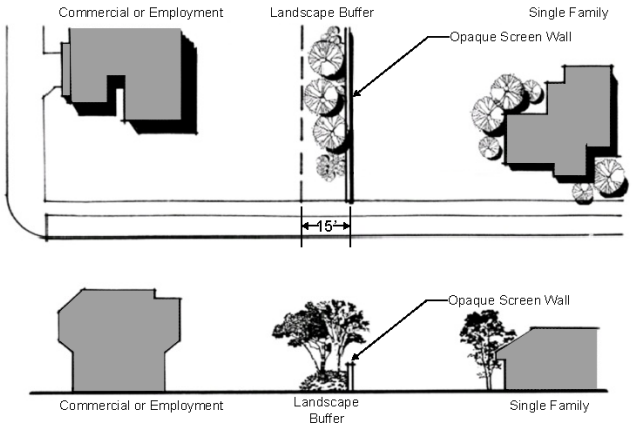


Figure 2.5-A

A. Additional Development Standards

1. Setback and height exceptions – See Section 4.1 Setback and Height Regulations for additional development and design regulations.

2. Parking and loading requirements – See Section 4.3 Off-Street Parking and Loading for additional development and design regulations.

3. Landscaping, stormwater retention, open space and wall/fencing requirements – See Section 4.4 Open Space, Landscape and Walls for additional development and design regulations.

4. Signage requirements – See Section 4.5 Signage for additional development and design regulations.

5. Exterior Lighting requirements – See Section 4.6 Lighting for additional development and design regulations.

2.6. INDUSTRIAL DISTRICTS

2.6.1. General Purpose of Industrial Districts

One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the City so that residents can work close to home if they choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.

2.6.2. Industrial Districts

The industrial districts are:

Light Industrial (L-I). The principal purpose of the Light Industrial (L-I) Zoning District is to accommodate certain commercial uses and light industries which are not likely to create conditions of measurable impact on nearby non-industrial uses.

Heavy Industrial (H-I). The principal purpose of the Heavy Industrial (H-I) Zoning District is to provide adequate space for heavy industrial operations. This district is also intended to permit the establishment of commercial uses serving the industrial areas.

2.6.3. Industrial Use Standards

Table 2.6-1 (Table of Allowed Uses for Industrial District) identifies the uses of land allowed by this Zoning Code in each Industrial Zoning District, and the land use permit required to establish each use. In the Table, the land use regulations for each Industrial Zoning District are established by letter designations as follows:

- "P" designates use classifications permitted.
- "C" designates use classifications permitted on approval of a Conditional Use Permit.
- "X" designates a prohibited use.

Use classifications not listed are prohibited. The "Supplemental Use Regulations" refers to additional regulations that are applicable to the subject use and denotes the section in which the information is located; however, provisions in other sections of this Ordinance may also apply.

Table 2.6-1: TABLE OF ALLOWED USES FOR INDUSTRIAL DISTRICTS

Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use		
		Industrial Zoning Districts		
		L-I	H-I	Supplemental Use Regulations
Public and Semi Public Use Category	Assembly Hall/Auditorium	C	X	
	Bus Terminal	P	P	
	Cemetery	P	X	3.1.4.B
	Crematorium or Funeral Parlor	P	X	
	Detention Facility	X	C	
	Government Offices and Civic Buildings	P	P	
	Hospitals	P	X	3.1.4.C
	Public Safety Facility	P	P	
	Religious Assembly	C	X	3.1.4.A
	Solar Generation Facility	P	P	3.1.4.E
	Utility Facility and Service Yard, Major	C	P	
	Utility Facility, Minor	P	P	
	Wireless Facility (Including Tower and Supporting Facilities)	P	P	3.1.4.F
Commercial Use Category	Adult Oriented Business	C	C	
	Animal Training	C	P	
	Animal, Hospital	P	X	

Table 2.6-1: TABLE OF ALLOWED USES FOR INDUSTRIAL DISTRICTS				
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use		
		Industrial Zoning Districts		
		L-I	H-I	Supplemental Use Regulations
	Animal, Kennel	P	P	3.1.5.A
	Automobile, Rentals	P	X	
	Automobile, Repair Major	P	P	
	Automobile, Repair Minor	P	P	
	Automobile, Sales and Leasing	P	X	
	Bar, Lounge, or Tavern	C	C	
	Business Services	C	C	
	Car Wash	P	X	3.1.5.I
	Catering	P	X	
	Commercial Entertainment, Indoor	P	X	
	Commercial Entertainment, Outdoor	C	X	
	Convenience Store	P	X	3.1.5.G
	Dry Cleaning and Laundry Service	P	X	
	Farmers Market	P	P	
	Feed Store	P	P	
	Fitness and Sports Center	P	X	
	Flea Market	P	P	
	General Personal Services	C	C	
	General Recreation, Indoor	P	C	
	General Recreation, Outdoor	C	C	
	Instructional Services or Trade Schools	P	P	
	Medical Marijuana Dispensary, Operation or Cultivation	C	X	3.1.5.M
	Non-Chartered Financial Institution (Check Cashing)	P	X	3.1.5.C
	Office Business or Professional	P	P	
	Outside Storage, (Boat, RV)	P	P	
	Parking Lots And Parking Structure	P	P	
	Research Laboratory	P	P	
	Restaurant, Bar And Grill	C	C	
	Restaurant, Full Service	P	C	
	Restaurant, Limited Service	P	C	
	Restaurant, With Drive Thru	C	C	3.1.5.D
	Restaurant, Outdoor Seating	C	X	
	Restaurant, With Live Entertainment	C	X	

Table 2.6-1: TABLE OF ALLOWED USES FOR INDUSTRIAL DISTRICTS				
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use		
		Industrial Zoning Districts		
		L-I	H-I	Supplemental Use Regulations
	Restaurant, With Off Track Betting	C	X	
	Retail, General	P	C	
	Retail, General With Drive Thru	C	C	3.1.5.D
	Retail, Large	P	X	3.1.5.F
	Retail, Massage	C	X	3.1.5.K
	Retail, Smoke Shop	C	X	
	Retail, Pawn Shop	C	X	3.1.5.K
	Retail, Tattoo and Body Piercing Parlor	C	X	3.1.5.K
	Self-Storage, Indoor	P	P	3.1.5.J
	Service Station	P	X	3.1.5.H
	Studios, Artist, Dance, Photography	P	X	
	Veterinary Clinic	P	P	3.1.5.A
	Wholesale Establishment	P	P	
Industrial Use Category	Aeronautical Facilities Within Airport	X	P	
	Airport, Heliports	X	C	
	Assembly, Light	P	P	
	Auctions, Indoor	P	P	
	Auctions, Livestock	X	C	
	Auto Wrecking and Salvage Yard	X	C	
	Building Materials Sales, Indoor Retail	P	X	
	Building Materials Sales, Outdoor Or Wholesale	P	P	
	Large Vehicle And Equipment Sales, Service, and Rental	P	P	
	Manufacturing, Heavy	X	P	
	Manufacturing, Light	P	P	
	Office Warehouse	P	P	
	Recycling Center Indoor	X	P	
	Recycling Center Outdoor	X	P	
	Resource Extraction	X	C	
	Storage Yard	C	P	
	Truck Repair	C	P	
	Truck Stop	C	P	

Table 2.6-1: TABLE OF ALLOWED USES FOR INDUSTRIAL DISTRICTS				
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use		
		Industrial Zoning Districts		
		L-I	H-I	Supplemental Use Regulations
	Warehouse	P	P	
	Warehouse and Freight Storage, Indoor Storage	P	P	
	Warehouse and Freight Storage, Outdoor Storage	C	C	
	Waste Facility, Hazardous Materials	X	C	
	Waste Facility, Transfer Station	X	C	
	Waste Facility, Landfill	X	C	

2.6.4. Industrial Development Standards

Except as otherwise noted, the lot size, minimum building setbacks, maximum lot coverage, and maximum building height for uses in each commercial district shall be governed by the dimensional standards in Table 2.6-2 Industrial District Development Standards below. The standards shown in the following table may be modified by additional provisions contained in this section or in additional sections of this zoning ordinance as noted.

Table 2.6-2: INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS			
Zoning District		L-I	H-I
Lot Dimensions, minimum	Lot width (square feet)	75	75
Setbacks, minimum [1]	Front, *Residential* (feet)	50	50
	Front, *Non-Residential* (feet)	20	30
	Side, *Residential* (feet)	75	75
	Side, *Non-Residential* (feet)	15	20
	Rear, *Residential* (feet)	75	75
	Rear, *Non-Residential* (feet)	15	20
Lot Coverage, maximum (%)		50	50
Building Height, maximum (feet)		40	60

NOTES:
[1] For lots adjacent to or abutting AG zoned land, an additional setback of ten (10) feet shall be required.

D. Buffer Yards

A landscape buffer and screen wall shall be designed and constructed in accordance with the provisions as set forth herein and shall be required along all property lines of a site developed for commercial or employment uses when such property lines are contiguous with or separated only by an alley from a single-family residential development or zoning district at the time of development:

1. A landscape buffer at least 15 feet wide shall be provided on the commercial or employment use parcel.

2. The landscape buffer shall include one, 24 inch box, spreading tree per 30 linear feet and one, five gallon, tall growing shrub per 100 square feet of buffer yard. Evergreen trees and shrubs are preferred.

3. Parking and maneuvering areas shall not be permitted in the landscape buffer.

4. An opaque screen wall, a minimum of 6 feet in height, shall be installed along all common parcel boundaries on the single-family residential side of the landscape buffer.

5. For screen walls located along a common alley, the walls shall have no vehicular access points to or from the alley. Within the first twenty-five (25) feet from the street property line, the height of the wall may be gradually reduced to three (3) feet in height if there is a potential for obstructed visibility for pedestrian and/or vehicular traffic.

6. All screen walls shall adhere to the City of Somerton adopted standards for construction and be constructed of brick, stone, concrete or similar solid and durable material. The surface of all walls should be finished (stucco, plaster, etc.) and painted on both sides to match the on-site buildings (unless they are split-faced, grid or similar decorative types of concrete masonry units). Prohibited materials for screening walls include wood, metal, unfinished concrete or concrete block and manufactured materials such as fiberglass.

7. Buffer yards shall be installed prior to certificate of occupancy.

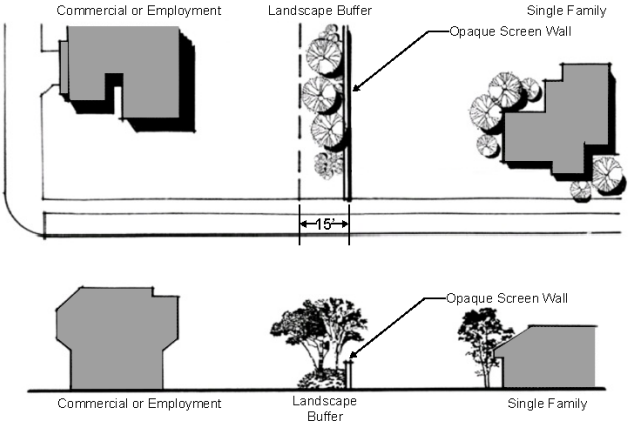


Figure 2.6-A

E. Employment Uses Adjacent to Residential Districts

The designation of an H-I zoning district adjacent to a residential development or zoning district is prohibited.

F. Additional Development Standards

1. Setback and height exceptions – See Section 4.1 Setback and Height Regulations for additional development and design regulations.

2. Parking and loading requirements – See Section 4.3 Off-Street Parking and Loading for additional development and design regulations.

3. Landscaping, buffer yard, stormwater retention, open space and wall/fencing requirements – See Section 4.4 Open Space, Landscape and Walls for additional development and design regulations.

4. Signage requirements – See Section 4.5 Signage for additional development and design regulations.

5. Exterior Lighting requirements – See Section 4.6 Lighting for additional development and design regulations.

2.7. GOVERNMENT DISTRICTS

2.7.1. General Purpose of Government District

The primary purpose of the government zoning district is to accommodate those uses which are provided by governmental entities for general public usage or convenience, and to insure compatibility with adjacent residential areas.

2.7.2. Government Districts

The government districts are:

Government (G). This district is established to provide suitable areas for public, public service, and quasi-public uses or buildings. This district is generally intended to accommodate the activities of public agencies, governments, social service agencies, schools, community centers, utilities, museums, and hospitals.

2.7.3. Government Use Standards

Table 2.7-1 (Table of Allowed Uses for Government District) identifies the uses of land allowed by this Zoning Code in each Government Zoning District, and the land use permit required to establish each use. In the Table, the land use regulations for each Government Zoning District are established by letter designations as follows:

- "P" designates use classifications permitted.
- "C" designates use classifications permitted on approval of a Conditional Use Permit.
- "X" designates a prohibited use.

Use classifications not listed are prohibited. The "Supplemental Use Regulations" refers to additional regulations that are applicable to the subject use and denotes the section in which the information is located; however, provisions in other sections of this Ordinance may also apply.

Table 2.7-1: TABLE OF ALLOWED USES FOR GOVERNMENT DISTRICTS			
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use	
		Government Zoning Districts	
		G	Supplemental Use Regulations
Public and Semi Public Use Category	Arboretum or Botanical Garden	P	
	Assembly Hall/Auditorium	C	
	Bus Terminal	C	
	Cemetery	P	3.1.4.B
	College or University	P	3.1.4.D
	Community Playfields and Parks	P	
	Community Recreation Center	P	
	Crematorium or Funeral Parlor	C	
	Fraternal or Social Club, Nonprofit	P	
	Government Offices and Civic Buildings	P	
	Health Care Related Facility or Clinic	C	
	Hospitals	C	3.1.4.C
	Library	P	
	Museum, Cultural Facility (Public)	P	
	Public Safety Facility	P	
	Religious Assembly	C	3.1.4.A
	School, Boarding	C	3.1.4.D
	School, Public or Private, K-8	C	3.4.4.D
	School, Public or Private, 9-12	C	3.1.4.D
	Social Service Facility	P	
	Utility Facility and Service Yard, Major	C	
	Utility Facility, Minor	C	
	Wireless Facility (Including Tower and Supporting Facilities)	C	3.1.4.F

2.7.4. Government Development Standards

Except as otherwise noted, the lot size, minimum building setbacks, maximum lot coverage, and maximum building height for uses in each government district shall be governed by the dimensional standards in Table 2.7-2 Government District Development Standards below. The standards shown in the following table may be modified by additional provisions contained in this section or in additional sections of this zoning ordinance as noted.

Table 2.7-2 GOVERNMENT DISTRICT DEVELOPMENT STANDARDS		
Zoning District		**G**
Lot Dimensions, maximum	Size of Use or User (square feet)	--
Setbacks, minimum	Front, *Residential* (feet)	--
	Front, *Non-Residential* (feet)	--
	Side, *Residential* (feet)	--
	Side, *Non-Residential* (feet)	--
	Rear, *Residential* (feet)	--
	Rear, *Non-Residential* (feet)	--
Lot Coverage, maximum (%)		--
Building Height, maximum (feet)		40

A. Additional Development Standards

1. Setback and height exceptions – See Section 4.1 Setback and Height Regulations for additional development and design regulations.

2. Parking and loading requirements – See Section 4.3 Off-Street Parking and Loading for additional development and design regulations.
3. Landscaping, stormwater retention, open space and wall/fencing requirements – See Section 4.4 Open Space, Landscape and Walls for additional development and design regulations.

4. Signage requirements – See Section 4.5 Signage for additional development and design regulations.

5. Exterior Lighting requirements – See Section 4.6 Lighting for additional development and design regulations.

2.8. Open Space District

2.8.1. General Purpose of Open Space District

The open space zoning district is intended to preserve and enhance public and private open space, natural areas, and improved park and recreational areas. The district is used to implement the General Plan land use designations of public parks, public open space/recreation, and private open space/recreation.

2.8.2. Open Space District

The open space districts are:

Open Space (OS). This district is established to protect open space and lands to be left undeveloped through the plan approval processes and to provide recreational areas for the citizens of the City.

2.8.3. Open Space Use Standards

Table 2.8-1 (Table of Allowed Uses for Open Space District) identifies the uses of land allowed by this Zoning Code in each Open Space Zoning District, and the land use permit required to establish each

use. In the Table, the land use regulations for each Open Space Zoning District are established by letter designations as follows:

- "P" designates use classifications permitted.
- "C" designates use classifications permitted on approval of a Conditional Use Permit.
- "X" designates a prohibited use.

Use classifications not listed are prohibited. The "Supplemental Use Regulations" refers to additional regulations that are applicable to the subject use and denotes the section in which the information is located; however, provisions in other sections of this Ordinance may also apply.

Table 2.8-1: TABLE OF ALLOWED USES FOR OPEN SPACE DISTRICTS

Use Category	Specific Use Type	P = Permitted Use C = Conditional Use X = Prohibited Use	
		Open Space Zoning Districts	
		OS	Supplemental Use Regulations
Public and Semi Public Use Category	Assembly Hall/Auditorium	C	
	Arboretum or Botanical Garden	P	
	Campground And Camps	P	
	Community Playfields and Parks	P	
	Community Recreation Center	C	
	Museum, Cultural Facility (Public)	C	
	Nature Preserves, Non-Profit	P	
	Public Safety Facility	P	
	Sports Arena	C	
	Wireless Facility (Including Tower and Supporting Facilities)	C	
Agriculture Use Category	Agribusiness, Entertainment Farming	C	
Commercial Use Category	Golf Course, Unlighted	P	
	Resort, Cabins, Lodges	C	
	Zoo	C	

2.8.4. Open Space Development Standards

Except as otherwise noted, the lot size, minimum building setbacks, maximum lot coverage, and maximum building height for uses in each open space district shall be governed by the dimensional standards in Table 2.8-2 Open Space District Development Standards below. The standards shown in the following table may be modified by additional provisions contained in this section or in additional sections of this zoning ordinance as noted.

Table 2.8-2 OPEN SPACE DISTRICT DEVELOPMENT STANDARDS		
Zoning District		**OS**
Lot Dimensions, maximum	Size of Use or User (square feet)	--
Setbacks, minimum	Front (feet)	25
	Side (feet)	25
	Rear (feet)	25
Lot Coverage, maximum (%)		--
Building Height, maximum (feet)		40

A. Additional Development Standards

1. In order to fulfill the purposes of the OS district, all of the land that is not used for permitted or conditional uses in accordance with Section 2.8 shall be natural area open space. Natural area open space may include undisturbed areas that have been re-vegetated to a natural state as approved by the City.

2. Whenever a portion of the property is disturbed by the construction of a permitted or conditional use, the disturbed area shall be re-vegetated around the improvements to restore the land to a natural state as approved by the City. Also, the disturbed area, if greater than one (1) acre, will be subject to the City of Somerton City Code Chapter 9, Articles 9-6 and 9-7 concerning dust control and erosion. The location and methodology to be used to restore specific areas to its natural state must be approved in advance by the City of Somerton.

3. Reflective exterior building materials are prohibited. Mirrored exterior surfaces or any treatment that changes ordinary glass into a mirrored surface is prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.

4. Lot coverage may not exceed forty-thousand (40,000) square feet for non-residential buildings and facilities on any parcel larger than ten (10) acres except as approved with a Conditional Use Permit (CUP).

5. The maximum building height in the OS district is eighteen (18) feet except as approved with a Conditional Use Permit (CUP).

6. Setback and height exceptions – See Section 4.1 Setback and Height Regulations for additional development and design regulations.

7. Parking and loading requirements – See Section 4.3 Off-Street Parking and Loading for additional development and design regulations.
8. Landscaping, stormwater retention, open space and wall/fencing requirements – See Section 4.4 Open Space, Landscape and Walls for additional development and design regulations.

9. Signage requirements – See Section 4.5 Signage for additional development and design regulations.

10. Exterior Lighting requirements – See Section 4.6 Lighting for additional development and design regulations.

2.9. OVERLAY DISTRICTS

2.9.1. Airport Overlay District (AO)

The standards and regulations established by this Ordinance shall be construed to be the minimum requirements necessary for the promotion of public health, safety, or other general welfare. Minimum values are not intended to be target values. In some instances, conditions may create the need to exceed stated minimum standards.

A. Purpose

The principal purpose of the Airport Overlay District (AO) is to promote the public health, safety and general welfare in the vicinity of the Marine Corps Air Station and the Yuma International Airport by minimizing exposure to high noise levels and accident hazards generated by airport operations and to encourage future development which is compatible with the continued operation of the airport.

B. Applicability

1. The provisions and regulations of the Airport Overlay District (AO) supersede and are in addition to other provisions and regulations of this Zoning Ordinance that are applicable as determined by the zoning districts on the Official Zoning Map of the City of Somerton.

2. Nothing contained herein shall require any change or alteration in a lawfully constructed or established building, structure or use in existence at the time of the adoption of the Airport Overlay District (A). These regulations are intended to regulate only the construction or establishment of any new building, structure or use; moving or relocation of any building structure or use to a new site or new location; the expansion, extension or reconstruction of any existing building, structure or use; and the operation or continuance at any time following the effective date of the Airport Overlay District of any building, structure or use which has been unlawfully established, erected, remodeled or rehabilitated.

3. This section does not restrict, limit or modify the development and use of any property under the terms of development plan approved on or before December 31, 2000, except that the development must comply with the sound attenuation standards prescribed herein.

4. If the gross floor area of a structure or project is expanded by less than fifty (50) percent, the requirements of this section apply only to the area of expansion. If the gross floor area of a structure or project is expanded by more than fifty (50) percent, the requirements of this section apply to the entire structure, except for existing single family, mobile home, manufactured housing unit or duplex dwellings or any multifamily property used for residential purposes.

C. Airport Zones, Establishment and Definitions

Pursuant to A.R.S. Title 28, Chapter 25, Article 7, there are created and established over and in the vicinity of airports so zoned Clear Zones, Accident Potential Zones (APZ), High Noise or Accident Potential Zones (HNAPZ), and Noise Intensity Zones in order to minimize exposure of the general public to aircraft crash and accident hazards and high noise levels considered to be hazardous to health. These zones are defined as follows:

1. Clear Zones: Clear Zone means an area three thousand feet (3,000') long measured along the extended runway centerline beginning at the end of all main military runways and three thousand feet (3,000') wide centered on and measured at right angles to the extended runway centerline.

2. Accident Potential Zone 1 (APZ-1): Accident Potential Zone One (APZ-1) means an area three thousand feet (3,000') wide by five thousand feet (5,000') long that starts at the end of each clear zone and that is centered and measured on the extended run-way centerline, terminating five thousand feet (5,000') from the end of each runway.

3. Accident Potential Zone 2 (APZ-2): Accident Potential Zone Two (APZ-2) means an area three thousand feet (3,000') wide by seven thousand feet (7,000') long that starts at the end of each accident potential zone one and that is centered and measured on the extended runway centerline, terminating fifteen thousand feet (15,000') from the end of each runway.

4. High Noise or Accident Potential Zone for Marine Corps Air Station-Yuma: High noise or accident potential zone means any property located within the noise contours as shown in Section 28-8461 of the Arizona Revised Statutes, consistent with recognized by the military airport including the arrival and departure corridor that is the accident potential zone one and the accident potential zone two plus the land area described as follows: starting two hundred feet (200') from the end points of the main runways and at a width of three thousand feet (3,000') and symmetrical about a centerline between the runways extending outward to a point thirty thousand feet (30,000') from the point of beginning. The outer width is seventeen thousand five hundred feet (17,500').

5. Noise Intensity Zones: For the purpose of the Airport Overlay District, the following noise zones are hereby created: 65-69 dB, 70-74 dB, 75-79 dB, 80+, APZ-1, APZ-2 and Clear Zone as delineated on the Airport Noise and Accident Potential Zone Map and/or the Official Zoning Map of the City of Somerton.

6. Territory in the Vicinity for Marine Corps Air Station-Yuma and Laguna Army Airfield: Territory in the vicinity of a military airport means any property located five (5) miles to the north, south and west, and ten (10) miles to the east of the center of the main runway of a military airport.

D. Permitted Uses

1. All real property within the City of Somerton that is located within a specific airport zone as identified on the Airport Noise and Accident Potential Zone Map and/or Official Zoning Map of the City of Somerton shall comply with Table 2.9-1 Airport Overlay District Land Use Matrix below. The land uses permitted within the various zones are established within Table 2.9-1. The permitted uses within the Airport Overlay District land use matrix have precedence over and supersede any permitted uses existing within a zoning district of this Zoning Ordinance. If a permitted use is not specifically listed in Airport Overlay District land use matrix, that use is considered inconsistent and not compatible with airport operations and shall be prohibited.

2. Territory in the HNAPZ but outside the accident potential zone one (APZ-1), two (APZ-2) and noise contour lines shall be treated as lying within the 65-69 dB sound level.

3. Pursuant to A.R.S. §28-8481 (F) and (P) no new residential development within a high noise or accident potential zone is allowed, unless the subject property had a building permit issued, had a residence constructed, or was approved for residential development in a "development plan" prior to December 31, 2000. However, said development shall comply with any sound attenuation standards and specifications incorporated into the Somerton building code pursuant to A.R.S. §28-8482.

Table 2.9-1 AIRPORT OVERLAY DISTRICT LAND USE MATRIX							
Zoning and Development in High Noise or accident Potential Zone[17]	**Day-night Sound Level in Decibels**				**Accident Potential Zone**		
	65-69 db	**70-74 db**	**75-79 db**	***80+ db**	**APZ-1**	**APZ-2**	**Clear Zone**
RESIDENTIAL							
Residential uses other than the residential uses listed below	No[13]	No[13]	No[13]	No[13]	No	No	No
Single family residential that is subject of zoning approved on or before December 31, 2000 that permits one dwelling unit per acre or less	Yes[9]	Yes[10]	Yes[11]	No[13]	No	No[13]	No
Single family residential that is the primary residence for persons engaging in agricultural use and ancillary residential buildings incident to the primary agricultural use	Yes[9]	Yes[10]	Yes[11]	Yes[12]	No	No[13]	No
TRANSPORTATION, COMMUNICATIONS, AND UTILITIES							
Railroad and Rapid Rail Transit	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[15]	No
Highway and Street Right-of-Way	Yes	Yes	Yes	Yes	Yes	Yes	No
Motor Vehicle Parking	Yes	Yes	Yes	Yes	Yes	Yes[15]	No
Communications (noise sensitive)	Yes	Yes[2]	Yes[3]	No	Yes[15]	Yes[16]	No
Utilities	Yes	Yes	Yes	No	Yes[15]	Yes[16]	No
Other transportation, communications and utilities	Yes	Yes[5]	Yes[6]	Yes[7]	Yes[15]	Yes[16]	No
COMMERCIAL/RETAIL TRADE							
Wholesale Trade	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[18]	No
Building Materials Retail	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[18]	No
General Merchandise Retail	Yes	Yes	Yes	No	No	No	No
Food Retail	Yes	Yes	Yes	No	No	No	No
Automotive and Marine	Yes	Yes	Yes	No	No	No	No
Apparel and Accessories Retail	Yes	Yes	Yes	No	No	No	No
Eating and Drinking Places	Yes	Yes	Yes	No	No	No	No
Furniture and Home Furnishings Retail	Yes	Yes[1]	Yes[2]	No	No	No	No
Other Retail Trade	Yes	Yes	Yes	No	No	No	No

Table 2.9-1 AIRPORT OVERLAY DISTRICT LAND USE MATRIX							
Zoning and Development in High Noise or accident Potential Zone[17]	**Day-night Sound Level in Decibels**				**Accident Potential Zone**		
	65-69 db	**70-74 db**	**75-79 db**	***80+ db**	**APZ-1**	**APZ-2**	**Clear Zone**
PERSONAL AND BUSINESS SERVICES							
Finance, Insurance and Real Estate	Yes	Yes[1]	Yes[2]	No	No	Yes[18]	No
Personal Services	Yes	Yes	Yes	No	No	Yes[18]	No
Business Services	Yes	Yes	Yes	No	No	Yes[18]	No
Repair Services	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[18]	No
Contract Construction Services	Yes	Yes	Yes	No	No	Yes[18]	No
Indoor Recreation Services	Yes	Yes	Yes	No	No	Yes	No
Other Services	Yes	Yes	Yes	No	No	Yes	No
INDUSTRIAL/MANUFACTURING							
Food and Kindred Products	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Textile Mill Products	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Apparel	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Lumber and Wood Products	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Furniture and Fixtures	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Paper and Allied Products	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Printing and Publishing	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Chemicals and Allied Products	Yes	Yes[5]	Yes[6]	Yes[7]	No	No	No
Petroleum Refining and Related Industries	Yes	Yes[5]	Yes[6]	Yes[7]	No	No	No
Rubber and Miscellaneous Plastic	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Stone, Clay and Glass Products	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Primary Metal Industries	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Fabricated Metal Products	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
Professional, Scientific and Controlling Instruments	Yes	Yes[1]	Yes[2]	No	No	No	No
Miscellaneous Manufacturing	Yes	Yes[5]	Yes[6]	Yes[7]	No	Yes[16] [18]	No
PUBLIC AND QUASI-PUBLIC SERVICES							
Government Services	Yes[1]	Yes[2]	Yes[2]	No	No	Yes[16] [18]	No
Cultural Activities, including churches	Yes[1]	Yes[2]	No	No	No	No	No

Table 2.9-1 AIRPORT OVERLAY DISTRICT LAND USE MATRIX							
Zoning and Development in High Noise or accident Potential Zone[17]	**Day-night Sound Level in Decibels**				**Accident Potential Zone**		
	65-69 db	**70-74 db**	**75-79 db**	***80+ db**	**APZ-1**	**APZ-2**	**Clear Zone**
Medical and other health services	Yes[1]	Yes[2]	No	No	No	No	No
Cemeteries	Yes[5]	Yes[6]	Yes[7]	No	No	Yes[15]	No
Non-profit Organizations	Yes[1]	Yes[2]	No	No	No	No	No
Correctional Facilities	Yes[1]	Yes[2]	Yes[3]	Yes[4]	No	No	No
Other Public and Quasi-Public Services	Yes[1]	Yes[2]	No	No	No	Yes[16]	No
OUTDOOR RECREATION							
Playgrounds and Neighborhood Parks	Yes	Yes	No	No	Yes[15]	Yes	No
Community and Regional	Yes	Yes	No	No	Yes[15]	Yes	No
Nature Exhibits	Yes	No	No	No	No	No	No
Spectator Sports, including	Yes[14]	Yes[14]	No	No	No	No	No
Golf Courses and Riding Stables	Yes	Yes[5]	Yes[6]	No	Yes[15]	Yes	No
Water based Recreational Areas	Yes	Yes[5]	Yes[6]	No	No	No	No
Resort and Group Camps	Yes[1]	Yes[2]	No	No	No	No	No
Auditoriums and Concert Halls	Yes[6]	Yes[7]	No	No	No	No	No
Outdoor Amphitheaters and Music Shells	Yes[14]	Yes[14]	Yes[14]	No	No	No	No
Other Outdoor Recreation	Yes	Yes	Yes	No	No	No	No
RESOURCE PRODUCTION, EXTRACTION AND OPEN SPACE							
Agriculture (Except Livestock)	Yes[9]	Yes[10]	Yes[11]	Yes[12]	Yes[13]	Yes[13]	No
Livestock Farming and Animal Breeding	Yes[9]	Yes[10]	Yes[11]	Yes[12]	Yes[13]	Yes[13]	No
Forestry Activities	Yes[9]	Yes[10]	Yes[13]	Yes[13]	No	Yes	No
Fishing Activities and Related Services	Yes	Yes	No	No	No	No	No
Mining Activities	Yes	Yes	Yes	Yes	No	Yes[16]	No
Permanent Open Space	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Water Areas	Yes	Yes	No	No	No	No	Yes

Airport District Land Use Matrix Notes

* *The Airport Noise and Accident Potential Map does not establish noise contours above 75dB. Therefore, where the State permits uses to occur under 80 dB such uses are permitted to occur within the 75-79 dB range.*

(1) Measures to achieve an outdoor to indoor noise reduction level of twenty-five (25) decibels must be incorporated into the design and construction of all buildings and the City of Somerton must make an express finding, as part of approval, that use of noise reduction level criteria will not alleviate outdoor noise.

(2) Measures to achieve an outdoor to indoor noise reduction level of thirty (30) decibels must be incorporated into the design and construction of all buildings and the City of Somerton must make an express finding, as part of approval, that use of noise reduction level criteria will not alleviate outdoor noise.

(3) Measures to achieve an outdoor to indoor noise reduction level of thirty-five (35) decibels must be incorporated into the design and construction of all buildings and the City of Somerton must make an express finding, as part of approval, that use of noise reduction level criteria will not alleviate outdoor noise.

(4) Measures to achieve an outdoor to indoor noise reduction level of forty (40) decibels must be incorporated into the design and construction of all buildings and the City of Somerton must make an express finding, as part of approval, that use of noise reduction level criteria will not alleviate outdoor noise.

(5) Measures to achieve an outdoor to indoor noise reduction level of twenty-five (25) decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.

(6) Measures to achieve an outdoor to indoor noise reduction level of thirty (30) decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.

(7) Measures to achieve an outdoor to indoor noise reduction level of thirty-five (35) decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.

(8) Measures to achieve an outdoor to indoor noise reduction level of forty (40) decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.

(9) Measures to achieve an outdoor to indoor noise reduction level of 25 decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.

(10) Measures to achieve an outdoor to indoor noise reduction level of thirty (30) decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.

(11) Measures to achieve an outdoor to indoor noise reduction level of thirty-five (35) decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.

(12) Measures to achieve an outdoor to indoor noise reduction level of forty (40) decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.

(13) No new residential buildings or expansions of existing residential buildings are permitted.

(14) Compatible if special sound reinforcement systems are installed.

(15) No aboveground buildings or structures.

(16) No new buildings or improvements or expansion of nonagricultural buildings or improvements for uses that result in the release of any substance into the air that would impair visibility or otherwise interfere with operating aircraft, such as any of the following:

(a) Steam, dust and smoke.

(b) Direct or indirect reflective light emissions.

(c) Electrical emissions that would interfere with aircraft and air force communications or navigational aid systems or aircraft navigational equipment.

(d) The attraction of birds or waterfowl such as operation of sanitary landfills or maintenance of feeding stations.

(e) Explosives facilities or similar activities.

(17) Uses not listed are presumed to not be compatible. If the City of Somerton and the military airport mutually agree that an individual use is compatible and consistent with the high noise or accident potential zones of the military airport or ancillary military facility, the use shall be presumed to be compatible.

(18) Maximum of one on-site employee per shift per 3,500 square feet of net lot area shall be allowed.

E. Variances

Unless otherwise stated within A.R.S. §28-8481, a request for Variance in accordance with Section 6.9 of this Code shall not be granted within the High Noise and Accident Potential Zone without a specific determination by the City of Somerton Zoning Administrator and Marine Corps Air Station that the purpose of military airport compatibility is preserved.

F. Height and Use Regulations

1. Heights: The construction or establishment of any building, structure or use shall comply with the height limits as determined by the zoning district on the Official Zoning Map of the City of Somerton. However, the height of any building, structure or use that is located within the following prescribed areas shall be reviewed by the Federal Aviation Administration (FAA) and the Marine Corps Air Station Yuma/Yuma International Airport (MCASY/YIA) for comment prior to commencing construction.

    a. The proposed development is located within the clear zone, accident potential zone 1 or 2, or the high noise and accident potential zone.

    b. The proposed development will exceed 200 feet in height or the height of an imaginary surface with a slope of 100:1 emanating from the nearest point of the runway, extending 20,000 linear feet, including any changes in elevation between the site and the airport.

2. Hazard Marking and Lighting: The Federal Aviation Administration and MCASY/YIA shall determine whether the construction in, or existence of any building, structure, or plant material constitutes a hazard to any military or civilian operation in the vicinity of the airport. When such determination is made, the owner of the structure, pole, tower, tank, or plant material shall at his own expense, reduce in height or install, operate, and maintain such markers and lights that may be necessary to indicate to aircraft operators the presence of an airport or flight hazard.

3. Communications: Any activity within this Airport Overlay District which may create an electrical interference with communications between the airport facility and the aircraft is prohibited unless approved by the Federal Aviation Administration and MCASY/YIA.

4. Signs: No signs shall be allowed within the clear zone. The height of permitted signs located within APZ-1 or APZ-2 shall not exceed the height of the approved structure or as specified within Section 4.5, Signs, whichever is more restrictive. This does not preclude a determination of compliance between the City of Somerton and the military airport that a sign at the location is consistent and compatible with the high noise or accident potential of the military airport.

G. Amendments

1. The City Council, after receiving a recommendation from the Planning and Zoning Commission, and after a public hearing or hearings, may amend Airport Overlay District boundaries or the regulations herein or subsequently established. Amendments may be initiated either by an individual or by a commission initiative in accordance with the procedures established under Section 6 of this Ordinance and A.R.S. Title 28, Chapter 25, Article 7.

2. The boundaries of an Airport Overlay District shall be amended as necessary to ensure that the application of these regulations remains in conformance with the purpose of the Zoning Ordinance and A.R.S. Title 28, Chapter 25, Article 7. All amendments to the Airport Overlay District boundaries shall be shown on the Official Zoning Map of the City of Somerton. Amendments may be considered whenever the following occurs:

   a. Evidence shows that the operation of the airport has or will change substantially and that such modifications will be permanent in nature.

   b. Additional information concerning the health effects of high noise levels or the accident hazards associated with aircraft operations becomes available.

   c. New evidence is provided which indicates that modifications to any Airport Overlay District are otherwise required.

2.9.2. Planned Development Overlay District (PD)

A. Purpose

The purpose of the Planned Development Overlay District is to encourage the consolidation of smaller parcels into larger parcels to provide benefits to the community which could not otherwise be obtained. In order to obtain these benefits the project plans should consider the inclusion of specific development controls to develop more usable open space, to provide efficient use of the land, utilities and circulation systems, to develop creative and integrated design and to allow for innovative and desirable mixed use developments that are consistent with the density and intensity requirements of the pre-existing zoning designation and with the aesthetic and environmental qualities of the community.

B. Establishment

Applications for the establishment or reclassification of property to the Planned Development Overlay District must include a planned unit development master plan as described in this Section. The PD shall not be approved until a rezone approving the master development plan has been granted by the Planning and Zoning Commission and the City Council per Section 6.6.

The Planning and Zoning Commission and City Council may, after public hearings, approve, disapprove, modify or attach conditions to a master development plan.

C. Applicability

1. A Planned Development Overlay District shall conform to The General Plan as adopted or amended from time to time and shall conform to all regulations pertaining to land development within the Zoning Ordinance (including the Subdivision Ordinance, Article 2-7 of the City Code) and all other applicable rules, regulations, specifications and standards set forth in the City Code, unless specific deviations are approved by the City of Somerton during the review process.

2. The minimum size of any PD shall be 5 acres.

3. A PD shall consist of such combination and arrangement of elements as will:

   a. Form a compatible and harmonious group or groups;

   b. Be consistent with the policies and recommendations of the General Plan of the City of Somerton;

   c. Be suited to the capacity of existing and proposed community facilities;

   d. Be capable of a unitary design consistent with the protection of the health, safety and welfare in general; and

   e. Not adversely affect the permissible uses of adjacent properties.

4. Professional talents of qualified land planners, registered landscape architects, Arizona registered professional engineers and land surveyors and other specialists deemed necessary, shall be utilized in different stages of the preparation necessary to effect a PD to the quality desired by the City of Somerton.

5. The site for a PD shall consist of a single parcel of land or a contiguous group of parcels. The site may include areas of land that are topographically unsuitable for the erection of structures, but may be incorporated into the development plan as an element of open space and recreation.

D. Permitted Uses

1. All residential uses outlined in this Ordinance that are "Permitted Principal Uses" within each residential category.

2. Limited Commercial (C-1) uses as outlined in this Ordinance that are "Permitted Principal Uses".

3. All accessory and conditional uses within a PD shall be codified within a written "Covenants and Restrictions" document that will run with the land in perpetuity and be a condition of sale or lease of any and all parcels or units therein.

E. Development Standards

1. The purpose of a PD is to allow flexibility in design, density and building layout, in exchange for amenities above the minimum standards specified in this code to improve the quality of life in the community. Therefore, specific plans and design standards will be negotiated as part of a Development Agreement, as the review process progresses from one stage to

another. The culmination of this process will be a negotiated "development plan" which becomes a significant part of the Development Agreement.

2. The above referenced "Covenants and Restrictions" and the "Development Agreement" will be the mechanisms for instituting all previously negotiated items referred to above.

    a. The enforcement of the "Covenants and Restrictions" document will rest with a duly elected Board of Directors of a legally instituted "Owners Association" which will rule on the specifics of any individual case involving violations of the CC&R's and will approve or disapprove of any specific design changes that might be requested.

    b. The Owners Association will be authorized to assess fees for the maintenance of any items identified in the CC&R's as "common areas", "private roadways" and specifically identified contract services.

3. Public and/or Private Infrastructure:

    a. Public sewer and water facilities must be installed and maintained to the City of Somerton standards and specifications both on- and off-site.

    b. All adjacent public roadways must be built and maintained to City of Somerton standards and specifications.

    c. Interior roadways may be public or private and shall be constructed to the City of Somerton standards.

    d. City of Somerton Police and Fire Protection are available to provide services as needed.

4. Parks and Open Space Element:

    a. A PD must provide at least twenty (20) percent of its gross area to parks and open space as part of the negotiated Development Agreement.

    b. Other sites that benefit the community such as aquatic facilities, school sites, church sites and civic/community center sites may become a part of the negotiated Development Agreement.

F. Development Standards – Small Lot Single-Family Residential

Lots of less than 6,000 square feet proposed for development of single-family detached houses shall be known as "small lots" and shall adhere to the residential design guidelines specified in Section 10.6.7 of the Somerton Subdivision Ordinance unless otherwise permitted by the Zoning Administrator and/or Public Works Director and approved by Council through the PD Overlay approval process.

SECTION 3 – SUPPLEMENTARY USE STANDARDS

This Chapter provides supplementary regulations and/or development standards for land uses that are allowed by Section 2 (Zoning Districts, Allowed Uses) in individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts. The requirements specified herein are in addition to those specified in the corresponding zoning district. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply.

3.1. ADDITIONAL USE SPECIFIC REGULATIONS

3.1.1. Purpose

This Section details additional site planning and development standards for specific land uses listed within Section 2 (Zoning Districts, Table of Allowed Uses).

3.1.2. Agricultural Use Categories

A. Agriculture, General

The specific general agriculture uses listed below shall comply with the following additional specific regulations:

1. Application of pesticides to any general agriculture use shall comply with the buffer requirements of A.R.S. §3-365 as it relates to schools, daycares and adjacent residential uses.

2. All buildings, pens, or hives associated with aviaries, earthworm farms, and apiaries shall be located at least one hundred (100) feet from any property line.

B. Intensive Animal Operation

The specific intensive animal operation uses listed below shall comply with the following additional specific regulations:

1. All enclosures or structures containing activities associated with dairies, egg and poultry farms, and feed lots shall not be located closer than five hundred (500) feet from any dwelling, nor two hundred (200) feet from any lot line.

C. Ranching, Commercial

The commercial ranching uses listed below shall comply with the following additional specific regulations:

1. Commercial breeding, raising, training, and grazing of horses, cattle, sheep, goats, and other livestock is subject to the following standards:

   a. Sites must be at least 10 acres in area.

   b. Sites are limited to 5 animals per acre.

   c. Pens, corrals, and similar structures may not be closer than 100 feet to any property line.

3.1.3. Residential Use Categories

A. Mobile Homes

After the effective date of this Zoning Ordinance, the following regulations shall apply to all mobile homes:

1. Only pre-existing mobile homes shall be allowed for residential or non-residential use on an existing lot or within an existing mobile home park, subject to all applicable A.R.S. The relocation of a pre-existing mobile home from its current location, lot or mobile home park shall be prohibited.

2. The placement and residential or non-residential use of mobile homes constructed prior to 1976 is prohibited, unless permitted by a conditional use permit in the AG district and subject to all applicable A.R.S.

B. Manufactured Homes

These regulations apply to all manufactured homes in subdivisions or parks and/or outside of subdivisions and parks on a single tract of land. The installation or construction of any dwelling unit, factory-built or manufactured, shall comply with the following minimum criteria:

1. A manufactured home shall not have been constructed more than ten (10) years prior to the date of application for building/installation permit.

2. A manufactured home is subject to all standards contained in Table 2.3-2, Residential District Development Standards, and Section 2.3.4, Residential Development Standards, for the zoning district(s) in which the home is situated, unless otherwise stated within this section.

3. All manufactured homes shall be required to meet the most current HUD Code standards, be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and comply with State of Arizona Office of Manufactured Housing regulations and all the provisions outlined in this Chapter and this Ordinance.

4. The exterior building façade, including trim, doors, windows, roof fascias and the like, shall consist of wood, stucco, horizontal siding, brick, masonry veneer, or other facsimile of a building material commonly used in site-built residential construction; provided, however, that metal siding, other than aluminum lap siding, shall be prohibited. Patio covers and detached storage buildings shall be exempt from this requirement.

5. The installation must follow the Arizona Department of Building and Fire Safety Statutes and Rules.

6. The dwelling unit shall be set upon a permanent foundation or footing for the purpose of a permanent installation. Such installation shall render the dwelling no more portable than if it were constructed totally on site.

7. The dwelling unit shall be permanently set upon the foundation wherein the exterior façade material of the dwelling shall be extended to a level not greater than six (6) inches above the adjacent ground level within three (3) feet of the building line.

8. All exterior walls shall be solid and continuous to ground level.

9. Where an open carport or patio cover is attached to one side of the dwelling unit and is visible from the street, no additional covered patio or open carport shall be attached to the opposite side of the dwelling, other than a covered entry not to exceed sixty (60) square feet in area.

10. Any device used to transport a dwelling to the site of installation, including the hitch, wheels, axles, or other devices used primarily for transport other than a chassis, shall be detached from the dwelling as part of the installation procedure in any zoning district.

C. Manufactured Home, subdivision or park

These regulations apply to manufactured home subdivisions or parks. The development or construction of any factory-built or manufactured home subdivision or park, shall comply with the following minimum criteria:

1. Shall adhere to all applicable fire and building codes.

2. All subdivisions shall be designed and processed in accordance with the Somerton Subdivision Ordinance. All parks shall be administered through the Site Plan Review process.

3. One manufactured home shall be permitted on each approved manufactured home lot or space. No recreational vehicles or conventional construction units shall be permitted on a manufactured home lot for dwelling purposes.

4. No site built dwelling units shall be permitted except for that of the owner/manager and permanent maintenance personnel.

5. Recreational amenities or social centers, which may be used for dancing, crafts, hobbies, games, meeting, banquets and similar recreational uses may be of conventional construction.

6. Each subdivision shall establish a Property Owner's Association and a Board of Directors, to administer and enforce required covenants, conditions and restrictions, and to oversee the operation of common facilities. All common facilities within a park shall be maintained by the private owner of the park.

7. There shall be a minimum of two (2) points of ingress and egress to the subdivision or park for emergency access. All roadways within a manufactured home subdivision or park shall be paved private streets built to City of Somerton standards. No lot within the subdivision or park shall have direct access to a public street outside of the subdivision or park. Private streets shall be a minimum of thirty-two (32) feet in width with five (5) foot wide sidewalks on both sides and shall be built and continuously maintained by the property owner.

8. Any part of the manufactured home subdivision or park fronting on a public arterial or collector street shall meet the setback, screening, and landscaping requirements for residential subdivisions as outlined in Section 4.4 of this Ordinance.

9. Exterior property lines abutting public streets shall have a six (6) foot masonry wall located on a fifteen (15) foot setback, landscaped and maintained by a Property Owner's Association. Masonry walls and/or landscaped strips may be required along other exterior property lines to ensure compatibility with adjacent land uses.

10. A ten (10) foot wide paved pathway shall be developed for any perimeter portion of the park adjacent to a canal. Pathway shall be in compliance with the Somerton Pathway Masterplan.

11. On-street parking is not allowed. Off-street parking requirements outlined in section 4.3 of this Code shall be met.

12. The manufactured home shall have at a minimum a single car garage or carport, the design and materials of which shall be compatible with the main structure. Each garage or carport shall be connected to the street by a paved driveway.

13. The distance between main building or manufactured homes along with attached garages or carports on adjacent lots shall be no less than ten (10) feet and where the distance exceeds 250 feet to a fire hydrant within a subdivision/park, private hydrants shall be provided for firefighting activities as per National Fire Protection Association (NFPA) 1 Uniform Fire Code 2003 Edition Annex I.

14. All open space areas and landscaping requirements shall adhere to the provisions outlined in Section 4.4 of this Ordinance.

15. All public utility lines, including electric power lines, telephone lines, cable TV lines and similar utilities shall be placed underground.

16. A detached storage building is permitted subject to:
    a. A maximum area of 200 square feet;
    b. A maximum height of 10 feet;
    c. Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the manufactured home at least 6 feet.

17. Boat, travel trailer or RV storage shall adhere to Section 3.2.6.I or each development shall provide masonry walled, screened storage areas for such vehicles within the subdivision for use by the occupants of an area not less than three hundred (300) square feet for each manufactured home lot.

18. All dumpster type refuse collection facilities shall be screened on three (3) sides with a masonry wall, with the entrance gated.

D. Recreational Vehicle, park

These regulations apply to recreational vehicle parks. The installation or development of any recreational vehicle park, shall comply with the following minimum criteria:

1. All parks shall be designed in accordance with the provisions of this Ordinance and administered through the Site Plan Review process.

2. All parks shall follow the fire code regarding water supply.

3. One recreational vehicle permitted on each approved recreational vehicle lot. No manufactured home or conventional construction units shall be permitted on recreational vehicle lots for dwelling purposes.

4. RV Parks shall not be used as permanent residences except for that of the owner/manager and permanent maintenance personnel. Maximum length of stay in any RV Park shall be one-hundred-eighty (180 days), six (6) months, per calendar year.

5. No manufactured homes or site built dwelling units shall be permitted except for that of the owner/manager and permanent maintenance personnel.

6. Recreational amenities or social centers, which may be used for dancing, crafts, hobbies, games, meeting, banquets and similar recreational uses may be of conventional construction.

7. Each RV Park must provide an adequate and easily identifiable office or registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the RV Park.

8. In the RV Park office area, there shall be provided three (3) pull-through parking spaces of the length necessary for a vehicle pulling a Recreational Vehicle or a Recreational Vehicle pulling a car or boat to park temporarily while inquiring about renting a space.

9. The office shall also provide at least three (3) other standard parking spaces. In addition, all other buildings in the park provided for the use of occupants shall provide one (1) parking space for each five-hundred (500) square feet of floor area in the building.

10. A minimum of one (1) toilet, one (1) sink, and one (1) hot shower provided for men and one (1) toilet, one (1) sink, and one (1) hot shower provided for women, each designed for complete privacy, for each twenty (20) spaces or fraction thereof.

11. A common use laundry facility shall be provided at a ratio of one (1) washer and one (1) dryer for each twenty (20) spaces or fraction thereof.

12. Each RV unit shall be equipped with wheels, which remain on the unit; however, the wheels may be blocked for stability.

13. Each designated space shall have an asphalt or concrete pad sixteen (16) feet in width centered on the space for the parking of the RV. This pad shall directly connect to the paved street system of the RV Park. There shall be no RV parking other than on the paved surface area within the designated space. The length of the paved pad area, within each space shall not be less than forty-five (45) feet in length.

14. No permanent room addition shall be attached to the RV unit nor shall the unit be attached to any permanent structure.

15. Detached storage buildings are not permitted in Recreational Vehicle Parks.

16. On-street parking is not allowed. The off-street parking requirements outlined in section 4.3 of this Ordinance shall be met.

17. A six (6) foot high, masonry wall shall be required on all perimeters of the RV Park. A maximum opening of four (4) feet shall be placed in the perimeter wall of an RV Park adjacent to any pedestrian or bicycle sidewalk/trail to allow connectivity. A four (4) foot self-closing self-latching gate is required on the wall opening.

18. Any part of the park fronting on a public street shall meet the setback, screening, and landscaping requirements for single-family residential subdivisions as outlined in Section 4.4 of this Ordinance.

19. A ten (10) foot wide paved pathway shall be developed for any perimeter portion of the park adjacent to a canal and shall be in compliance with the Somerton Pathway Masterplan.

20. There shall be a minimum of two (2) points of ingress and egress to the park for emergency access. All roadways within the park shall be paved private streets built to City of Somerton standards but maintained by the property owner. No space within the park shall have direct access to a public street outside of the subdivision or park. The private streets shall be a minimum of thirty-two (32) feet in width with five (5) foot wide sidewalks on both sides and shall be built and continuously maintained in a dust free condition.

21. All open space areas and landscaping requirements shall adhere to the provisions outlined in Section 4.4 of this Ordinance.

22. Each lot/space shall have water, sewer and electrical hook-ups per City approval.

23. Approval plans shall be valid for up to two (2) years. However, if the developer is unable to complete the project within these two (2) years, they shall submit, in writing, sixty (60) days prior to the plan's expiration date, a request for up to a one (1) year extension. The request shall indicate the extraordinary reasons for the delay in completion on which the Zoning Administrator may grant the time extension. No extensions shall be granted past the first, unless approved by the P&Z and council and construction plans are in compliance with current codes and regulations.

24. Conversion of an established RV Park, to another residential use, shall be subject to approval as outlined in Section 6.6, Rezone of this Ordinance and shall be limited to the number of dwelling units per acre that can be constructed at a density that is compatible with the proposed residential use.

E. Day Care, Home

1. Facility shall be licensed, certified or approved by the State of Arizona.

2. Shall meet fire code, building code and any other applicable regulations.

3. No in-home daycare shall conduct business without having passed a yearly fire inspection.

4. Day Care Home within any residential district shall not be located within 1,320 feet of an assisted living facility, day care facility, a nursing care facility, or a group home facility that are also located within any residential district.

5. Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.

6. No signage for advertising or notification of use shall be permitted on or off the site.

7. A minimum of 600 square feet of open space shall be provided for an outdoor play area, none of which shall be located in the required front setback.

8. All outdoor recreation areas shall be completely screened and enclosed by a 6 foot high solid masonry fence with solid self-closing and self-latching gates.

9. A completed registration form shall be submitted to the Community Development Department on a form established by the Zoning Administrator. Registration shall become

effective upon issuance of a Certificate of Occupancy for the facility and shall terminate when the facility use ceases. No registration/Certificate of Occupancy shall be accepted or approved for a facility that does not comply with the requirements of the building code (including pool fence requirements) and the Zoning Code.

F. Day Care, Center

1. Facility shall be licensed, certified or approved by the State of Arizona

2. Shall meet fire code, building code and any other applicable regulations.

3. Adequate off-street parking shall be provided. All such uses shall provide adequate drop-off and waiting space so that parents' cars are not required to stand in a public right-of-way. At least one (1) drop-off space, or its equivalent shall be provided for each five (5) children enrolled or cared for at the facility during the largest scheduled class. Child drop-off areas shall have direct pedestrian access to the building entrance.

4. A minimum of one hundred (100) square feet of outdoor play area shall be provided per child utilizing the outdoor play area at any given time. The total outdoor play area shall not be less than one thousand two hundred (1,200) square feet, unless a greater amount is required by the State. Outdoor play areas shall be in the rear or side yard, fenced and screened in accordance with Section 4.4.8.

G. Assisted Living Center

1. Facility shall be licensed, certified or approved by the State of Arizona

2. Shall meet fire code, building code and any other applicable regulations.

3. The Assisted Living Facility shall have direct access from an arterial or collector street.

4. Assisted Living Facilities within any residential district shall not be located within 1,320 feet of an assisted living facility, child day care facility, a nursing care facility, or a group home facility that are also located within any residential district.

5. A minimum of fifty (50) square feet of useable outdoor open space shall be required per bed and may be calculated as part of the overall open space required for the development.

6. Deliveries or routine stops (exclusive of visitors) specific to an assisted living home shall be restricted to day light hours only.

7. The facility shall be licensed by the State of Arizona Department of Health Services.

8. Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of an assisted living facility pursuant to ARS Title 36, Chapter 4, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

9. A completed registration form shall be submitted to the Community Development Department on a form established by the Zoning Administrator. Registration shall become effective upon issuance of a Certificate of Occupancy for the facility and shall terminate when the facility use ceases. No registration shall be accepted for a facility that does not comply with the requirements of the Zoning Code.

H. Assisted Living Home

1. Facility shall be licensed, certified or approved by the State of Arizona.

2. Shall meet fire code, building code and any other applicable regulations.

3. The Assisted Living Facility shall have direct access from an arterial or collector street.

4. Assisted Living Facilities within any residential district shall not be located within 1,320 feet of an assisted living facility, child day care facility, a nursing care facility, or a group home facility that are also located within any residential district.

5. A minimum of twenty-five (25) square feet of useable outdoor open space shall be required per bed and may be calculated as part of the overall open space required for the development.

6. Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.

7. No signage for advertising or notification of use shall be permitted on or off the site.

8. Deliveries or routine stops (exclusive of visitors) specific to an assisted living home shall be restricted to day light hours only.

9. Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of an assisted living facility pursuant to A.R.S Title 36, Chapter 4, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

10. A completed registration form shall be submitted to the Community Development Department on a form established by the Zoning Administrator. Registration shall become effective upon issuance of a Certificate of Occupancy for the facility and shall terminate when the facility use ceases. No registration shall be accepted for a facility that does not comply with the requirements of the Zoning Code.

I. Nursing Home

1. Shall meet fire code, building code and any other applicable regulations.

2. The nursing home lot shall have direct access from an arterial or collector street.

3. Nursing home facility within any residential district shall not be located within 1,320 feet of an assisted living facility, child day care facility, a nursing care facility, or a group home facility that are also located within any residential district.

4. A minimum of fifty (50) square feet of useable outdoor open space shall be required per bed and may be calculated as part of the overall open space required for the development.

5. The facility shall be licensed by the State of Arizona Department of Health Services.

J. Group Care Home, (Persons with Disabilities, Adult and Child Foster Care)

1. Group homes for persons with disabilities, and foster care for adult and children as defined in Section 9 are permitted in single family residential zoning districts as specified in Section 2 of this Ordinance. The Community Development Department shall review all applications submitted pursuant to this section. No zoning clearance for a group care home shall be issued unless the proposal meets all of the following criteria:

   a. The facility shall meet fire code, building code and any other applicable regulations.

   b. Evidence of license, certification, or registration with the appropriate state or federal agency, if required by such state or federal agency or evidence of a business license and registration with the City of Somerton if no license, certification, or registration is required by a state or federal agency;

   c. A completed registration form shall be submitted to the Community Development Department on a form established by the Zoning Administrator. Registration shall become effective upon issuance of a Certificate of Occupancy for the facility and shall terminate when the facility use ceases. No registration shall be accepted for a facility that does not comply with the requirements of the Zoning Code.

   d. No such home is located on a lot within one thousand two hundred (1,200) feet, measured by a straight line in any direction, from the lot line of another group home;

   e. No such home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others;

   f. The number of residents is limited by applicable state laws, including any minimum square footage requirement per person.

   a. No signs, graphics, displays, or other visual means of identifying the group care home shall be visible from a public street;

   b. Large and/or multiple trash receptacles not usually found in the residential area shall be blocked from public view;

   c. The proposal shall comply with all applicable building and fire safety regulations. If any group care home has one or more non-ambulatory residents, or more than five residents receiving care, additional building code requirements apply;

   d. The decision of the Community Development Department or designee shall be final; provided, however, that such decisions shall be appealable to the City of Somerton Board of Adjustment.

   e. Notwithstanding the forgoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled, pursuant to A.R.S. §36-582, or an adult care home, pursuant to A.R.S. Title 36, or child care home, pursuant to A.R.S. Title 8, then any such state law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

3.1.4. Public and Semi Public Use Category

A. Religious Assembly

1. The facility shall meet fire code, building code and any other applicable regulations.

2. Building setbacks and building height shall comply with the zoning district for which the facility is located; unless modified as part of the Conditional Use Permit process.

3. The facility shall comply with all parking requirements as specified in Section 4.3.

4. The facility shall comply with all landscaping and screening as specified in Section 4.4.

5. All vehicular access to the facility shall be onto an Arterial or Collector road. Prior to Conditional Use Permit approval (in residential or mixed zoning districts) or Construction Plan approval (in non-residential zoning districts).

6. Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five (5) feet in height shall be provided.

7. In residential or mixed-use districts, a separate Conditional Use Permit shall be required for any additional accessory, parish house, parsonage, rectories, seminaries, recreational facility, day care or schools which were not specifically described when the CUP was originally approved.

8. In non-residential districts, a separate Conditional Use Permit shall be required for any accessory, recreational facility, day care or school.

9. Prior to Conditional Use Permit approval (in residential or mixed zoning districts) or Construction Plan approval (in non-residential zoning districts) the City may require a Traffic impact Study, particularly if the facility has a seating capacity of over three hundred (300) persons or will have services or activities during peak times on the roadway, or if there are other religious institutions or uses in the vicinity which could create traffic conflicts.

B. Cemetery

1. All commercial buildings on site shall meet fire code, building code and any other applicable regulations. A private on-site fire hydrant shall be provided for any structure over 500 square feet in size and over 500 linear feet from an existing fire hydrant.

2. A cemetery shall have a minimum net area of 20 acres.

3. All principle vehicular entrances and exits shall be on arterial or collector streets.

4. Uses and structures accessory to the cemetery use may include a business office, chapel, columbarium, mausoleum, and equipment storage. A funeral home or crematorium is not an accessory use.

5. All gravesites shall be setback at least 100 feet from all property lines or a future street right-of-way. All accessory buildings and structures shall be setback at least 50 feet from all property lines or a future street right-of-way.

6. The perimeter of the site shall be enclosed by a decorative wall or decorative fence subject to approval by the Planning Commission as part of the Conditional Use Process.

7. Monument sales are not permitted as an accessory use.

C. Hospitals

1. In the MSC and C-2 Districts, hospitals shall abut an arterial or major collector.

2. Directional signage shall be provided in conformance with requirements of Section 4.5, Signage of this Ordinance.

3. Emergency room access shall be separate and distinct from the main patient entrance(s), with directional signage in conformance with the requirements of Section 4.5, signage of this Ordinance.

D. Schools; public or private, boarding, college or university

1. The facility shall meet fire code, building code and any other applicable regulations.

2. All access for high schools, boarding schools, or colleges shall be from an arterial or collector roadway, as classified in the Somerton Transportation Plan; vehicular ingress and egress to local streets is prohibited.

3. Elementary schools shall not be located adjacent to arterial roads or roads with higher classifications.

4. A separate Conditional Use Permit shall be required for any additional accessory uses customarily found in conjunction with schools, including classrooms, dormitories, stadiums, outdoor recreational lighting, and auditoriums which were not specifically described when the CUP was originally approved.

5. Schools shall comply with the outdoor lighting requirements established in Section 4.6 and may require a separate Conditional Use Permit; unless modified as part of the CUP process.

6. Schools shall comply with the building setback and building height requirements established by the zoning district for which the School is located; unless modified as part of the CUP process.

7. Schools shall comply with Landscaping and Screening requirements as specified in Section 4.4; unless modified as part of the CUP process.

8. Schools shall comply with all parking requirements specified in Section 4.3; unless modified as part of the CUP process.

9. Schools shall comply with all signage requirements specified in Section 4.5; unless modified as part of the CUP process.

E. Solar Generation Facility

1. The facility shall meet fire code, building code and any other applicable regulations.

2. The use shall comply with the building setback and building height requirements established by the zoning district for which the facility is located; unless modified as part of the CUP process.

3. All activities shall be conducted in conformance with Section 4.2 performance standards

4. The use may not include a service or storage yard

5. Any towers associated with these facilities shall require approval from the Federal Aviation Administration and may require approval from the Federal Siting Clearing House.

6. The use shall comply with Landscaping and Screening requirements as specified in Section 4.4; unless modified as part of the CUP process.

F. Wireless Communication Facility

1. Purpose: The purpose for the personal wireless communication facilities regulations is to create standards for the construction of a personal wireless communications infrastructure that provides adequate communication services for the citizens of Somerton while preserving the health, safety, welfare, and aesthetic values of the community. The city emphasizes the use of the latest technologies that are sensitive, preserve scenic view sheds and major gateways of the city. Individual residential end users receiving communication signals at their home through duly authorized unlicensed consumer electric devices are exempt.

2. General Applications Requirements: All applications, unless specifically stated herein, are required to include:

   a. Service Area Map: The application shall provide a map showing the full personal wireless communication network within a one (1) mile radius of the City of Somerton. The map shall provide location, mounting type and height of each network structure. The map shall also include arterial streets, state and federal highways, and the location of any proposed or potential new locations for any personal wireless communication facilities for the applicant's network.

   b. Site Plan Drawn to Scale: The site plan shall be drawn at a scale of one (1) inch equals twenty (20) feet and must show the building(s) on the site, on-site parking, surrounding parcels, parcel dimensions, property lines, right-of-way distance to centerline of adjacent street(s), names of all adjacent streets, distance between the wireless facilities and any structure and easements within one-hundred-fifty (150) feet, north arrow and scale, type and location of all landscaping and irrigation source.

   c. Easements: Copies of any necessary, recorded easements for accessing the property.

   d. Authorization from the property owner of record to use the property. To be authorized, the applicant must submit a copy of an executed lease or signed and notarized statement from the property owner.

   e. Review and written comment from the Marine Corps Air Station (MCAS) if is the facility is located within the following distances of MCAS and has the following maximum power output:

      i. Distance to MCAS of 1.5 miles or less with a maximum power output of 2.5 watts or less.

      ii. Distance to MCAS of 10 miles or less with a maximum power output of 2.5 watts to 5 watts.

iii. Any distance within the City of Somerton with a maximum power output of 25 watts or greater.

In accordance with the safe operations of the Marine Corps Air Station (MCAS), all transmitter applications that require the review of MCAS must submit the following information:

- The longitude and latitude of the location of the proposed personal wireless communications tower.
- The mean sea level (MSL) elevation of the site where the communication tower will be located.
- The transmission frequencies to be used by the facility.
- The power output of the proposed facility.

f. Any other information as requested to efficiently and effectively make a determination.

g. See Building Permit Process for the process of approval of Temporary Mobile Personal Wireless Communications Units.

3. General Development Standards:

a. All ground level base stations/equipment cabinets and associated equipment greater than seventy-five (75) cubic feet in size must be enclosed by a six (6) foot tall or higher painted or stucco masonry wall to screen it from view. Screening walls shall be landscaped.

b. All roof top mechanical and electric devices, base station or similar equipment must be screened from view through the use of a masonry screening wall, parapets or other architectural devise. Rooftop screening shall be considered adequate if it screens all of the base station and associated mechanical and electric equipment from the view of a pedestrian located at any point on the sidewalk on the opposite side of any adjacent street and any point on the interior property lines of the subject parcel that do not abut a public right-of-way.

c. No personal wireless communication facility is permitted on any building designated as an individual landmark or located within the Main Street Corridor district.

d. Panel, whip and other low impact antenna are encouraged.

e. No signage, other than required identification and safety signage, is permitted on any personal wireless communication facilities.

f. Safety lighting of a personal wireless communication facility may be required due to location of the tower regardless of the height of the structure. Lighting of any personal wireless communication facility for any other purpose is prohibited unless required by another public agency.

g. The owner of any personal wireless communication facility must provide the City with a copy of the notice to the FCC of intent to cease operations. Any personal wireless communication facilities and all associated materials not in use for one (1) year must

be removed by the owner and the site must be returned to a state compatible with surrounding vegetation and/or structure at the owner's expense.

h. The owner of any personal communication facility shall notify the City of the change of ownership for any personal wireless communication facility and the notice must include the contact name, address and phone number of the new owner.

i. The use of lattice towers is discouraged and towers requiring guy wires are not permitted. Monopoles painted to reduce the visual impact and contrast are preferred.

j. Unless specifically stated, all personal wireless communication facilities are limited by the height limitations of the zoning district in which the property is located.

k. Legal nonconforming personal wireless communication facilities established prior to this Ordinance may continue operation. However, no expansion of the use is allowed until those facilities are brought into compliance with this Section. A change in the principal use of the parcel will require the personal wireless communication device to be brought into compliance with this Section.

4. New and Replacement Free-Standing Monopoles and Lattice Towers:

a. In addition to the standard application requirements listed above, the following information shall be submitted:

i. Statement of intent for leasing space for co-location for any new or replacement monopoles or lattice tower forty (40) feet in height. Said statement is to contain the number of providers that can be accommodated on the tower and list the number and type of additional antennas the tower will support if any additional space is available.

b. In addition to the general development standards listed above in this section, the following development standards shall apply:

i. Limited to one-hundred (100) feet in height as measured from the lowest grade of the site adjacent to the tower to the heights point of device.

ii. A minimum separation of six-hundred (600) feet distance shall be maintained between the new monopole or lattice tower and any existing free-standing towers or monopoles.

iii. All monopoles or lattice towers must be setback a minimum one (1) foot for every one (1) foot in height of structure (1:1) from any residential use or zone or any hillside.

iv. All equipment and monopoles or lattice towers must be setback equal to the principal building on the site or at least twenty (20) feet from the proposed right-of-way line.

v. All antenna arrays shall be limited to a maximum eight (8) foot diameter.

5. Temporary Mobile Personal Wireless Communication Units: The following permit length limitations shall apply to temporary mobile personal wireless communication units:

a. All temporary unit locations may be used for a period not to exceed sixty (60) days. A request for an extension may be submitted in writing to the Zoning Administrator for a one-time sixty (60) day extension. The provider may not locate another temporary unit within a six-hundred (600) foot radius of this location for one (1) year after the expiration of the temporary permit. All temporary units require Zoning Administrator approval.

b. Due to the temporary nature of these units, the following abbreviated application requirements apply:

   i. A site plan drawn to a one (1) inch equals twenty (20) feet scale. The site plan must show the building on the site, on-site parking, surrounding parcels, parcel dimensions, property lines, right-of-way distances to centerline of the adjacent street, names of all adjacent streets, distance between the temporary wireless facility and any structures and right-of-way and easements within one-hundred-fifty (150) feet, north arrow and scale, and location of all landscaping.

   ii. The applicant shall provide the city with written authorization from the owner of record to use the property. To be authorized for use the applicant must submit a copy of an executed lease or a signed and notarized statement from the property owner.

c. Site and Structural Requirements for Temporary Mobile Personal Wireless Communication Units:

   i. All temporary facilities must be setback from the property line, zoning demarcation line or roadway right-of-way line a distance of one (1) foot for every one (1) foot in structure height from a residential use or zone or an arterial street, state or federal highway.

   ii. The temporary tower can be no higher than sixty-five (65) feet in height (measured from the lowest point of natural grade of the lot it is located on to the highest point of the unit) and cannot interfere with any required parking or access to the lot or surrounding lots.

   iii. All antennas arrays are limited to four (4) foot maximum diameter.

6. Roof-Mounted Personal Wireless Communication Facilities: In addition to the standards application requirements listed above in this Section, the following information shall be submitted:

   a. A rooftop plan, drawn to scale, showing all appurtenances, their dimensions, and the percentage of the roof area used.

   b. A visual study showing how the base station/equipment cabinet will be screened from the view of a pedestrian on the opposite side of any adjacent public right-of-way and from any side and rear property lines.

   c. In addition to the general development standards listed above in this section, the following information shall be submitted:

i. No one (1) antenna or base station can be greater than ten (10) percent of the roof area and total roof appurtenances cannot exceed twenty-five (25) percent of the roof area.

ii. Roof-mounted base station and associated equipment must be screened from the view of a pedestrian on the opposite side of any adjacent public right-of-way and from any side and rear property lines.

iii. A roof-mounted antenna or related base station may be twenty (20) feet high or the height of the antenna or related base station may be equal to or less than the value of one-half (1/2) percent of the building footprint, whichever is taller, not to exceed one-hundred (100) feet total height or the building height limitation of the zoning district, whichever is lower. Attached parking structures, shade structures, etc. are not considered a part of the building footprint unless they are enclosed by walls and a roof structure.

iv. No roof surface may be extended for the sole purpose of achieving additional antenna height. An increase in the building footprint may allow for additional antenna height.

v. All roof-mounted antenna arrays are limited to a four (4) foot maximum diameter except for those antennas located in Industrial Districts where antenna arrays are limited to an eight (8) foot maximum diameter.

7. Encouraged and Prohibited Structures:

a. Whip antennas and other unobtrusive antennas are encouraged.

b. Lattice towers are permitted for roof-mounted personal wireless facilities only in the Industrial Districts and the General Commercial zoning district. In those instances lattice towers are not permitted for roof-mounted personal wireless communication facilities and in all other locations the use of lattice towers is prohibited.

8. Wall-Mounted Personal Wireless Communication Facilities: In addition to the standards application requirements listed above in this section, the following information shall be submitted:

a. An elevation, drawn to scale, of the wall the antenna is to be mounted to.

b. A cross section of the wall, drawn to scale, showing the protrusion of the antenna and associated materials.

c. In addition to the general development standards listed above in this section, the following development standards apply:

i. All wall-mounted antennas on any façade, except for wall strapped facilities, must be located a minimum of the twelve (12) inches below the roof line.

ii. Wall-strapping is permitted only in Industrial Districts and General Commercial zoning districts and size is strictly limited to monopoles of two (2) inch diameter or less and lattice structures of a twenty-four (24) inch diameter or less. The height of the strapped structure may be twenty (20) feet high or the height of the antenna or related base station may be equal to or less than the value of one-

half (1/2) percent of the building footprint, whichever is taller, not to exceed one-hundred (100) feet total height or the building height limitation of the zoning district, whichever is lower. Any structure that is strapped to an exterior wall for support and exceeds the roof line must be located the greatest distance possible from any adjacent public right-of-way.

iii. No existing roof-line may be altered solely to accommodate additional antenna height.

iv. Only panel or whip antenna are permitted for direct mounting to a wall surface. Wall strapped facilities may use a wire parabolic/dish antenna. Antenna arrays for wall strapped facilities shall be limited to a two (2) foot maximum diameter.

9. Concealed/Disguised Personal Wireless Communication Facilities: In addition to the general development standards listed above in this section, the following development standards apply:

a. Must be capable of mimicking an indigenous plant form, natural feature or existing architectural feature. All concealed and disguised facilities are subject to approval of the Zoning Administrator. The decision of the Zoning Administrator may be appealed to the Design Review Committee.

b. All disguised and concealed personal wireless communications facilities must blend into the existing environment to the greatest degree possible. Architectural or natural materials used to mimic colors, plants or vegetation found native to southwest Arizona.

c. Any disguised freestanding tower must be set back a minimum one (1) foot for every one (1) foot in height of the structure (1:1) from any residential use or zone, arterial street, state or federal highway.

10. Personal Wireless Communication Facilities located on Public Right-of-Way or Public Buildings: In addition to the above standards for wall-mounted, roof-mounted, and concealed/disguised antennas, these personal wireless communications facilities have the following additional standards:

a. An encroachment permit is required for mounting on any municipally held asset. A list of public assets available for potential co-location is available from the Community Development Department; however, the location of an antenna on each asset is subject to review and approval of the City.

b. Only panel, whip or other unobtrusive antennae are allowed.

c. All base stations must comply with the minimum setback for the zoning district in which it is located. If an antenna is located on the right-of-way, any associated base station location must either receive the approval of the City Engineer stating that the base station will not constitute a hazard or comply with the setback of the zoning district and be placed on private property. All base stations must meet the screening and landscaping requirements.

d. All antenna arrays are limited to a four (4) foot maximum diameter.

3.1.5. Commercial Use Category

A. Animal kennel, day care, hospital, veterinarian clinic

1. All operations must be conducted within a completely enclosed building.

2. Outdoor dog runs and training activities that are ancillary to the primary business are permitted only within the AG, L-I or H-I Zone and when the facility is located at least 200 feet from a residentially zoned property.

3. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.

4. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e, fencing, sound-proofing, sanitary requirements).

5. Such facilities shall be required to have concrete surfaces for all dog runs including an approved system for runoff and waste collection/disposal.

B. Bed and Breakfast

1. The structure shall meet fire code, building code and any other applicable regulations.

2. Structures shall not be altered in a way that changes its general residential appearance.

3. No more than four (4) bedrooms per residence may be used for the business.

4. No more than two (2) adult persons per room.

5. The owner or a manager shall reside on site.

6. The use shall comply with all parking requirements specified in Section 4.3; unless modified as part of the CUP process.

7. The use shall comply with all signage requirements specified in Section 4.5; unless modified as part of the CUP process.

8. Unless otherwise expressly allowed as part of the Conditional Use Permit, ancillary uses and activities shall be prohibited in conjunction with a Bed and Breakfast; including luncheons, banquets, parties, weddings or other gatherings.

9. Other than registered guests, no meals shall be served to the general public unless expressly approved as part of the Conditional Use application. No cooking facilities shall be permitted in the guest rooms.

C. Non-Charted Financial Institution (Check Cashing, payday lending)

1. To regulate the location and spacing of check cashing businesses so as to avoid the overconcentration of this use, the following standards shall apply:

   a. A minimum linear distance of 1,000 feet shall be required to separate all proposed check cashing businesses from another existing check cashing business.

   b. A minimum distance separation requirement of five-hundred feet (500') shall be maintained between all proposed check cashing businesses and existing or planned

schools, parks, community centers, libraries, pawn shops, tattoo parlors, and chartered banks.

D. Drive Through Facility

1. Menu boards should not be placed facing the primary street. In addition, every effort shall be made to avoid placing payment and/or pick-up windows adjacent to public streets.

2. Drive through aisles shall be at least 11 feet wide.

3. Drive through aisles that face or are adjacent to public streets shall be screened from view by a minimum three (3) foot tall masonry wall.

4. Drive through canopies shall be included covering any payment or pick-up windows. Canopies shall be fully architecturally integrated in to the building.

5. No drive-through aisles shall exit directly onto a public right-of-way.

6. Drive through aisles and/or speaker boxes shall be located a minimum of seventy (70) feet from any residentially zoned property or residential use.

7. Drive through queuing length shall be approved in accordance with Section 4.3 of this Ordinance.

8. Pedestrian walkways should not intersect the drive-through drive aisles, but where these intersections occur, they shall have clear visibility, and they must be emphasized by enriched paving (such as architectural concrete paving, brick pavers, stone, etc.).

E. Mobile Food Vendors

It is the purpose of this section to preserve the peace, safety, and welfare of the City and its residents by; providing clear and concise regulations governing mobile food vendors to prevent safety, traffic, and health hazards; and establishing standards to ensure that mobile food vendors within permitted locations are compatible with their surroundings and aesthetics of the City.

1. Identification:

Mobile Food Vendors shall mean any business which sells food items from a licensed, non-stationary location within the City of Somerton. The term shall include but not be limited to:

a. Mobile food trucks: A self-contained motorized unit selling food items.

b. Concessions carts: Mobile vending units that must be moved by non-motorized means.

c. Concession trailers: A vending unit which is pulled by a motorized unit and has no power to move on its own

2. Exemptions

The following are exempt from the requirements of subsection 3 below, but still must obtain a business license, and County health permit, and adhere to all applicable requirements of subsection 4.

a. An event authorized by a use permit, temporary use permit or other permit or entitlement issued by the City, such as a farmer's market; an authorized festival; a

school facility event, or recreational event if the vendor is in partnership with the organization conducting the event and is located on the site of the event;

b. Mobile food vendors operating on private property in agriculture zoned areas or active construction sites with permission from the property owner.

c. Traditional mobile vendors of nothing more than ice-cream and similar frozen desserts that stops for brief periods of time in the public right of way to sell their goods.

d. Mobile food vendors located on city owned property with permission from the city.

e. A private event or party located on the site of the event with no retail sale to the general public.

3. Required Permits and Licenses

a. To allow for the location of mobile food vendor's on their property, a property owner within a zoning district (MSC, C-1 and C-2) that permits mobile food vendors shall obtain the following permits:

i. Mobile Food Vending Siting Permit: This permit application shall be signed and submitted by the property owner. The application shall include a site plan or plot plan that includes specific information regarding the location of the mobile food vendor or vendors if a property is requesting to accommodate more than one food truck. Only one siting permit is required to be submitted per parcel.

The application fee for a Mobile Food Siting permit shall be established by the City's, council approved, fee schedule. Mobile Food Siting permits shall be valid for one 1 year from the date of permit issuance.

b. To operate within the City of Somerton, mobile food vendors shall obtain the following permits and licenses:

i. Health Certificate and privilege license tax number: Prior to the request and issuance of a mobile food vending operation permit and a City of Somerton Business License, the vendor shall provide evidence of having obtained a state transaction privilege tax (Sales tax) license, and a Yuma County Health Certificate. If at any time, the Yuma County Health Certificate is revoked or suspended, the issued mobile food vending siting permit shall be revoked or suspended simultaneously.

ii. Business License: Permits a vendor to operate a business within the City of Somerton

iii. Mobile Food Vending Operation Permit: This permit application shall be signed and submitted by the mobile food operator and upon approval shall allow operation of a single mobile food unit within the City. The application shall include the legal name of business or entity; sales tax number with a copy of sales tax permit; Name, phone number, and driver license number of business owner; contact name and phone number for mobile food vending unit while in route; copy of permits to do business in Somerton; description of product being sold; vehicle Identification number and description of mobile food vending unit; and description of attached signage.

The application fee for a Mobile Food Operation permit shall be established by the City's, council approved, fee schedule. A Mobile Food Operation permit is non-transferable and shall be valid for one (1) year from the date of permit issuance.

4. All mobile food vendors and vending locations are subject to the following standards within any zoning district:
   a. All mobile trucks, carts and/or trailers adhere to all fire, building and any other applicable regulations.

   b. Mobile Food Vendors are only allowed to operate on private property that is located in permitted zoning districts (MSC, C-1, C-2).

   c. Mobile Food Vendors shall not operate within the public right-of-way.

   d. Mobile food vendors shall be located a minimum of one hundred (100) feet from the main entrance to any eating establishment or similar food service business, one hundred (100) feet from any outdoor dining area, as measured from the designated location on the lot accommodating the mobile food vendor. In the event that a food service business locates within the minimum separation requirement subsequent to mobile food vendor location being approved, nothing herein shall prohibit the property owner from continuing to operate at the approved location until the food truck permit has expired.

   e. Mobile food vendors shall be located a minimum of one hundred (100) feet from any other permitted mobile food vendor location; unless the property is permitted to have multiple vending locations through the mobile food vending siting permit process.

   f. Mobile food vendors shall be located a minimum distance of five (5) feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrances, exits or emergency access/ exit ways, or emergency call box and shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic.

   g. Mobile food vendors and its associated seating, if any, may not occupy any required parking stall for the primary use while the primary use is open to the public. Mobile food vendors and the primary use may share parking spaces when having separate hours of operation. Parking stalls that are overflow or extra according to the regulations in the Zoning Code may be used to park a Mobile food unit.

   h. Mobile vendors must maintain on the site a minimum of three parking spaces designated for their use.

   i. Mobile food vendors that are located within 150' of a residential dwelling shall only operate between the hours of 7 a.m. and 10 p.m.

   j. The noise level of mechanical equipment or outside sound equipment used in association with a mobile food establishment may not exceed 70 decibels when measured at the property line that is across the street from or abutting a residential use.

   k. Continuous music or repetitive sounds shall not project from the Mobile unit

   l. Mobile Food Vendors shall not sell to vehicular traffic at any location.

m. Mobile food vendors shall only be allowed temporary connection to an external electrical source. Permanent or temporary water and wastewater, connections are prohibited.

n. A No Smoking sign must be posted next to the order window or area.

o. A tagged fire extinguisher shall be kept accessible as directed by the City of Somerton Fire Chief or designee for cater trucks only. When using a stove or any other cooking device, an Ansul system is required.

p. The mobile food vendor is responsible for the proper disposal of waste and trash associated with the operation. Mobile Food Vendors shall keep the area within 15 feet of the location of the unit free from all litter and debris resulting from the operation.

q. Mobile Food Vendors shall maintain a clearly-marked trash container near their unit for litter. Use of public trash receptacles for this purpose is prohibited. Vendors shall remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary sewer system.

r. With the exception of allowable outdoor seating areas, all equipment required for the operation shall be contained inside, attached to or within three (3) feet of the mobile food vending unit and all food preparation, storage, and sales/distribution shall be in compliance with all applicable County, State and Federal Health Department sanitary regulations.

s. The mobile unit shall not become a fixture of the site and shall not be considered an improvement to real property. Exterior storage of refuse, equipment or materials associated with the mobile food vending enterprise is prohibited.

t. Mobile food vendors and associated outdoor seating shall be removed from all permitted locations during impermissible hours of operation and shall not be stored, parked, or left overnight on any public street or sidewalk.

u. A mobile vending unit located on a lot with a primary use shall be considered a use as well if the mobile vending unit is not moved during impermissible hours of operation or is located within or under any permanent structure. Such use shall comply with all of the regulations for a use in the district. For the purpose of this section, "permanent structure" shall mean a structure that is built or constructed such as an edifice, building, walls, benches, shade structure or any piece of work artificially built up or composed of parts joined together in some definite manner, and permanently attached to the ground.

v. The property owner and mobile vendor are responsible for compliance with this code, if at any time evidence is provided that the lot is being used or the vendor is operating other than in compliance with these regulations such as number of food trucks allowed on the lot, or the outdoor seating or hours of operation, the property owner and/or vendor shall be notified/penalized as follows:

i. The penalty for violating this ordinance shall be as defined in Section 7.6 of this ordinance.

w. The Mobile unit will be subject to inspection upon permit application through the Community Development Department and the Fire Chief and may be subject to random inspection upon reissuance of the permit.

x. Neither the Zoning Administrator nor the Board of Adjustment shall have the jurisdiction to grant variances from the provisions of this subsection above.

y. A mobile food establishment is limited to signs attached to the exterior of the mobile food establishment. The signs:

i. Signs must be secured and mounted flat against the mobile food establishment;

ii. Signs may not project more than six inches from the exterior of the mobile food establishment;

iii. Only the name of the vendor or the vending company, the products offered, and the price of the products shall be included on the sign; and

iv. Mobile Food Vendors signs shall not be internally illuminated or make use of flashing or intermittent lighting, animation, or noisemaking devices. Graphic illustrations shall display only the products being offered.

F. Retail, Large

The following standards and guidelines are applicable to any new retail structure in excess of twenty-five thousand (25,000) square feet. Existing large retail establishments of said square footage or larger shall also comply with these standards if a proposed renovation, improvement, or addition exceeds 10% of the square footage of the existing floor area. Only that portion of the improvement shall be subject to the following standards. These standards should also be used as recommendations for retail structures under twenty-five thousand (25,000) square feet.

1. Procedure

All Large Retail Users shall require a Conditional Use Permit and Site Plan approval. The Conditional Use Permit and Site Plan may be processed concurrently. If a unified development of several Large Retail Users is proposed, then one Conditional Use Permit application encompassing the entire development may be submitted. Each individual Large Retail User will then only require Site Plan approval provided they are in conformance with the approved Conditional Use Permit. All Site Plans for Large Retail Users will require Planning and Zoning Commission review and approval.

2. Placement

The development shall have a minimum of one primary access point to an arterial road and one secondary access point to an arterial or collector street (with curb and directly connects to an arterial street). No access is permitted from a local street. Within the MSC District development shall provide a minimum of one primary access point to an arterial road and one secondary access point to an arterial, collector or local street.

3. Setbacks and Open Space

a. A minimum building setback of 100 feet is required from planned and/or existing residential uses. This setback shall be measured from the property line of the nearest residential lot or use to the nearest exterior wall of the retail building. A landscape

buffer with a minimum width of 40 feet shall be included within the 100 foot building setback. Said buffer shall be located along the property line and improved with one 24-inch box tree per 10 feet of length. Trees shall be staggered to achieve maximum buffering of the two uses. Intervening streets or other man-made or natural land use features may be included within the remaining portion of the 100 foot building setback.

b. A minimum building setback of 100 feet is required from planned and/or existing public or private elementary, middle, junior high, or high schools. This setback shall be measured from the nearest occupied building on the school parcel to the nearest exterior wall of the retail building. Intervening streets or other man-made or natural land use features may be included within the setback.

c. The Planning and Zoning Commission and City Council may increase the building setback due to the operational characteristics of the Retail User such as, but not limited to, hours of operation and the location of mechanical equipment and loading areas.

d. The user shall provide at least one percent (1%) of the net site area of the parcel in which it is located as pedestrian oriented open space. This open space can include plazas, courtyards, patios, and outdoor seating areas. Sidewalks shall connect open space areas and contain pedestrian scale lighting, signage, and landscaping.

4. Facades and Exterior Walls

Buildings shall incorporate architectural features and patterns that provide visual interest at the pedestrian scale, reduce massive aesthetic effects, and reflect the local character. The following elements should be integral parts of the building fabric, and not superficially applied trim, graphics or paint:

a. Facades greater than one-hundred fifty (150) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed one-hundred fifty (150) horizontal feet. These facades shall utilize raised permanent planters, seating areas, screen walls or other amenities between the columns of the arcade to provide visual interest, and provide a background for outdoor display but not to obscure display windows.

b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than sixty percent (60%) of their horizontal length.

5. Roofs

Variations in roof lines should be used to add visual interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining neighborhoods.

a. Roof designs must incorporate no fewer than two of the following features:
   - Parapets screening flat roofs and rooftop equipment,
   - Overhanging eaves,
   - Sloped roofs,
   - Three or more roof slope planes,
   - Repeating pattern of change in color, texture, and material modules.

6. Materials and Colors
The exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

a. The predominant exterior building materials should include, without limitation:
   - stucco
   - brick
   - wood
   - sandstone
   - other natural stone
   - tinted and textured concrete masonry units

b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited.

c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

d. The predominant exterior building materials should not include the following:
   - smooth-faced concrete block
   - tilt-up concrete panels
   - pre-fabricated steel panels

7. Entryways
The entryway design should include elements and variations that give orientation and aesthetically pleasing character to the building.

a. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
   - canopies or porticos
   - overhangs
   - recesses/projections
   - arcades
   - raised corniced parapets over the door
   - peaked roof forms
   - arches
   - outdoor patios
   - display windows
   - architectural details such as tile work and moldings which are integrated into the building structure and design
   - integral planters or wing walls that incorporate landscaped areas and/or places for sitting

8. Pedestrian Access
a. Walkways, not less than ten (10) feet in width, measured from the face of the building to the face of the arcade columns, landscape planter, or other permanent amenities that define the outer edge of the walkway, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any facade abutting public parking areas. Should such walkways be utilized for outdoor display of retail goods, a minimum of eight feet (8') clear walking area shall be maintained at all

times. Such walkways shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, entryways are part of the facade.

b. A continuous internal system of hard-surfaced, safe, and convenient pedestrian sidewalks at least 5-feet wide shall also be provided that connect on-site buildings to one another, to automobile and bicycle parking areas, to transit stops, to any on-site open space areas or pedestrian amenities, and to the adjacent public right-of-way.

c. At each internal intersection, pedestrian sidewalks shall be differentiated from driving surfaces through a change of materials, such as decorative concrete, scored concrete, stone, brick, granite pavers, or exposed aggregate, and/or by a change of grade.

9. Outdoor Sales and Storage, Trash Collection, and Loading Areas

Loading docks, trash collection, outdoor storage and similar facilities and functions must be incorporated into the overall design of the building and landscaped so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

a. Areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located in the rear of the lot. If that is not feasible, then the side yard can be used, but in no case shall such areas be located within twenty (20) feet of, and shall not be visible from, any public street, public sidewalk, or internal pedestrian way. Further screening and landscape requirements shall adhere to Section xxx of this ordinance.

b. For those storage, trash or loading areas that are located adjacent to planned and/or existing residential uses; no delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 P.M. and 7:00 A.M. Expansion of the above mentioned hours may be permitted if deemed acceptable by the Planning and Zoning Commission and City Council during the Conditional Use process.

c. Permanent outdoor garden sale areas shall be screened by a minimum eight (8) foot high solid masonry wall or screened so as not to be visible from property line or street. Walls shall have a decorative finish that is complimentary to the primary building walls for all required screening. Decorative screen material(s) may be used only in garden centers but shall not exceed 50% of the screened area. Decorative screening may include one or more of the following: wire, fabric, screen material, landscaping and/or alternative materials, as approved by the Planning and Development Department. Chain link fencing is not permitted.

d. A separate Temporary Use Permit shall be required for any temporary outdoor display and/or sale area which was not specifically described within the original approved Conditional Use Permit. Areas reserved for temporary outdoor display and sales shall be designated on the approved site plan and delineated decoratively on the property and in no case shall be located within any prescribed setback.

e. Overnight parking of semi-trucks, trailers, or recreational vehicles (RVs) is prohibited.

10. Parking Lot Design and Landscaping

a. Safe, convenient vehicular circulation will be provided within the development through an appropriate system of internal vehicular circulation routes based on a hierarchy of drive aisles and cross routes.

b. The commercial site plan shall be developed with at least 1 major driveway entrance feature that provides an organizing element to the site design. Major driveway entrance features, may include an enhanced landscaped entry corridor or a divided median drive separated by a landscaped center dividing island. The major driveway entrance should be aligned with the main entry of the building or aligned with a major focal point such as a plaza, monument, or fountain.

c. Internal circulation shall be designed such that no intersection includes more than four aisles or drives.

d. Parking lots shall be designed as a series of connected smaller lots utilizing raised landscaped strips at least ten (10) feet in width with sidewalks and islands at least five (5) feet in width to create a safe and landscaped pedestrian circulation system.

e. Landscaped islands shall be provided a minimum of one (1) every twelve (12) parking spaces as well as at the end of each parking aisle. Parking lot islands shall be a minimum of seven (7) feet in width between parallel parking rows and shall run the entire depth of the double or single loaded parking aisle. In the MSC District, internal landscape islands (as described above) may be substituted for parking squares, but landscape islands shall still be required at the end of all parking aisles.

G. Convenience Store

1. The structure shall meet fire code, building code and any other applicable regulations.

2. The maximum total square footage of the building shall be five-thousand (5,000) square feet.

3. A use providing drive through facilities shall also be required to adhere to those standards provided under Section 3.1.5D – Drive-Through Facility.

4. A use providing gasoline sales shall also be required to adhere to those standards provided under Section 3.1.5H – Service Stations.

H. Service Station

1. Placement

a. Minimum frontage of one hundred-eighty (180) feet on one arterial street is required.

b. The maximum number of service stations permitted at an arterial intersection is a total of 2. A minimum of 500 feet of separation is required between service stations located on the same side of the street.

2. Development Standards

a. The structure shall meet fire code, building code and any other applicable regulations.

b. A Traffic Impact Study shall be provided.

c. All buildings, canopies, and accessory equipment (except fuel pumps) shall be a minimum of twenty (20) feet from any public right-of-way. Where such uses are adjacent to a lot line, the C-2 minimum setback standards shall be applied (see Table 2.5-2).

d. Fuel pumps and/or pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line.

e. All fuel pumps and/or pump islands shall be covered by a canopy that matches or complements the design of the main structure.

f. Under canopy mounted lights shall be flush with the underside of the canopy. All additional outdoor lighting shall be subject to the requirements of Section 4.6, Outdoor Lighting.

g. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the project approved site plan and which extends no more than ten (10) feet beyond the building.

h. Fuel tanks larger than 1,000 gallons must be located underground. Above ground tanks shall be screened from street view, shall not exceed 6-feet in height, and shall be setback at least 20-feet from any public street.

i. All restroom entrances shall be screened from view of adjacent properties or street rights-of-way by a decorative wall.

j. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

k. Any signs, logo or identifying paint scheme on the canopy or gas price signs shall adhere to the applicable sign regulations provided in Section 4.5.

l. A use providing drive through facilities shall also be required to adhere to those standards provided under Section 3.1.5D – Drive-Through Facility.

m. A use providing automated or self-serve car washes shall also be required to adhere to those standards provided under Section 3.1.5I – Car Wash.

I. Car Wash

1. Placement

a. The facility may have direct site access to a minimum of one arterial/collector road.

2. Development Standards

a. The structure shall meet fire code, building code and any other applicable regulations.

b. A Traffic Impact Study shall be provided.

c. All washing facilities shall be within a completely enclosed building. Sound attenuating measures shall be incorporated into the building design and construction to absorb noise.

d. Vacuuming and drying may be located outside the building, but shall be oriented away from the street, either to the side or to the rear of a building and shall be set back at least fifty (50) feet from any residential district.

e. Mechanical equipment for centralized vacuum equipment shall be housed in an enclosed room.

f. Drying awnings shall be attached to the building or permanently affixed to the ground and all work shall be carried out within the setbacks of the property.

g. Bay doors shall not front onto or be substantially visible from any public street and shall be subject to the screening standards provided in Section xxx of this Ordinance.

h. Drive through aisles shall be at least 11 feet wide.

i. Drive through aisles that face or are adjacent to public streets shall be screened from view by a minimum three (3) foot tall masonry wall.

j. No drive-through aisles shall exit directly onto a public right-of-way.

k. Drive through design and queuing length shall be approved in accordance with Section 3.1.5D and Section 4.3 of this Ordinance.

J. Self-Storage, Indoor

1. The structure shall meet fire code, building code and any other applicable regulations.

2. No business activity other than rental of storage units shall be conducted on the premises.

3. All self-storage rental contracts shall include clauses prohibiting, (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.

4. Self-storage units shall maintain a clear maneuvering/parking area at least 24 feet in depth directly in front of each storage bay.

5. All storage shall be completely within enclosed buildings or structures, unless a separate Conditional Use Permit is granted for outdoor storage on the premises.

6. A structure for a resident manager may be allowed on the site.

7. Any point of the structure located greater than 300 feet from an existing fire hydrant shall require one to be installed.

K. Pawn shop, Tattoo Studio, Body Piercing Studio, Massage Establishment

1. The minimum separation between any of the above-listed uses shall be one thousand (1,000) feet, measured in a straight line from the nearest property line of each property. These separation requirements shall not preclude a massage establishment, tattoo studio, or body piercing studio from locating within the same building.

2. The above-listed uses shall not be located within one thousand (1,000) feet of any existing worship building, public community facility, public / private school, public or private daycare center, residence or residential district, an adult oriented business, or a park, measured in a straight line from the nearest property line of each property.

3. Exceptions to these minimum separation requirements may be approved by the City Council upon a finding that there are specific physical features, such as an arterial street, canal, open space or similar buffering features between specified uses.

L. Adult Oriented Business

1. No adult-oriented business shall be operated or maintained within 1,000 feet of any defined use listed below, measured in a straight line from the nearest property line of a parcel containing an adult-oriented business to the nearest point on the property line of a parcel containing the following:

   a. Another adult-oriented business;

   b. Child care facility;

   c. Public, private or charter school;

   d. A church, synagogue, temple or similar religious worship building;

   e. A library, a public playground, a public community building, a public recreational facility, or a private recreational facility where minors are permitted;

   f. An establishment having an Arizona spirituous liquor license with any of the following classifications: Bar (Series 06); Beer and Wine Bar (Series 07) or the equivalent of such licenses; or

   g. A residential district or the property line of a lot devoted to a residential use in any zoning district.

M. Medical Marijuana Dispensary, Cultivation Site

1. **Purpose:** Marijuana in any form, including Medical Marijuana, is illegal under federal law pursuant to the Controlled substances Act (21 U. S. C. § 811). However, the Arizona Medical Act (Proposition 203, passed by Arizona voters in 2010) states that under state law, a qualifying patient who has a debilitating medical condition to obtain and use marijuana to treat or alleviate the qualifying debilitating medical condition or its associated symptoms. Proposition 203 also contains provisions for dispensaries and cultivation sites to provide medical marijuana to qualifying patients. Because this change in state law means that it is possible that medical marijuana dispensaries and cultivation sites will be operating in the City of Somerton, the City has a duty to ensure that the dispensaries and cultivation sites are located and operated in a manner that least harms the health, safety and general welfare of its citizens. Furthermore, the City of Somerton does not condone the use of medical marijuana or violation of federal law.

2. **Requirements to obtain a conditional use permit:** A medical marijuana dispensary and/or cultivation site shall obtain a Conditional Use Permit from the City of Somerton prior to beginning operations. A fee of two thousand, five hundred ($2,500) dollars shall be paid at the time of submitting application.

3. **Application:** An applicant for a Conditional Use Permit allowing for the operation of a medical marijuana dispensary and/or cultivation site must complete a supplemental application that includes all of the following information:

   a. If the applicant is by an agent for the owner, the authorization must include a signed affidavit from the owner stating that the owner knows the proposed use of the property is for a medical marijuana dispensary and/or cultivation site.

   b. A copy of the operating procedures adopted in compliance with A. R. S. § 36-2804 (B)(1)(c).

c. If the proposed medical marijuana dispensary includes the cultivation of medical marijuana as part of its operations, a site plan shall be submitted demonstrating how the proposed cultivation site meets all security requirements of A. R. S. § 36-2806 (E).

4. Mandatory Conditions of Approval: All Conditional Use Permits must address and abide by the following conditions of approval. The Planning and Zoning Commission and/or City Council may impose conditions of approval that are more restrictive than those required by this section. All Conditional Use Permits providing for the operation of a medical marijuana dispensary and/or cultivation site must:

a. Provide to the Community Development Department a copy of the registration certificate issued by the State of Arizona under A. R. S.§ 36~2804 prior to commencing operations.

b. Meet all requirements for a medical marijuana dispensary and/or cultivation site to qualify for and maintain its certificate of registration as set forth A. R. S. § 36~2804.

c. Comply with operating procedures pursuant to A. R. S. § 36~2804 (B)(L)(c).

d. Prohibit anyone from consuming medical marijuana on the premises.

e. Prohibit anyone under the age of eighteen years of age on the premises.

f. Prohibit signage or advertising using the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana unless said word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily visible as all other words, phrases or symbols. Such signage and advertising must clearly indicate that the products and services are offered only for a medical marijuana patients and primary caregivers.

g. Post a legible sign stating that:
   i. The use or distribution of marijuana is a violation of federal law.
   ii. The possession, use or distribution of marijuana for non-medical purposes is a violation of state law.
   iii. Consumption of marijuana on the premises is prohibited.
   iv. No one under the age of eighteen years is permitted on the premises.

h. Prohibit medical marijuana dispensary activities including, without limitation, cultivating, growing, processing, displaying, selling and storing from being conducted outdoors.

i. Operate only between the hours of 8:00 AM and 5:00 PM.
j. Prevent medical marijuana or paraphernalia from being displayed or kept in a manner that is visible from outside the subject dispensary.

k. Shall provide for proper disposal of medical marijuana remnants or by-products and not to be placed within the facility's exterior refuse containers.

l. There shall be no emission of dust, fumes, vapors or odors into the environment from the facility.

m. Install security surveillance cameras that monitor all entrances, along with the interior and exterior of the premises. Recordings from these cameras must be maintained in a retrievable manner for at least 90 days from the date recorded.

n. Install and maintain in good working condition a robbery and burglary alarm system.

o. Drive-through and delivery services are prohibited.

p. A city of Somerton Business License shall be obtained prior to commencing operations.

q. Record a notarized affidavit in which the applicant acknowledges that the operation of medical marijuana dispensary is a violation of federal law.

r. Record a notarized waiver in which the applicant agrees to hold the City of Somerton harmless against any federal law enforcement actions that may result from the activities of the medical marijuana dispensary/cultivation site being that is the subject of the Conditional Use Permit.

5. Additional Conditions of Approval: In addition to the mandatory conditions of approval as set forth in Subsection 4 above, the City may add other conditions of approval appropriate to the application considering the location, building, surroundings, adjacent land uses, topography, security and safety considerations, as may be necessary to achieve a compatible land use with the surrounding community as authorized by the City Code or Arizona law.

6. Medical Marijuana Dispensary Location Restrictions

a. A Medical Marijuana Dispensary may be not located within any Residential District within the City.

b. A Medical Marijuana Dispensary may not be operated as a Home Occupation anywhere within the City.

c. A Medical Marijuana Dispensary shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.

d. A Medical Marijuana Dispensary may only be located in L-1 (Light Industrial) Zoning District pursuant to a Conditional Use Permit, except that the decision of the Planning and Zoning Commission shall also be reviewed and approved by the City Council prior to the issuance of a Conditional Use Permit for a Medical Marijuana Dispensary.

e. A Medical Marijuana Dispensary shall be located a distance of not closer than One Thousand (1,000') feet from a property line of a parcel that has an established residence, public park, educational facility, library, bar or restaurant dispensing alcoholic beverages, adult oriented business or another medical marijuana dispensary.

7. Medical Marijuana Cultivation Site Location Restrictions:

a. A Medical Marijuana Cultivation Site shall only be located on the premises of an authorized medical marijuana dispensary.

b. The primary residence of an individual who is a qualifying patient or designated caregiver as defined under A. R. S. § 36-2806 and is authorized to cultivate medical marijuana at their residence by the State of Arizona.

c. Medical marijuana may only be cultivated in an indoor area equipped with locks or other security devices that permit access only by those authorized by state law to cultivate medical marijuana.

d. Medical marijuana is not allowed to be cultivated in a location or manner that is visible from any area normally accessible to the general public or from any point off the parcel.

e. All requirements, standards and conditions for the cultivation of medical marijuana in State statute and regulations must be met at all times.

3.2. Accessory Buildings, Uses and Structures

3.2.1. Purpose

The purpose of this section is to identify and regulate accessory buildings, uses and structures in all zoning districts that are incidental and customarily subordinate to principal uses.

3.2.2. Establishment of Accessory Buildings, Uses and Structures

A. All principal uses allowed in a zoning district shall be deemed to include those accessory buildings, uses, structures, and activities typically associated with the use, unless specifically prohibited within this Code. Section 9, Definitions, identifies typical accessory uses associated with principal uses as part of the principal use definition.

B. No accessory building, use or structure may be established prior to the issuance of a building permit for the principal building or an occupancy permit for a principal use to which such accessory use is associated.

C. Any accessory building not in conformance with the provisions as outlined in Section 3.2.3.A below shall require approval of a Conditional Use Permit.

D. Any accessory structure not in conformance with the provisions as outlined in Section 3.2.3.A below shall be prohibited.

3.2.3. General Development Standards for Accessory Buildings, Uses and Structures

A. All accessory buildings, uses and structures shall be subject to:

1. The development standards of the principle use as set forth in *Section 2, Zoning Districts*;

2. All use-specific standards applicable to the associated principal use as set forth in *Section 3.1, Additional Use Specific Standards*;

3. All applicable accessory use standards established within this section (Section 3.2 Accessory Buildings, Uses and Structures);

4. All applicable conditional use requirements associated with a primary use permitted only by Conditional Use Permit; and

5. Any applicable design and performance standards set forth in this Code.

B. In Residential districts, there shall be no more than one accessory building per lot.

C. In AG and Residential districts, accessory buildings shall have no entry visible from the public right-of-way and must share a common driveway with the principal building.

D. In the case of any conflict between the accessory building, use or structure standards of this section and any other requirement of this Zoning Code, the more restrictive standards shall control.

3.2.4. Location Standards for Accessory Buildings, Uses and Structures

A. The accessory building, use or structure shall be situated on the same lot with the principal use to which it serves as an accessory.

B. Accessory buildings, uses or structures shall not be erected in any right-of-way, access easement, street side yard building setback, required front yard setback, or in-front of the actual front line of the primary building elevation.

C. No accessory building (e.g. freestanding garage, workshop, pool house, etc.) shall be located within ten (10) feet of the site's principal building. Accessory structures (fence, carport, deck, etc.) may be attached or detached from the principal building. All required separation for applicable building and fire codes shall also be met.

E. The accessory building, use or structure shall have a setback of at least 5 feet from every side and rear property line, except that the setback shall be the same as required for the primary use in the zoning district in which the accessory structure is located whenever the accessory structure exceeds 10 feet in height.

1. Exceptions. The following structures are exempt from the accessory structure setback requirements:

   a. Trash enclosures or tool sheds, for single-family residential lots, that are six (6) feet or less in height may be placed within a required rear or side yard setback without limitation on location.

   b. Movable structures, for single-family residential lots, not exceeding twelve (12) feet in height including children's play equipment, pet shelters, and similar structures shall have a setback of at least 5 feet from every side and rear property line.

3.2.5. Size Standards for Accessory Buildings and Structures

A. The maximum area of any accessory building/structure shall not exceed fifty (50) percent of the area of the primary building. However, the provisions of this paragraph shall not apply to agricultural-related uses (e.g., corals, barns or livestock quarters) or commercial/industrial uses, which may exceed the gross floor area (in square footage) of the principal building.

B. Both primary and accessory buildings/structures together must comply with the applicable lot coverage requirements established by this Zoning Code.

3.2.6. Additional Standards for Specific Accessory buildings, Uses and Structures

A. Accessory Dwelling Unit

1. No more than one accessory dwelling unit may be located on any lot, except as permitted within the AG, and OS Zoning Districts.

2. For agriculture uses, employee quarters shall be permitted.

3. For residential uses, an accessory dwelling unit shall be permitted only on a lot having 8,000 square feet or more in area.

4. Caretaker residential uses at a density of one (1) dwelling unit per acre shall be permitted within the OS District per A.R.S. §9-461.06(n)

5. For residential uses, the accessory dwelling unit must be constructed within the rear yard of the residential lot separated by a distance of at least 10 feet from the principal building. If attached to the primary building, the accessory dwelling unit shall conform to the development standards of the principal use.

6. The accessory dwelling unit shall have an architectural design and exterior building materials that are compatible with the principal building. Mobile homes, manufactured housing, recreational vehicles, and any other wheeled or transportable structure shall not be used as accessory dwelling units; however, the provisions of this paragraph shall not apply to agricultural uses.

7. The accessory dwelling unit shall not be inhabited by any person not related to or employed by the property owner; however, the provisions of this paragraph shall not apply to AG and OS zoning districts.

8. The accessory dwelling unit and the primary residence shall share utilities. Separate utility meters shall not be allowed.

9. Accessory dwelling units may be fully habitable and may include a kitchenette and bathroom facilities. A maximum of one separate bedroom shall be permitted per unit. However, such quarters shall not be utilized as separate rental units.

10. At least one off-street parking space shall be provided for each accessory dwelling unit.

11. Accessory dwelling units are not allowed within the safety areas for MCAS Yuma to include clear zones, accident potential zones 1 and 2, noise contours, or high noise or accident potential zone (HNAPZ). This does not preclude a determination of compliance if the political subdivision and the military airport mutually agree that an individual use is compatible and consistent with the high noise or accident potential of the military airport.

B. Cargo Containers

Cargo Containers: Cargo Containers are not allowed as accessory use in any zoning district, except as provide below:

1. Cargo Containers are permitted in Agricultural-5 acres (AG-5), Agricultural-10 acres (AG-10), Agricultural-20 acres (AG-20), Suburban Ranch (SR), Limited Commercial (C-l), General Commercial (C-2), Light Industrial (L-l), Heavy Industrial (H-l) and Government (G) Zoning Districts subject to the following conditions:

   a. An installation permit shall be obtained at the Community Development Department prior to installing a Cargo Container.

   b. Cargo Containers shall meet all setback requirements for the district.

c. Cargo Containers may not occupy any required off-street parking spaces with the exception of temporary use during construction activities authorized by a City of Somerton building permit.

d. Cargo Containers may not be stacked, except when used for cargo purposes in the Industrial districts.

e. Cargo Containers are not allowed as human, animal or shelter occupancies.

f. Cargo Containers shall not be connected to any utilities.

g. Licensed building contractors may use Cargo Containers in any zoning district for temporary storage of equipment and/or material at a construction site during construction that is authorized by a City of Somerton building permit.

h. Cargo Containers shall be limited to one per parcel for lots greater than 20,000 square feet in size, shall not be larger than four hundred square feet in size, shall not be larger than four hundred square feet in size, shall be painted in a mono-color and shall not be used for advertisement.

i. Cargo Containers shall be limited to two per parcel for lots of two acres or greater in size, shall not be larger than four hundred square feet in size; shall be painted in a mono-color and shall not be used for advertisement.

j. Cargo Containers used as permanent accessory buildings shall be located on the side or rear of the principal building and must meet all development standards including setbacks, lot coverage and height regulations for the zoning district in which it lies and must also meet Fire Code requirements for placards as is necessary.

k. Cargo Containers in open view must be screened from the street either with landscaping or with a fence.

l. Containers that are designed to be used for storage and appear to be Cargo Containers, yet do not meet the specifications for commercial shipping, packing or transportation of freight, shall comply with the requirements of this section.

C. Domesticated Farm Animals

1. The keeping of domesticated farm animals is allowed in the AG and SR zoning districts.

2. The keeping of large animals for domestic use shall be limited to one large animal per each ten-thousand (10,000) square feet of lot area. Any building or shade structure for the animals shall be a minimum of fifty (50) feet from any property line.

3. Chickens, ducks, rabbits and any other small-medium sized animal shall be kept in coops, pens, or cages. No more than five (5) small-medium sized animals per each ten-thousand (10,000) square feet of lot area shall be allowed. Any coop, pen, or cage structure for the animals shall be a minimum of fifty (50) feet from any property line.

D. Flagpoles

1. Flagpoles in AG and Residential Districts shall not be greater than twenty (20) feet in height, or the distance to the nearest lot line, whichever is less. Flagpoles in Non-Residential Districts shall be limited to the maximum height of the underlying base zoning district.

E. Home Occupations

1. A home occupation shall be considered a permitted accessory use in all residential zoning districts provided that they are operated and maintained to not interfere with the peace, quiet, and character of the neighborhood, and if it complies with the following regulations:

   a. All home occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes. A valid City sales tax and/or business license shall be maintained for the home occupation use.

   b. The home occupation is conducted entirely from within the principal residence or attached garage and shall not change the residential character thereof. However, in the AG or SR zoning district, enclosed detached garages and enclosed accessory buildings and rear yards within the required setback lines may be used for home occupations as long as they do not create a noxious environment for neighboring properties.

   c. No more than twenty-five (25) percent of the gross floor area of the principal dwelling shall be devoted to the home occupation. Areas devoted to the home occupation use shall maintain a residential character and appearance.

   d. There shall be no employees of the home occupation other than members of the immediate family residing in the dwelling unit where the home occupation is being operated.

   e. No business shall be conducted which requires delivery vehicles or other services not customary to a residence. Deliveries and pickups shall not block traffic circulation and shall occur only between 6:00 a.m. and 10:00 p.m. Monday-Saturday.

   f. There shall be no external evidence of the activity such as unenclosed outdoor storage, displays, noise, dust, odors, fumes, vibration, electrical interference or fluctuation or other nuisances discernible beyond the property lines.

   g. No signs signifying the business or any commercial product or service are allowed except as provided in Section 4.5 of this Ordinance.

   h. Customer/patron and shipping/receiving trip generation shall not exceed five (5) trips a day. Exceptions to this shall be allowed for music, art, craft or similar lessons, swim lessons and home day care providers. No truck or van with a payload rating of more than one (1) ton shall be stored on the site. Outside storage of heavy equipment or material shall be prohibited.

   i. Any parking incidental to the home occupation shall be provided only in the residential driveway with not more than two (2) spaces provided within the front yard setback and shall not create hazards or street congestion.

   j. Storage of goods and materials necessary for the home occupation shall not include flammable, combustible or explosive materials except where private on-site utility fuel tanks are used for home heating, cooking or other residential type utilities.

Table 3.2-1: TABLE OF ACCESSORY USES FOR HOME OCCUPATIONS			
	Specific Accessory Use Type	P = Permitted Use X = Prohibited Use	
		Residential Zoning Districts	Supplemental Use Regulations
Home Occupations	Artists, Sculptors, Composers	P	3.2.6.E.1.k.iii
	Body Piercing and/or Painting or Tattoos	X	3.2.6.E.1.l.ix
	Computer Applications	P	3.2.6.E.1.k.vi
	Contractors Shop or Storage	X	3.2.6.E.1.l.viii
	Craftwork	P	3.2.6.E.1.k.iv
	Day Care	P	3.2.6.E.1.k.vii
	Door to Door sales or Party Sales	P	3.2.6.E.1.k.viii
	Fine Arts	P	3.2.6.E.1.k.v
	Furniture Refinishing	X	3.2.6.E.1.l.iv
	Home Office	P	3.2.6.E.1.k.i
	Machine Shop	X	3.2.6.E.1.l.vi
	Medical, Dental, Physical or Psychotherapy and Real Estate Office	X	3.2.6.E.1.l.i
	Motor Vehicle Repair	X	3.2.6.E.1.l.ii
	Personal Services	P	3.2.6.E.1.k.ii
	Retail Sales	X	3.2.6.E.1.l.vii
	Temporary or Permanent Motor Vehicle Display	X	3.2.6.E.1.l.iii
	Veterinarian Office, Animal Grooming, Animal Care, Kennels, or Boarding Facilities	X	3.2.6.E.1.l.v

k. The following are examples of uses which would be acceptable as home occupations provided they comply with the above regulations:

i. Home offices with little or no client visits to the home.

ii. Personal services such as a beauty shop, barbershop, seamstress and catering.

iii. Artists, sculptors, composers not selling their artistic product to the public on the premises. An exception in the SR zoning district would allow for artistic or home grown products to be sold on the premises by the immediate residents of the property.

iv. Craftwork, such as jewelry making and pottery with no sales permitted on the premise. An exception in the SR zoning district would allow for artistic or home grown products to be sold on the premises by the immediate residents of the property.

v. Fine arts lessons (music, art, crafts, dance) and swimming lessons.

vi. Telephone answering, message services, word processing and other computer applications.

vii. Day care (maximum of four (4) persons).

viii. Door to door sales or party sales not on the premise.

l. A home occupation shall not include, but shall not be limited to, the following uses:

i. Medical, dental, physical or psychotherapy and real estate offices.

ii. Motor vehicle repair, painting, storage, restoration or conversion, engine repair or similar uses conducted outside and/or on vehicles not registered to a person currently residing at the home.

iii. Temporary or permanent motor vehicle display for purposes of sale or lease.

iv. Furniture refinishing. An exception in the SR zoning district would allow for this type of non-commercial activity on the property by the immediate residents of the property.

v. Veterinarian office, animal grooming facilities and animal care, kennels or boarding facilities. Except that in the SR zoning districts such uses may be permitted by Conditional Use Permit.

vi. Machine shop.

vii. Retail sales.

viii. Contractors shop or storage.

ix. Body piercing and/or painting or tattoos.

m. Complaints by citizens or local residents may be cause for termination of the home occupation use if appropriate measures cannot be undertaken to mitigate the complaint or violations. All complaints or violation of the above conditions shall be registered with and reviewed by the Zoning Administrator.

F. Main Street Corridor

See Section 2.4.5.E2 for specific guidelines regarding accessory uses and structures within the MSC zoning district.

G. Outdoor Display and Sales

1. Outdoor display and/or sale of merchandise may be allowed as an accessory use for all mixed-use, commercial and industrial uses, provided that the display meets the following guidelines and regulations:

a. Outdoor display and/or sale area shall be clearly defined on a site plan and approved by the Zoning Administrator and may be subject to appropriate conditions by the Administrator to ensure compliance with the provisions of this subsection.

i. Exceptions: A permanent outdoor retail display area which is an integral part of a business, including but not limited to, Garden Centers and Auto, Boat, and RV

Dealership display lots shall obtain Development Plan Review approval with all applicable site development/improvements.

b. Shall be a fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, or parking spaces. Displays shall not obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic.

c. Shall directly relate to a business occupying a permanent structure on the same site, and shall display only goods of the primary business on the same site.

d. Shall be limited to the hours of operation of the business and portable and removed from public view at the close of each business day.

e. No merchandise shall be affixed to the exterior of a building or displayed so as to impede or interfere with the reasonable use of the store front windows for display purposes.

f. Shall be managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair.

g. Display of goods shall not be in any public right-of-way, drive aisles, loading zones, fire lanes, or parking lots, and shall not obstruct any entrance to a building.

h. All signage shall adhere to Section 4.5 Signs

i. See Section 2.4.5.E3 for additional specific guidelines regarding Outdoor Display in the MSC District.

H. Outdoor Storage

1. Outdoor storage associated with an on-site primary use is permitted subject to the following conditions; however, the provisions of this paragraph shall not apply to outdoor storage associated with industrial or agricultural uses:

a. Storage areas must be fully screened from view by an opaque fence or concrete/masonry block wall that is no less than 6 feet, but no more than 8 feet in height. A landscaped earthen berm may be used instead of or in combination with a required fence or wall.

b. The storage area screen fence/wall shall incorporate exterior colors and/or finishes to match the primary building.

c. Stored materials shall not exceed the height of the lowest screen fence/wall.

d. Storage area gates must be opaque.

e. Storage areas shall be paved in compliance with City standards.

f. Not be located within a required off-street parking or loading area.

g. No storage of any items may occur within the front setback area or within the street side yard building setback.

I. Outdoor storage (Vehicles)

1. On-site storage of commercial vehicles and/or private recreational vehicles, motor homes, utility trailers, camp trailers, boats and similar equipment owned by the occupants of the principal residence for more than 72 consecutive hours in any 7-day period shall be deemed accessory to a residential dwelling, subject to the requirements of Section 4.3.13D

   a. Such equipment may only be stored in a side or rear yard, and not in the required front yard;

   b. Such equipment shall be prohibited for human occupancy as a permanent residence. Temporary occupancy is allowed for periods of no more than four (4) weeks per twelve (12) month period. A temporary occupancy permit must be issued by the community development department. See Section 3.3.3.L for additional provisions and exceptions.

J. Swimming Pools

1. General: Every swimming pool shall be completely enclosed by a permanent fence, wall or barrier to restrict access to the swimming pool from public property, from adjacent private property and directly from all dwelling units or guest rooms located on the same premises as the swimming pool. These swimming pool enclosure and barrier detail requirements apply to all new swimming pools installed on or after the effective date of this Ordinance and to all additions, alterations, repairs or replacements made to existing swimming pool enclosures.

   a. Exceptions:

      i. Swimming pools built on single-family residential property on or before the effective date of this Ordinance need not be retroactively fitted with a barrier between the dwelling and the pool provided all occupants of the dwelling are at least six (6) years of age or older. All other portions of the swimming pool enclosure shall be installed and maintained as required herein.

         This exception does not eliminate an owner's responsibility for providing a temporary barrier or otherwise physically restricting visiting children's direct access from the dwelling to the swimming pool.

         This exception shall expire and the required permanent barrier shall be retroactively installed between the dwelling and the swimming pool whenever one (1) or more children under six (6) years of age become residents of the property.

      ii. Above ground swimming pools which have non-climbable sides not less than forty-eight (48) inches high above the adjacent ground level may be located on single-family residential property without a fence or barrier between the pool and the dwelling provided any steps or ladder are either removable, without the use of tools, or are designed to be secured in an inaccessible position with a lock or latch located not less than fifty-four (54) inches above the adjacent ground level.

      iii. The property owner and any other person in charge of a swimming pool shall ensure that the required swimming pool enclosure, including all gates, doors, locks, latches and other portions of the barrier are maintained safe and in good working order. No person shall alter or remove any portion of a swimming pool enclosure except to repair, reconstruct or replace the enclosure in compliance with this Section.

2. Barrier Details: Swimming pool barriers shall be installed as a permanent fence, a wall, a building wall or a combination thereof which surround the swimming pool. The poolside of the barrier shall not be less than twenty (20) inches from the water's edge. The top of the barrier, including all gates and doors, shall not be less than five (5) feet above the floor or underlying ground, measured on the exterior side of the enclosure.

    a. EXCEPTION: Barrier fences or walls not less than four-and-one half (4½) feet in height which existed on or before the effective date of this Ordinance may be used for that portion of the required swimming pool enclosure which separates a swimming pool from the dwelling located on the same premises as the pool, provided such barrier is kept in repair and is otherwise maintained in compliance with all other provisions of this Section. There shall be no openings, holes or gaps in a swimming pool barrier large enough for a sphere four (4) inches in diameter to pass through. Barrier fences or walls may not have handholds, footholds or horizontal members accessible from the exterior side of the enclosure. Horizontal members of fences shall be spaced not less than forty-five (45) inches apart measured vertically or shall be placed on the pool side of a fence which has no opening greater than one-and-three-fourths (1¾) inches measured horizontally. Wire mesh or chain link fences may have a maximum mesh size of one-and-three–fourths (1¾) inches measured horizontally.

3. Gates: All gates in a swimming pool barrier shall be equipped to accommodate a locking device. All pedestrian access gates shall be self-closing and self-latching. All pedestrian access gates installed after the effective date of this Ordinance shall open outward away from the pool. Gates other than pedestrian access gates need not be self-closing or self-latching when they are kept secured by a padlock or similar locking device. Gate latches shall be located not less than fifty-four (54) inches above the underlying ground or shall otherwise be made inaccessible from the outside to small children.

4. Doors: All doors leading from a dwelling or guest room directly into a swimming pool enclosure shall be self-closing and self-latching and shall be equipped with a locking device. When a simple latch is used, the release mechanism for the latch or a secondary locking device shall be located not less than fifty-four (54) inches above the floor. A locking latch which uses a key, electronic opener or integral combination lock, may be located at any height on the door. Sliding doors shall not form part of a required barrier unless the self-closing and self-latching mechanism is specifically approved by the building official for this purpose.

5. Windows: Emergency escape or rescue windows from sleeping rooms which face within a swimming pool enclosure shall be equipped with a latching device located not less than fifty-four (54) inches above the floor. All other dwelling unit or guest room windows facing within a swimming pool enclosure shall be equipped with a screwed-in-place wire mesh screen, a keyed lock that prevents opening the window more than four (4) inches or a latching device located not less than fifty-four (54) inches above the floor.

6. Safety Covers: A key-operated, motorized safety cover which complies with ASTM ES 13-89 may be used to meet the requirements of this Section for a barrier between a single-family dwelling and a swimming pool accessory to that dwelling provided all other portions of the swimming pool enclosure are installed and maintained as required herein. The keyed pool cover switch shall be located not less than fifty-four (54) inches above the floor or adjacent ground level and where the entire pool can be visually inspected during cover operation.

K. Solar Collection and Wind Power Generation Equipment

1. Ground-mounted solar collection, wind power generation equipment and the like are accessory uses allowed in all districts, except within the OS district, subject to the following standards:

   i. Detached wind generating systems and solar panels shall be limited to twenty (20) feet.

2. Roof-mounted solar collection, wind power generation equipment and the like are accessory uses allowed in all districts, except within the OS zone districts, subject to the following standards:

   i. Such equipment shall be subject to the height restrictions and setback requirements of the applicable zoning district.

   ii. Wind-generating equipment shall require a Conditional Use Permit.

   iii. In no case shall such devices deprive any adjacent land owner or tenant of direct sunlight or breezes; and

   iv. In no case shall such devices create nuisance noise, vibration, smoke, dust, odor, heat, or glare affecting the adjacent landowner(s).

L. Stables, Barns and Corrals

1. Any building (e.g. stables, barns, or shade structures) used for the keeping of domesticated farm animals shall be placed a minimum of fifty (50) feet from any existing property line.

2. Corral fences must be set back a minimum of twelve (12) feet from any property line.

M. Refuse and Recycling Collection Areas

1. Bulk refuse and recycling collection areas shall not be located within any required front yard, street side yard, any required parking and landscaped areas, or any other area required by this Ordinance to be constructed and maintained unencumbered according to fire and other applicable building and public safety codes.

2. Solid waste and recycling areas shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve.

3. Storage areas shall be located so that the trucks and equipment used by the City solid waste and recycling collector(s) have sufficient maneuvering areas.

4. See Section 4.4.4.F, Refuse Area Screens for specific guidelines regarding screening of refuse and recycling collection areas.

N. Vehicle Repair

1. In residential districts, vehicle maintenance and repair shall be limited to work conducted entirely within an enclosed garage on vehicles that are registered to a person currently residing at the home.

3.3. TEMPORARY USES AND STRUCTURES

3.3.1. Purpose

This Section allows for the establishment of temporary uses and/or activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. These activities are regulated to ensure that basic health, safety, and community welfare standards are met, while also ensuring compatibility is maintained between the proposed activity and surrounding areas.

3.3.2. Temporary Use Approval

All allowed temporary uses shall obtain a Temporary Use permit, (unless otherwise stated in Section 3.3.3 or exempt as identified in subsection 3.3.4), pursuant to Section 6.8 Temporary Use Permit Procedures, of this Ordinance and provided that the temporary use complies with the standards and/or conditions specified in subsection 3.3.3 below.

Unless otherwise stated in Section 3.3.3, the following regulations shall govern the operation of temporary uses for a time period of up to one (1) year. The Zoning Administrator may grant a written extension of a Temporary Use Permit for a time period of up to one (1) year.

3.3.3. Allowed Temporary Uses

A. Storage yard and/or a trailer used for temporary storage or as a caretaker's residence or contractor's office in conjunction with construction work, and is valid only during the period of such construction as follows:

1. Any Temporary Use Permit (TUP) approved for a contractor's office that exceed one (1) year from the date of such approval, may be renewed for like periods thereafter upon submittal of satisfactory evidence from the property owner indicating that the need for the use continues to exist on the property.

2. Unless such Temporary Use Permit (TUP) is renewed, such use shall be removed from the property upon the expiration of the approved TUP or within ten (10) working days after completion of the construction work, whichever occurs first.

B. Temporary real estate or leasing offices subject to the following:

1. Such offices shall be located on the property being offered for sale or lease. The temporary structures use shall be limited to the sale or lease of on-site subdivided lots, dwelling units, or other types of on-site real property.

2. Such offices shall be subject to the height, yard and intensity of use regulations for the Zoning District in which it is located.

   a. Any Temporary Use Permit (TUP) approved for such office shall be limited to a period of time not to exceed one (1) year from the date of issue and said permit may be renewed for like periods thereafter if the real property being offered for sale or leased on the site has not been sold or leased

   b. Unless such Temporary Use Permit (TUP) is renewed, such office shall be removed from the property upon the expiration of the previously approved TUP or when the last available real property has been sold or leased, whichever occurs first.

C. Circuses, carnivals and similar transient amusement enterprises are subject to not more than thirty (30) days of site occupation and operation in any six (6) month period.

D. Christmas tree or pumpkin sales lots are subject to not more than forty-five (45) days of site occupation and operation in a calendar year.

E. Campaign offices subject to not more than ninety (90) continuous days of site occupation and operation.

F. Religious, patriotic, historic, or similar displays or exhibits within private yards or parking areas are subject to not more than thirty (30) days of display in any one (1) year period for each exhibit.

G. Outdoor arts and crafts shows and exhibits subject to not more than fifteen (15) days of operation or exhibition in any ninety (90) day period.

H. Batch plants for asphalt or concrete operations on or near construction sites are allowed for a period not to exceed one (1) year. All batch plant operations shall operate under current ADEQ regulations concerning dust control, erosion and sedimentation. They shall also operate in accordance with the Somerton City Code, Chapter 9, Articles 9-6 and 9-7 concerning dust control and erosion. For batch plants operating near residential development, hours of operation shall be limited to the hours of 6:00 a.m. to 10:00 p.m. A traffic control plan shall be submitted with each application and must be approved before the permit can be issued.

I. Outdoor parking lot sales events sponsored by merchants are limited to one (1) sale per calendar quarter, lasting no longer than one (1) week in duration. Rummage and other outdoor sales sponsored by local non-profit organizations are limited to one (1) sale in each six (6) month period.

J. Garage sales, yard sales, craft sales and the sale of similar home-type products, shall be limited to a maximum of 3 days every quarter up to a maximum of 12 days in a calendar year per residential location. A garage/yard sale use permit must be obtained from the CDD prior to the sales taking place. Fee amounts shall be applied as defined within the separate, Council approved, fee schedule.

K. Stands for the sale of produce products are subject to not more than thirty-six (36) days a calendar year. Said stands shall not be located within any public right-of-way and shall be kept free of litter and debris. The provisions of this subsection do not apply to the sale of produce raised on the premises.

L. A temporary second dwelling unit on a single legal parcel, for guests, relatives, and/or caretakers in a recreational vehicle, for a period of no more than 4 weeks per calendar year. A temporary occupancy permit must be issued by the Zoning Administrator. The Zoning Administrator may authorize a longer period of time if an emergency exists, up to a maximum of four additional (4) weeks. There shall be no extensions allowed and no re-application permitted within twelve (12) months of the expiration of such permits. Such temporary second dwelling units shall not be used as rentals. A temporary second dwelling unit must meet principal building setbacks, lot coverage, and height regulations for the Zoning District in which it lies.

M. Other temporary uses or structures may be approved using the process established in Section 6.8 Temporary Use Permit Procedures.

3.3.4. Exempt Temporary Uses

The following temporary uses and events are exempt from the requirement for a Temporary Use Permit, and other city approval.

A. Events which occur in meeting halls, theaters, or other permanent indoor or outdoor public assembly facilities subject to all applicable regulations of this Code.

B. Promotional activities related to the primary product lines of a retail business, and similar activities (e.g. book readings and signings at book stores, opening receptions at art galleries).

C. Emergency public health and safety activities.

D. Temporary nonprofit or fundraising car washes are permitted in non-residential districts.

E. City sponsored events

SECTION 4 – GENERAL DEVELOPMENT REGULATIONS

The provisions of this Section address details of site planning, project design and land use operation to ensure all development will contribute to and be compatible with existing and future development in a manner that will enhance the quality of life for Somerton residents, employers, and visitors.

The provisions of this chapter are complementary and supplementary to and not in lieu of other provisions of this zoning code. In the event of a conflict between a provision of this chapter and any more restrictive provision of this zoning code applicable to a particular development, the more restrictive provision shall apply.

4.1. SETBACK AND HEIGHT REGULATIONS

4.1.1. Setback Regulations

This Section establishes setback standards to ensure the provision of open areas for access to and around structures, maintain natural light and ventilation for individual properties, separation of incompatible land uses, and space for landscaping, privacy, traffic safety, and visibility.

A. Setback Requirements

All structures shall conform to the setback requirements as provided within this Ordinance, unless otherwise provided in subsection C below.

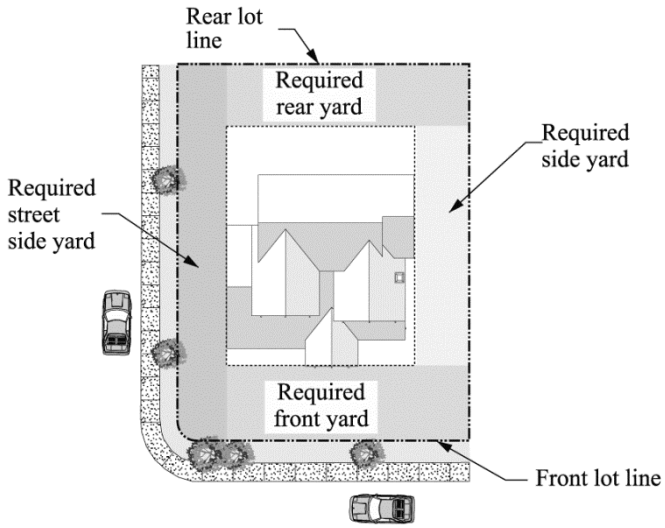


Figure 4.1-A

B. Setback Measurement

Setbacks shall be measured as follows:

1. Front setback. The front setback shall be measured at right angles from the nearest point on the front property line (property line opposite the rear yard) to the nearest wall of the structure.

2. Side and street side setback. The side and street side setbacks shall be measured at right angles from the nearest point on the side property line to the nearest wall of the structure, establishing a setback line parallel to the side property line, that extends between the front and rear yards.

3. Rear setback. The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest wall of the structure, establishing a setback line parallel to the rear property line that extends between the side yards.

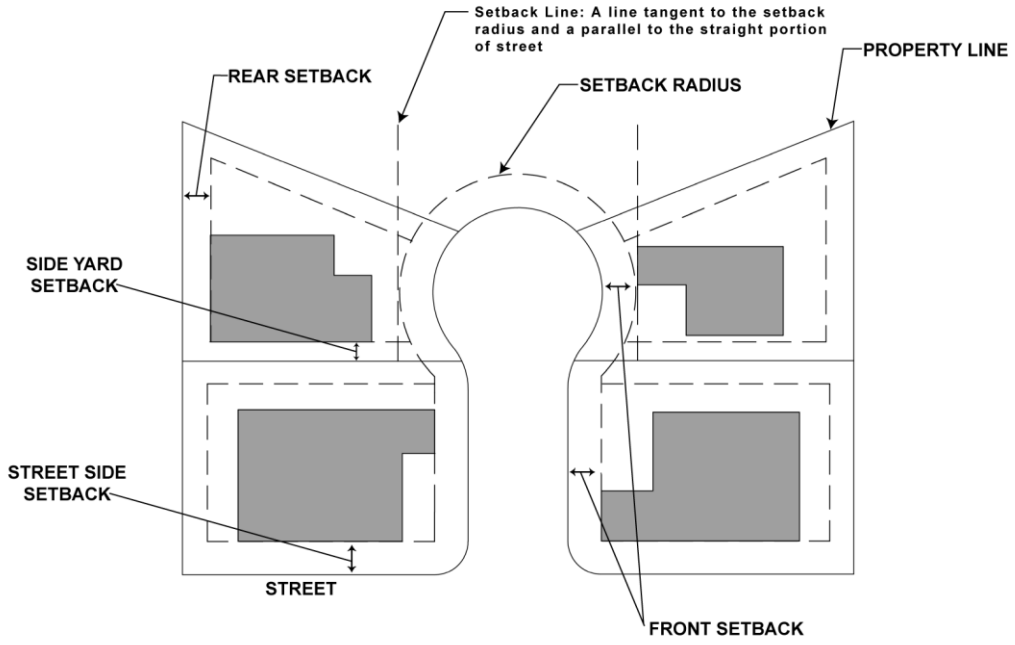


Figure 4.1-B

C. Setback Encroachment

1. Allowed projections in R-1 Districts

a. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding two (2) feet into any required yard.

b. Stair cases may project a distance not exceeding three (3) feet into any required yard provided such projection shall be at least three (3) feet from any lot line or setback line whichever is most restrictive.

c. Patio covers and ornamental features may project into any required side yard, provided such features shall be a distance of at least three (3) feet from any lot line or setback line whichever is most restrictive.

d. Air conditioning units, pool pumps or similar mechanical equipment may project into any required side yard, provided such features shall be distance of at least three (3) feet from any lot line or setback line whichever is most restrictive. Any mechanical equipment located in a required side yard, based on the minimum requirements above, should be placed within a side yard with no gate access to the front yard.

e. Notwithstanding any other provision of this Section, no building encroachment other than roof overhangs or eaves shall be permitted in any side yard.

f. Vestibules, bay windows, nooks, chimneys or similar wall projections with or without footings may encroach not more than three (3) feet into any required front or rear yard

and not more than three (3) feet into any required side yard, provided the aggregate width of all such projections adjacent to any yard does not exceed ten feet (10').

g. Uncovered open decks, patios and terraces less than thirty (30) inches in height may encroach into any required yard by not more than three (3) feet.

2. Allowed projections in R-2, R-3, and Non-Residential Districts

a. Awnings, eaves, overhangs and basement window wells may encroach not more than two (2) feet into any required yard, but shall not be closer than three (3) feet to any property line.

b. Stair cases in the R-3 zoning district, may project a distance not exceeding twelve (12) feet into any front yard provided such projection shall be at least three (3) feet from any lot line.

4.1.2. Height Regulations

This Section establishes height standards to promote compatible transitions between differing land uses, ensure adequate light and air to individual properties, and to accommodate good design.

A. Maximum Height

All structures and appurtenances shall conform to the height requirements as provided within this Ordinance, unless otherwise provided in subsection C below.

B. Height Measurement

The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 4.1-C below. "Existing Grade" shall be established by the Zoning Administrator, shall be consistent with parcels in the immediate vicinity, and shall not be, nor have been artificially raised to gain additional building height.

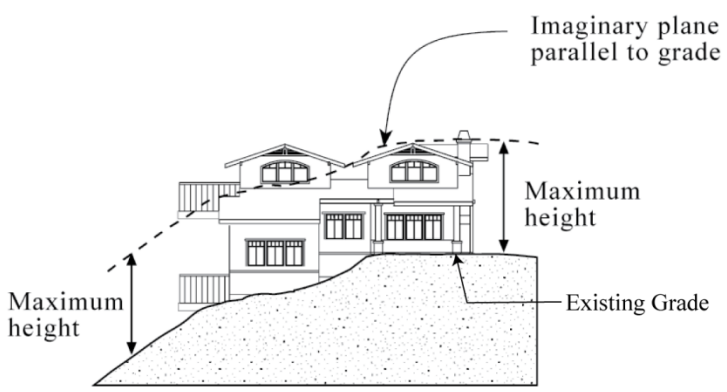


Figure 4.1-C

C. Height Exceptions for Appurtenances

Notwithstanding specific regulations provided elsewhere in this Ordinance, the following appurtenances are permitted to exceed the height limits within any district where the use is allowed: church spires, cupolas, government owned and operated communication towers,

chimneys, antennas, heating and ventilation equipment, elevator housings, stairwell towers or other similar structures and appurtenances, subject to the following requirements:

1. Private communication, radio and television antennas, or satellite dishes attached to the principal structure may only extend five (5) feet above the allowed maximum height of the underlying base zoning district.

2. Chimneys may project up to five (5) feet above the allowed maximum height of the underlying base zoning district or as required to meet applicable building code requirements.

3. Wind generating systems and solar panels attached to a building may extend up to five (5) feet above the allowed maximum height of the underlying base zoning district.

4. Commercial communication facilities shall be developed in accordance with the provisions of Section 3.1.4.F.

5. All appurtenances shall not be constructed for the purpose of providing additional floor area in the building.

6. The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in Section 4.4, Open Space, Landscape and Walls.

D. Height Exceptions for Structures

The height regulations in Agriculture Districts shall not apply to barns, silos, conveyors, grain elevators or other similar structures wherein the agriculture process involved customarily requires a height greater than otherwise permitted, provided that such structure shall be setback a distance that is equal to or greater than its height from the nearest lot line.

E. Additional Height Exceptions

The Development Review Committee (by minor modification) may approve additional exceptions up to 20 percent of a building height limit specified in this Ordinance only upon a finding by the Committee that:

1. Increased setbacks, enhanced landscaping or other screening measures effectively mitigate the impact of the building height; or

2. The exception is necessary to accommodate the proposed uses or activities within the building or structure; or

3. The architectural style of the building or structure places the exception at a central point or in a limited area such as a dome, sphere or other geometric solid; and

4. The proposed development does not exceed the maximum number of stories or residential densities permitted in the zoning district in which it is located.

Any request for an increase in building height above 20 percent of a building height limit specified in this Ordinance shall require a Variance per Section 6.9, Variance.

4.2. PERFORMANCE STANDARDS

Every activity, operation or land use shall comply with the following performance standards regardless of the zoning district in which they are located. The Zoning Administrator shall be responsible for insuring compliance with these performance standards and shall invoke the

provisions for enforcement of compliance with these performance standards wherever there is reasonable evidence that performance standards are being violated by such use.

4.2.1. Glare and Heat

Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.

4.2.2. Lighting

No light that 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. All outdoor lighting shall be installed, maintained and utilized in conformance with Section 4.6, Outdoor Lighting, of this Ordinance.

4.2.3. Fire and Explosion Hazards

All disposals of waste materials by outdoors incineration on the premises are expressly prohibited. All storage of and other activities involving inflammable and explosive materials shall be provided adequate safety devices against hazards of fire and explosion, together with adequate fire-fighting and fire suppression equipment and devices standard in industry. All storage of inflammable or explosive materials shall further comply with locational requirements set forth by the Authority Having Jurisdiction (Fire Department) or as established by this or other City Ordinances.

4.2.4. Vibration

Every use shall be so operated that the ground vibration inherently and recurrently generated is not discernible without instruments at any point beyond the site property line.

4.2.5. Air Pollution

No emission of Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution shall be permitted which can cause damage to health, to animals or to vegetation or other forms of property or which can cause excessive soiling.

All construction projects involving a tract of land one (1) acre or larger in size are subject to City Code, Chapter 9, Articles 9-6 and 9-7 concerning dust control and erosion and the City of Somerton Mapping Standards contained in Resolution 966.

4.2.6. Liquids and Solid Waste

No materials, compounds or chemicals that can contaminate any water supply, interfere with bacterial process in sewerage treatment or otherwise cause emission of elements which are offensive or hazardous to the public health, safety, welfare or comfort shall be discharged at any point into any public sewer, private sewage disposal system, stream or into the ground, except in accordance with the standards approved by the Arizona State Department of Health and Environmental Services or such governmental agency as may have jurisdiction over such activities.

4.2.7. Odors

No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the site property line.

4.2.8. Noise

Any activity producing noise measured at the property line of an adjacent property exceeding the following levels is considered unnecessary, excessive or offensive noise:

Table 4.2-1: Noise Level Summary		
ZONE	TIME	SOUND LEVEL dB(A)
Residential	9:00 p.m. – 7:00 a.m.	45
	7:00 a.m. – 9:00 p.m.	55
Commercial	9:00 p.m. – 7:00 a.m.	55
	7:00 a.m. – 9:00 p.m.	65
* For commercial properties that abut residential properties – residential sound levels shall apply.		

4.3. OFF-STREET PARKING AND LOADING

4.3.1. Purpose

These regulations are established in order to provide off-street parking and loading areas and access to such areas of adequate capacity and appropriate location and design. The parking requirements are intended to provide sufficient parking in close proximity to the various uses for residents, customers, employees, and/or visitors. These regulations are designed to reduce street congestion and traffic hazards.

4.3.2. Applicability

Every use and structure, including a change or expansion of a use or structure shall provide accessory parking and loading areas as set forth below. Except when specifically exempted, the requirements of this Section shall also apply to all temporary parking lots and parking lots that are the principal use on a site.

A. New Buildings and Land Uses
Off-street parking and loading shall be provided as required by this Section at the time any new building or structure is erected or any new land use is established.

B. Expansion of Existing Nonresidential Buildings
When the floor area of an existing structure is increased, additional off-street parking and loading shall be provided as required by this Section for the additional floor area only, provided that the existing parking was legally established and has not been reduced. If the number of existing parking and loading spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking and loading requirements for the addition or enlargement.

C. Addition of Use to Existing Nonresidential Buildings
When a new use locates on a parcel with an existing use, all off-street parking shall be provided to meet the total number of spaces required for the existing use and the new use, unless the uses meet the requirements of Section 4.3.6E, Shared Parking or alternative guidelines that are expressly allowed by other provisions of this Code.

D. Change in Use of Existing Nonresidential Buildings
When a change in use requires more off-street parking than the previous use, additional parking and loading spaces shall be provided equivalent to the difference between the number of spaces required by this Section for the immediately previous use and the total number of spaces required by the new use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

E. Alterations That Increase the Number of Dwelling Units
The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires added off-street parking, as required by this Section, to serve the new dwelling units. This requirement does not apply when sufficient off-street parking exists to provide the number of spaces required for the existing and new dwelling units.

F. When Required
Off-street parking and loading facilities required by this Section shall be constructed or installed prior to the issuance of a certificate of occupancy for the uses that they serve.

4.3.3. General Parking and Loading Regulations

A. Parking and Loading Spaces to be Permanent

1. Parking and loading spaces shall be permanently available, marked and maintained for parking or loading purposes for the use they are intended to serve during the life of the use.

2. The owner or occupant of any building or use subject to off-street parking requirements under this Section shall not discontinue or reduce any existing required parking without first having established other parking spaces which meet all requirements of this Section to replace those being lost.

B. Restriction of Parking Area Use
Required off-street parking, circulation, and access areas shall be used exclusively for the temporary parking and maneuvering of motorized, operative vehicles. In all non-residential zones, parking areas shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this Code. In all residential districts parking shall be restricted per Section 4.3.13, Special Parking Requirements for Residential Uses.

C. Located on Same Site
Parking and loading facilities shall be located on the same site with the use the facilities serve or on a contiguous, identically zoned lot that is incorporated into the development site. Off-site parking facilities may be permitted subject to the requirements of Section 4.3.6.B (Off-Site Parking Provisions).

D. Located Off-Street
All parking and loading facilities required by this Section shall be provided off-street and shall not be located within any public right-of-way, sidewalk, alley, or parkway, unless expressly allowed by other provisions of this Section.

E. Surplus Parking
The provisions of this Section shall also apply to parking and loading facilities provided in excess to those required, unless otherwise expressly stated in this Code.

F. Surfacing and Maintenance

All required off-street parking, loading, and maneuvering areas shall be paved in a manner that is acceptable to the Zoning Administrator and City Engineer. The owner or occupant of any building or use for which a parking and/or loading area has been provided shall be responsible for the maintenance of the parking and/or loading area. Failure to maintain the surface, lighting and landscaping of the parking and/or loading area shall constitute a violation of this Code.

4.3.4. Number of Parking Spaces Required

Table 4.3-1 establishes the minimum parking spaces required for the uses indicated. Compliance with this Table is required for all new development as well as in the case of any change in use or expansion of an existing structure, building or use in any Zoning Districts, unless expressly modified by other provisions of this Section.

Table 4.3-1: TABLE OF PARKING SPACES REQUIRED

Use Category	Specific Use Type	Minimum Vehicle Spaces Required
Residential Use Categories	Single-Family Detached, Attached, Modular, and Duplex	2 spaces per dwelling unit
	Multi-Family and Residential component of Mixed Use District	Studio and 1 bedroom unit – 1.5 space per unit
		2 bedroom units – 1.5 spaces per unit
		3 or more bedroom units – 2 spaces per unit
	Manufactured Home, park or subdivision	2 spaces per dwelling unit + 1 space for every 10 dwelling units/lots for guests
	Recreational Vehicle, Park or subdivision	2 spaces per dwelling unit/lot + 1 space for every 10 dwelling units/lots for guests
	Assisted Living Center	0.5 space per residential room/unit + 1 space for every 4 rooms/units for guests and employees
	Assisted Living Home	Same as Single-Family
	Nursing Home	1 space per 4 beds (based on maximum capacity)
	Group Care Home	Same as Single-Family
Public and Semi Public Use Categories	Public Assembly, hall/auditorium, library, places of worship, clubs, fraternal buildings, community centers	1 space per 4 fixed seats or 1 space per 300 SF GFA, whichever is greater
	Museum	1 space per 250 SF GFA
	Crematorium or Funeral Parlor	1 space per 100 SF of assembly area + 1 space per 200 SF of office area + 1 space per company vehicle
	Detention Facility	See Section 4.3.4.B
	campground and camps	1 space per campsite
	community playfields and parks	See Section 4.3.4.B
	Public Safety Facility	1 space per 500 SF GFA (1 space per employee + 1 space per each 3 volunteer personnel on a normal shift + 1 space per 200 SF of usable office space)
	Day care Center	1 space per 300 SF GFA
	Day care Home	Same as Single-Family
	Hospital	1.5 spaces per bed + required spaces for accessory uses

Table 4.3-1: TABLE OF PARKING SPACES REQUIRED		
Use Category	**Specific Use Type**	**Minimum Vehicle Spaces Required**
	Medical clinic	1 space per 350 SF GFA
	Government Office and Civic Building,	1 space per 250 SF GFA
	school, public or private, K-8	1 space per classroom + 1 space for each 200 SF of indoor assembly area
	school, public or private, 9-12	1 space per 200 SF of classroom and office area
	College or University	See Section 4.3.4.B
	Solar generation facility	1 space per employee
	telecommunication facility (including tower and supporting facilities)	none
	Utility facility and service yard	1 space per employee + 1 space per fleet vehicle kept at site
Agriculture Use Categories	agribusiness, entertainment farming	See Section 4.3.4.B
	Agriculture, General and Ranching	None
	All other agriculture use types	See Section 4.3.4.B
Commercial Use Categories	Adult oriented business: *Arcade*	1 space per arcade machine + 1 space per employee per largest shift
	Bookstore	1 space per 300 SF GFA
	Cabaret	1 space per 50 SF of public floor area + 10% for employees
	Animal Sales and Services, (kennel, pet store, veterinary)	1 space per 400 SF GFA
	Commercial entertainment: *Minor entertainment facility*	1 space per 400 SF GFA
	Movie Theater	1 space per 3 seats
	Major entertainment facility	See Section 4.3.4.B
	Commercial recreation: *All use types not listed below*	See Section 4.3.4.B
	Arcade	1 space per 300 SF GFA + 1 space per employee per shift
	Batting cages	1 spaces per cage
	Bowling Alley	3 spaces per lane + required spaces for ancillary uses
	Billiards	3 spaces per table + required spaces for ancillary uses
	Golf course	8 spaces per hole + required spaces for ancillary uses
	Golf range	2 spaces per tee + required spaces for ancillary uses
	Health Club	1 space per 200 SF GFA
	Skating rinks	1 space per 200 SF GFA
	Dry cleaning and laundry service	1 space per 300 SF GFA
	Financial Institution	1 space per 250 SF GFA (with drive through – see Section 4.3.14 for additional vehicle stacking requirements)

Table 4.3-1: TABLE OF PARKING SPACES REQUIRED		
Use Category	**Specific Use Type**	**Minimum Vehicle Spaces Required**
	Food and Beverage Services *Bar, Lounge, or Tavern*	1 space per 75 SF GFA + 1 space per 200 SF of outdoor seating area
	Mobile Food Vendors	3 spaces per vendor
	Nightclub	1 space per 75 SF GFA + 1 space per 200 SF of outdoor area
	Restaurant, Full Service	1 space per 50 SF GFA + 1 space per 400 SF of outdoor seating area
	Restaurant, Limited Service	1 space per 75 SF GFA + 1 space per 400 SF of outdoor seating area
	Restaurant Limited Service with Drive Thru	1 space per 100 SF GFA + 1 space per 400 SF of outdoor seating area (see Section 4.3.14 for additional vehicle stacking requirements)
	Medical Marijuana Dispensary, Operation or Cultivation	See Section 4.3.4.B
	Office: *Business or Professional*	1 space per 350 SF GFA
	Medical and Dental	1 space per 250 SF GFA
	Research laboratory	1 space per 350 SF GFA
	Personal services	1 space per 300 SF GFA
	Retail Sales: *Alcoholic beverages*	1 space per 300 SF GFA
	Convenience store	1 space per 300 SF GFA
	General retail, (Below 25,000 SF GFA)	1 space per 300 SF GFA
	Large retail, shopping center, building materials (25,000 SF GFA and greater)	1 space per 250 SF GFA
	Nursery, commercial	1 space per 400 SF of sales and display area
	Farmers market /swap meet	1 space per 500 SF of designated vendor area
	Storage, personal property: *Indoor, mini-storage*	1 space per 100 units or 1 space per 5,000 SF of storage area, whichever is greater + 2 additional spaces for manager's quarters
	Outdoor storage	Minimum 4 spaces + 2 spaces for manager's quarters
	Trade schools and Vocational Training	1 space per 200 SF GFA
	Vehicle Services: *Automobile, Sales and Leasing*	1 space per 400 SF of sales and service buildings + 1 space per 10,000 SF of outdoor display area
	Automobile, Repair	3 spaces per service bay + 1 space per 350 SF of additional retail sales and service area (service bay shall not be counted as a parking space)
	Car wash, full service	1 space per 200 SF of sales, office and lounge area (see Section 4.3.14 for additional vehicle stacking requirements)
	Car wash, self-serve	0.5 spaces per bay
	Gasoline Sales	1 space per fueling position
	Gasoline Sales with Convenience Store	1 space per fueling position + 1 space per 300 SF GFA
	Large Vehicles	See Industrial Use Categories
	Visitor Services *Bed and breakfast*	2 spaces per dwelling unit + 1 space per guest room
	Hotel or motel	1 space per guest room + required spaces for ancillary uses

Table 4.3-1: TABLE OF PARKING SPACES REQUIRED		
Use Category	**Specific Use Type**	**Minimum Vehicle Spaces Required**
	Resort, cabins, lodges	See Section 4.3.4.B
Industrial Use Categories	Airport, Heliports	See Section 4.3.4.B
	Large Vehicle Services: *Sales, Service, Repair and Rental*	3 spaces per service bay + 1 space per 100 SF of office/sales area
	Truck Stop	1 space per fueling position + 1 space per 300 SF GFA
	Manufacturing/Assembly: *Light*	1 space per 500 SF of warehouse area + 1 space per 350 SF of office area
	Heavy	1 space per 1,000 SF of warehouse area + 1 space per 350 SF of office area
	Resource Extraction	See Section 4.3.4.B
	Warehouse/Freight Storage and Distribution	1 space per 1,000 SF of warehouse related area + 1 space per 350 SF of office area
	Wholesale	1 space per 500 SF of wholesale related area + 1 space per 350 SF of office area
	Waste, Salvage and Recycling Facility	See Section 4.3.4.B

A. Covered Spaces

Covered parking spaces shall be provided as follows:

1. Single-family detached shall provide a minimum of 2 covered parking spaces per unit.

B. Non-specified Parking Requirements

It is recognized that specifying a single parking requirement for some uses listed in Table 4.3-1 is not reasonably feasible due to the far-reaching variation in use characteristics that can exist within that specific use type. For those uses listed in Table 4.3-1 that do not have a specific parking requirement identified, the Zoning Administrator shall determine a parking requirement based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. In order to make this determination, the Zoning Administrator may require the applicant to submit a parking demand study or other information, at the applicant's cost. The parking demand study may include, but is not limited to, estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable sources as approved by the Zoning Administrator, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use.

C. Unspecified Uses

Where buildings are constructed without uses specified (i.e. shell buildings), the use with the highest parking requirement among all uses specified for the zoning district where the site is located shall be used to calculate off-street parking requirements.

D. Uses not Listed

Parking for land uses not specifically listed in Table 4.3-1 shall be determined by the Zoning Administrator based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand. In order to make this determination, the Zoning Administrator may require the applicant to submit a parking demand study or other information, at the applicant's cost. The parking demand study may include, but is not limited to, estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable sources

as approved by the Zoning Administrator, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use.

E. Basis of Calculation
When calculating the number of parking spaces required results in a fractional number, any fraction exceeding one half (0.5) shall be rounded up to the nearest whole number.

4.3.5. Required Parking in Mixed Use District

Off-street parking within the Main Street Retail Core of the Main Street Corridor (MSC) zoning district, as defined by the Somerton Redevelopment Plan, shall be provided in accordance with the provisions of this Section unless specifically modified as follows:

A. For buildings erected with building permits issued on or before October 7, 2008, no off-street parking shall be required, however any existing off-street parking previously provided for such buildings shall be maintained in accordance with Section 4.3.3.A2 of the Zoning Ordinance;

B. For buildings containing 5,000 square feet or less gross floor area, erected with building permits issued after October 7, 2008, or for expansions of existing buildings and uses not exceeding 25% of the total existing square footage, no off-street parking shall be required; and

C. For change of use of up to 5,000 square feet in existing buildings, no additional off-street parking shall be required, however any existing off-street parking previously provided shall be maintained in accordance with Section 4.3.3.A2 of the Zoning Ordinance; and

D. For buildings containing more than 5,000 square feet gross floor area, erected with building permits issued after October 7, 2008, off-street parking shall be provided for the portion of the building in excess of 5,000 square feet as required by Section 4.3 of the Zoning Ordinance or pay a cash-in-lieu Parking Payment of $2,500 per space for required parking not provided. The cash-in-lieu of payment shall be due at initial occupancy of the building, unless a Development Agreement or extended payment plan is approved by the City altering this provision.

E. Additional parking controls and limitations may be applied to any property acquired and disposed of by the City, or for which any public assistance in development and rehabilitation is provided.

4.3.6. Alternative Parking Provisions

Where conditions preclude the provision of the number of off-street parking spaces required by Table 4.3-1, the following alternative parking provisions may be available, subject to City approval:

A. Compact Spaces
Up to 15 percent of the total number of required parking spaces for non-residential uses may be designated as compact spaces when clearly labeled.

B. On-Street Parking
1. On-street parking spaces in the right-of-way along the property line, between the lot lines of the site, may be counted to satisfy the minimum off-street parking requirements for non-residential uses. One on-street parking space may be substituted for each required off-

street space. These provisions only apply to street frontages where on-street parking is allowed and provided. The parking space credit shall be determined at the time of site plan approval.

2. The parking and/or storage of any commercial vehicle having more than one-and-one-half (1.5) ton capacity is not permitted in the public right-of-way, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning.

C. Tandem Parking

Shall mean a space where one (1) vehicle parks behind another, so that one vehicle must be moved before the other can be accessed. Accessible parking spaces shall not be used for tandem parking spaces. Tandem parking shall be limited to a maximum of two cars in depth and no less than 9′ wide and 40′ long. Tandem parking stalls are only allowed for:

1. Residential Uses. Tandem parking spaces shall be allowed for single-family, duplex and townhome residential uses when located outside required yard setback areas with spaces and access paved in accordance with requirements of this chapter to the satisfaction of the zoning administrator.

2. Multifamily Residential Uses. Tandem parking spaces shall be allowed for condominium and multifamily residential uses, subject to the following conditions.

   a. The tandem spaces should be reserved for and assigned to dwelling units which are required to have two or more parking spaces.

   b. Tandem spaces shall not be used for guest parking.

3. Commercial Uses. Tandem parking spaces shall not be allowed for new commercial construction. Tandem parking spaces shall be allowed for existing commercial buildings or existing buildings subject to a change of use, subject to the following conditions:

   a. Those tandem spaces that have limited access shall be reserved for use by employees only and should be designated for employee parking through the use of signage or pavement marking. The number of limited access employee spaces shall not exceed the number of employees present during the largest shift.

   b. At least 50 percent of the required spaces should be unassigned standard (non-tandem) spaces that are available for the use of visitors. For example, if a lot is required to have eight (8) parking spaces. At least four (4) of the spaces shall be single, non-tandem spaces.

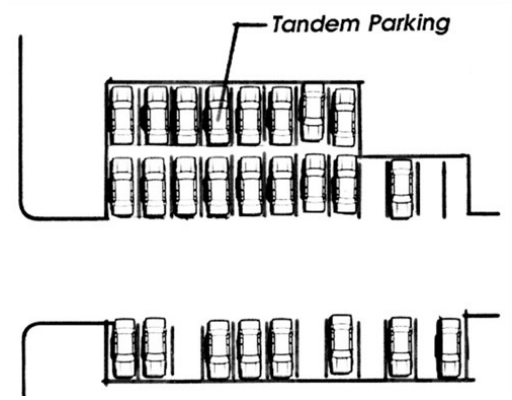


Figure 4.3-A

D. Off-Site Parking

The Zoning Administrator may approve the use of off-site parking to satisfy the requirements of Table 4.3-1 (Parking Spaces Required) if the parking facility complies with all of the following standards.

1. Ineligible Uses. Unless expressly permitted, off-site parking may not be allowed for residential uses or other convenience-oriented uses.

2. Location.
   a. All off-site parking spaces shall be located within 600 feet from the subject site to the primary entrance of the principal use, unless a remote shuttle bus parking service is provided. The distance of the off-site parking area to the principal use shall be measured along the shortest legal and acceptable pedestrian route. Acceptable pedestrian routes are defined within Section 4.3.10.G Pedestrian Safe Access.

   b. Required parking spaces for persons with disabilities may not be located off-site.

3. Zoning Classification. Parking for uses located on property zoned as multi-family residential (R-2, R-3), commercial (C-1, C-2), mixed-use (MSC) or industrial (L-I, H-I) may not be provided on any property in a Agriculture (AG) Suburban Ranch (SR), Single-Family (R1) and MH/RV districts. Parking for any non-residential use permitted in the single-family zoning districts may be located in any other zoning district.

4. Design and improvement standards. All newly-constructed off-site parking spaces shall conform to the same standards of access, configuration, landscaping, lighting, layout, location, and size as are required by this Section for off-street parking spaces.

5. Terms of off-site parking.
   a. A City-approved covenant shall be recorded with the County that includes a description of the off-site parking, a requirement that the owner of the separated lot maintain the required parking for the life of the use to which it is covenanted, and a provision for liquidated damages for violations of the conditions of approval.

   b. The owner or operator of a business that uses approved off-site space to satisfy the parking requirements of this Chapter shall immediately notify the Zoning Administrator of any change of ownership or use of the property for which the

spaces are required, and of any termination or default of the agreement between the parties.

c. Should an agreement for required off-site parking expire or otherwise terminate, the Zoning Administrator shall determine a reasonable time in which one of the following shall occur:

i. Substitute parking is provided that is acceptable to the Development Review Committee; or

ii. The size or capacity of the use is reduced in proportion to the parking spaces lost.

If the above conditions are not met in the timeframe identified, the use for which the off-site parking was provided shall be considered nonconforming and any and all approvals, including Conditional Use Permits shall be subject to revocation.

E. Shared Parking

The Zoning Administrator may allow multiple developments or uses to meet the parking requirements of this Section by sharing the same off-street parking facilities, subject to compliance with all of the following conditions.

1. Eligible developments or uses. Shared parking arrangements shall only be allowed for nonresidential uses with different hours of operation or different peak business periods.

2. Location. All shared parking facilities shall be located within 600 feet from the subject site to the primary entrance of a use, unless a remote shuttle bus parking service is provided. The distance of the off-site parking area to the principal use shall be measured along the shortest legal and acceptable pedestrian route. Acceptable pedestrian routes are defined within Section 4.3.10.G Pedestrian Safe Access.

3. Zoning Classification. Shared parking facilities require a zoning classification that permits commercial parking lots.

4. Parking study required. A parking demand study shall be prepared by the City at the applicant's expense that verifies that the sharing uses have acceptable different peak hour parking demands. At a minimum, the study must address the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

5. Design and improvement standards. All newly-constructed shared parking facilities shall conform to the same standards of access, configuration, landscaping, lighting, layout, location, and size as are required by this Section for off-street parking spaces.

6. Covenant required. A City-approved covenant shall be recorded with the County that includes a description of the shared parking arrangement, a requirement that all current and future tenants are notified of and shall adhere to the same hours of operation and conditions of the shared parking approval, and a provision for liquidated damages for violations of the conditions of approval. Recordation of the agreement must take place before issuance of a Building Permit for any use to be served by the off-site parking area. The Zoning Administrator may grant permission to

dissolve a shared parking agreement only if all required off-street parking spaces will be provided, in accordance with Section 4.3.4 and 4.3.5

F. Parking Reduction
A reduction in the minimum number of parking spaces required may be granted through a parking reduction variance request. The request shall adhere to the Variance review and approval procedures as outlined in Section 6.9. Factors to be considered include but are not limited to: availability and accessibility of alternative parking, impacts on adjacent residential neighborhoods; existing or potential shared parking agreements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle parking; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or an addition to an existing use.

4.3.7. Accessible Parking

Parking spaces for the disabled shall be provided in compliance with the Americans with Disabilities Act (ADA) and the Code of Federal Regulations (CFR) implementing the Act, as in effect at any given time. The following accessible parking requirements are provided as reference and shall be confirmed with the current federal accessibility guidelines. All disabled accessible parking spaces shall count toward fulfilling the off-street parking requirements of this Section.

A. Number of spaces required for Residential. Handicapped-accessible parking for residential uses shall be provided at the rate of one space per each dwelling unit that is designated for occupancy by the handicapped. Where parking spaces are provided for persons other than residents, accessible parking spaces shall be provided in accordance with Table 4.3-2.

B. Number of spaces required for Non-Residential. Handicapped-accessible parking for non-residential uses shall be in accordance with the rate shown in the table below:

Table 4.3-2: ACCESSIBLE PARKING REQUIREMENTS

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

1. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

2. For every six or fraction of six parking spaces required by Table 4.3-2, at least one shall be a van parking space.

C. **Dimensions of Accessible Parking Space.** Vehicle accessible spaces shall be at least 8-feet wide and have at least a 5-foot wide access aisle abutting the designated parking space. Van accessible spaces shall be at least 8-feet wide and have at least an 8-foot wide access aisle abutting the designated parking space.

D. **Location of Accessible Parking Spaces.** Accessible parking spaces shall be located on the shortest accessible and unobstructed route from the parking space to an accessible building or facility entrance. In parking facilities where the accessible route must cross vehicular traffic lanes, the route shall be designated and marked as a crosswalk. Where possible, it is also preferable that the accessible route not pass behind parked vehicles.

4.3.8. Bicycle Parking

A. Bicycle parking requirement. Bicycle parking is required for multi-family residential and non-residential development. The number of bicycle parking spaces provided shall be at least equal to five percent (5%) of the number of vehicle parking spaces required under this Section.

B. Bicycle location requirement. Bicycle parking facilities shall be located on the same lot as the use for which it is intended to serve, have convenient access to the main entrance of the principal building or structure, and maximize visibility from the main entrance and/or other high activity areas.

C. **Bicycle space Dimensions.** Bicycle spaces shall measure two (2) feet in width by six (6) feet in length.

4.3.9. Parking Space Dimensions

A. Vehicular Parking Space Dimensions

All vehicular parking areas shall comply with the minimum dimension requirements as set forth in Table 4.3-3 and as illustrated in Figure 4.3-B.

Table 4.3-3: VEHICLE PARKING DIMENSIONS

A	B	C	D	E	F
Parking Angle	Parking Space Width (1)	Parking Space Length (2)	Aisle Width (1-Way)	Aisle Width (2-Way)	Curb Length
90	8’6”	18’	23’	24’	8’6”
60	8’6”	19’10”	17’	24’	9’10”
45	8’6”	18’9”	13’	24’	12’
30	8’6”	16’5”	12’	24’	16’11”
0	8’6”	n/a	12’	24’	22’ (3)

(1) The width of a parking space shall be increased by 2’-0” when adjacent to fences, walls, or planters.

(2) The length of a parking space can be reduced subject to meeting the requirements of Section 4.3.10.F, Curbing and Wheel Stops. The length of the parking space and use of wheel stops shall be implemented in a manner that assures vehicle overhang will avoid contact with abutting objects such as landscaping, irrigation, or walls and vehicle intrusion on walkways.

(3) A single parallel parking space shall have a curb length of twenty-six (26) feet

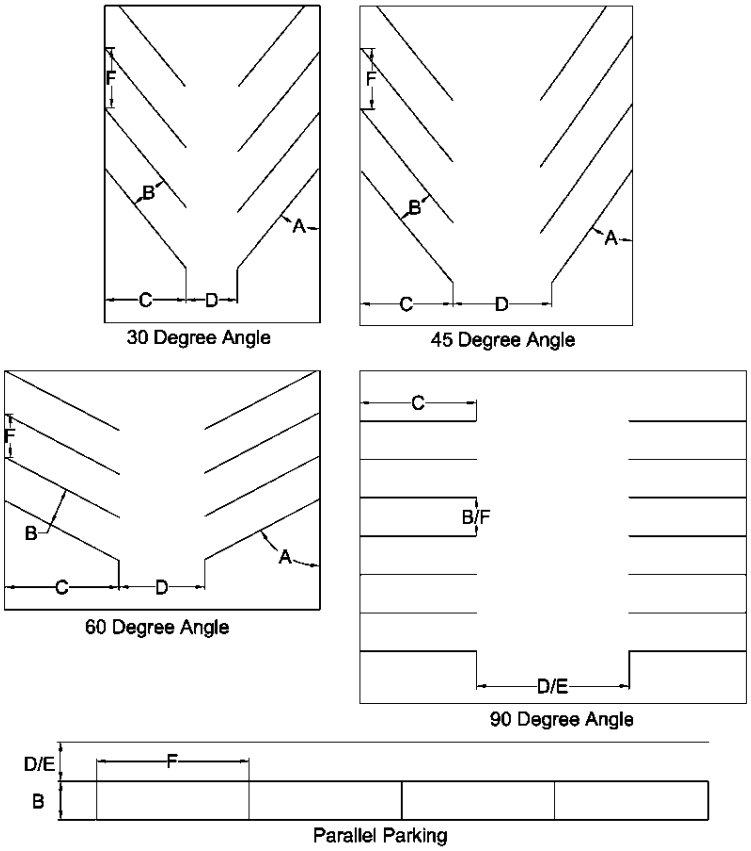


Figure 4.3-B

B. Compact Vehicle Parking Dimensions

1. Vehicle compact parking spaces shall, at a minimum, measure seven (7) feet six (6) inches in width by fifteen (15) feet in length.

2. Compact spaces should be restricted for use by compact vehicles and identified with pavement stenciling and/or signage. Compact spaces should be located furthest from the building entrances to discourage use by non-compact vehicles.

C. Recreational Vehicle Parking Space Dimensions

All recreational vehicle parking areas shall comply with the minimum dimension requirements as set forth in Table 4.3-4 and as illustrated in Figure 4.3-B.

Table 4.3-4: RECREATIONAL VEHICLE PARKING DIMENSIONS					
A	B	C	D	E	F
Parking Angle	Parking Space Width	Parking Space Length	Aisle Width (1-Way)	Aisle Width (2-Way)	Curb Length
90	10’	24’	24’	24’	10’
60	10’	26’	22’	24’	11’6”
45	10’	24’	20’	24’	14’

4.3.10. Parking Area Design and Layout Standards

In addition to meeting the applicable off-street parking requirements of this section, the following parking area design and layout regulations shall be complied with for all uses allowed in each zoning district; excluding uses in the R-1, R-2 and SR districts, unless expressly modified in the following provisions.

A. Parking Area Placement

1. Where possible for new construction, off-street parking areas should be placed behind buildings. If locating parking areas behind buildings is not possible, locating parking to the side of buildings is the next best choice. Only when it has been demonstrated that neither of these locations is feasible may parking areas be located in front of buildings or uses.

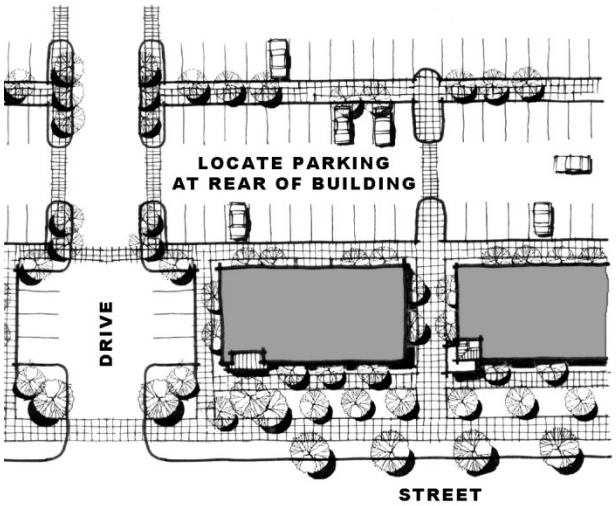


Figure 4.3-C

B. Access to Parking Areas and Parking Spaces

1. All parking areas shall provide access to a public street by means of a paved driveway that extends on-site to a point not less than twenty (20) feet from the property line.

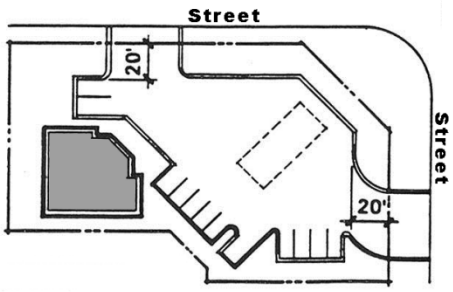


Figure 4.3-D

2. If an off-street parking area utilizes a publicly dedicated alley for access to a public street, the alley shall be paved the full length of the alley. The use of an alley for access to a multi-family, commercial or industrial site opposite any R-1 zoning district is prohibited.

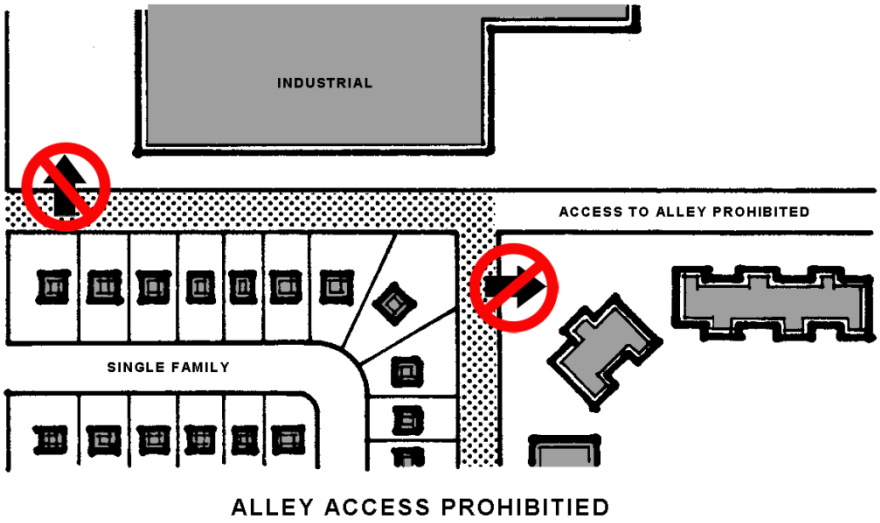


Figure 4.3-E

3. Parking areas shall be designed to prevent access at any point other than at designated access drives.

C. General Parking Design and Maintenance

1. All parking areas shall be designed, constructed, and drained in accordance with all applicable City ordinances and regulations.

2. Vehicles are prohibited from parking in the sight triangle. The sight triangle is located at the intersection of two (2) streets or the intersection of a street and a driveway. The sight triangle is present on all corner lots and is measured by extending the property lines until they intersect. Each of the two legs of the sight triangle shall measure thirty (30) feet in length along the property line and/or driveway and shall be connected by the third side of the triangle. No curb cuts, driveways, maneuvering areas, and minimal landscaping shall be permitted within the described triangular area.

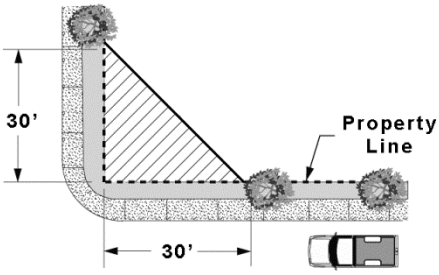


Figure 4.3-F

3. All parking spaces shall be permanently marked. Circulation aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines to ensure safe traffic movement.

4. All required off-street parking areas shall be maintained in a debris-free, pothole-free, and excessive crack-free condition; as determined by the Zoning Administrator.

D. Parking Circulation Design

1. Drive aisles and maneuvering areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

2. Parking areas that accommodate ten or more vehicles must maintain continuous circulation patterns, with no dead-ends, and safe access to public streets.

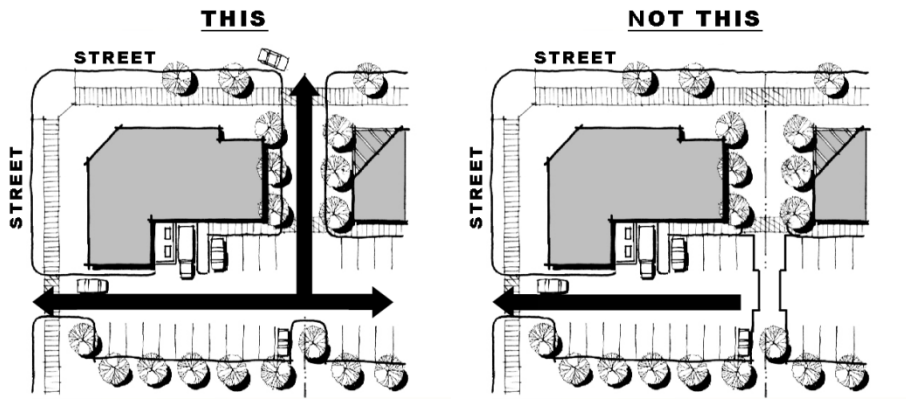


Figure 4.3-G

3. Ninety (90) degree parking areas that accommodate less than ten vehicles and terminate in a dead-end shall provide a five (5) foot maneuvering area for the width of the aisle to assist in turning movements.

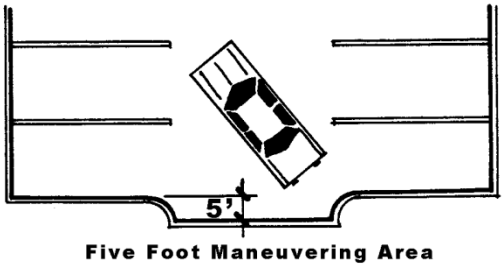
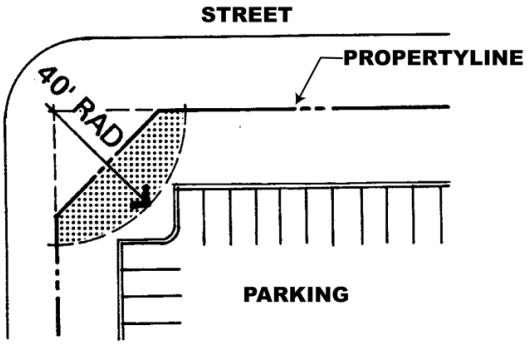


Figure 4.3-H

4. Parking spaces or maneuvering aisles shall not be located within a radius of forty (40) feet from the point of intersection of the projected property lines at a street corner. See drawing below.



FORTY FOOT RADIUS

Figure 4.3-I

5. All off-street parking areas shall be designed so as to provide ingress and egress from a public street by the forward motion of the vehicle. Required off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way.

6. All off-street parking areas must have the necessary dimensions for the on-site maneuvering of city refuse and fire trucks. If off-site maneuvering is necessary, a permanent, recorded cross-access easement must be filed with the City of Somerton Public Works Department prior to issuance of a building permit.

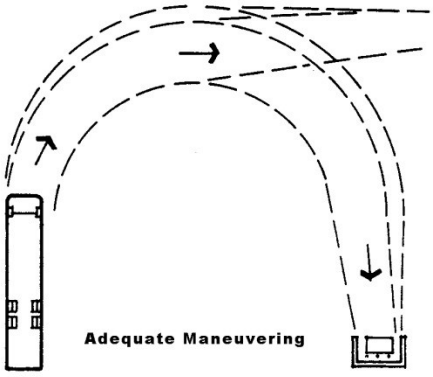


Figure 4.3-J

E. Shared Access

1. Parking areas shall provide reasonable connectivity to adjacent parking areas, when requested by the City to promote convenience, safety and efficient circulation. A cross access agreement guaranteeing the continued availability of the shared access between the properties and running with the land shall be recorded by the owners of the abutting properties.

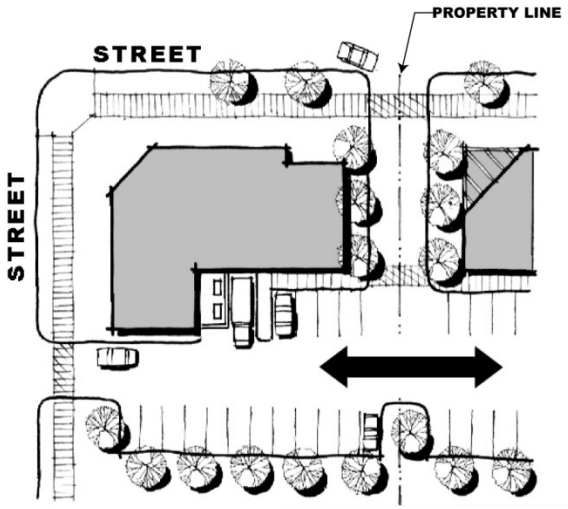


Figure 4.3-K

F. Curbing and Wheel Stops

1. Continuous curbing at least six inches high and six inches wide shall be provided around the perimeter of all parking and drive aisle areas. Curbing located adjacent to stormwater facilities may contain curb cuts to allow for necessary drainage.

2. To avoid conflicts or safety hazards, concrete wheel stops at least four inches high and six inches wide shall be located at least two feet from any adjacent wall, pole, fence, property line, walkway, sidewalk, landscape area or any other obstruction over four inches in height where parking is located, unless other provisions within this Section are met. The two foot overhang area shall be measured from the front end of the space to the rear of the wheel stop.

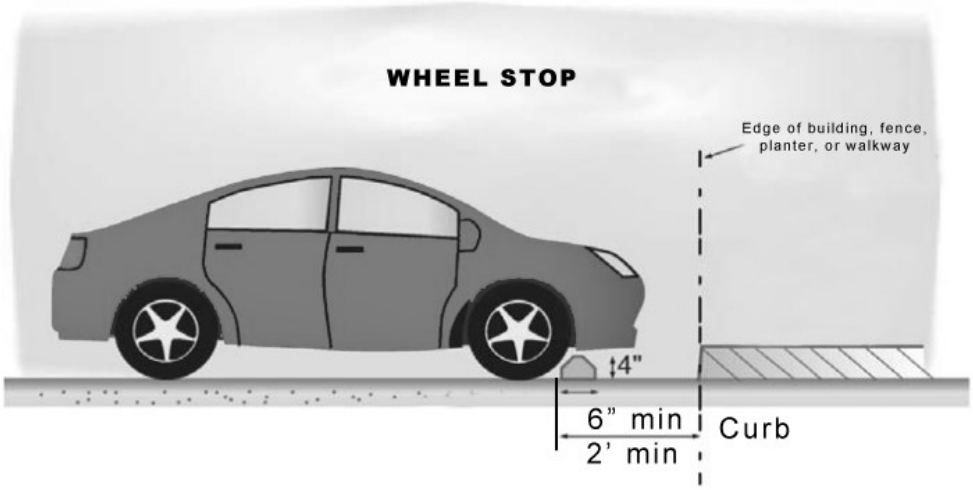


Figure 4.3-L

3. The curbs adjacent to walkways or sidewalks may be used as wheel stops, allowing the car to extend into or overhang the sidewalk, only if a sidewalk with a width of six (6) feet is provided. Where such overhang is used, the length of the parking space may be reduced by two feet. Under no circumstances shall vehicles be allowed to extend into or overhang abutting right-of-way and/or private property.

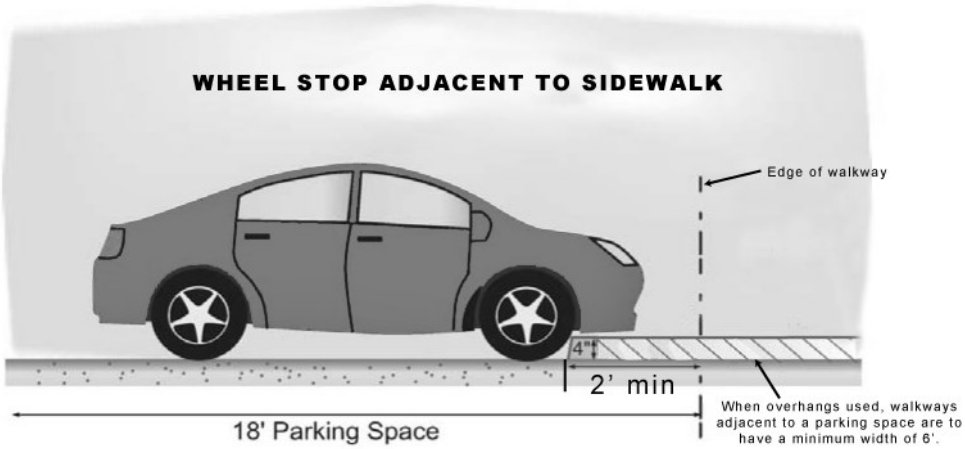


Figure 4.3-M

4. The curbs around landscape areas and/or planters may be used as wheel stops, allowing the car to overhang the landscape area, only if the landscape area is a minimum of two feet wide for single row parking or a minimum of seven feet wide for opposing parking rows. Where such overhang is used, the length of the parking space may be reduced by two feet. Any plants or landscape materials within the two foot overhang may not extend more than two inches above the six inch curb. All sprinklers should be placed outside of the bumper overhang or aligned with the parking space stripe so they are out of range of car bumpers. Use of such bumper overhangs reduces impervious surfaces and is encouraged. Under no circumstances shall vehicles be allowed to extend into or overhang abutting right-of-way and/or private property.

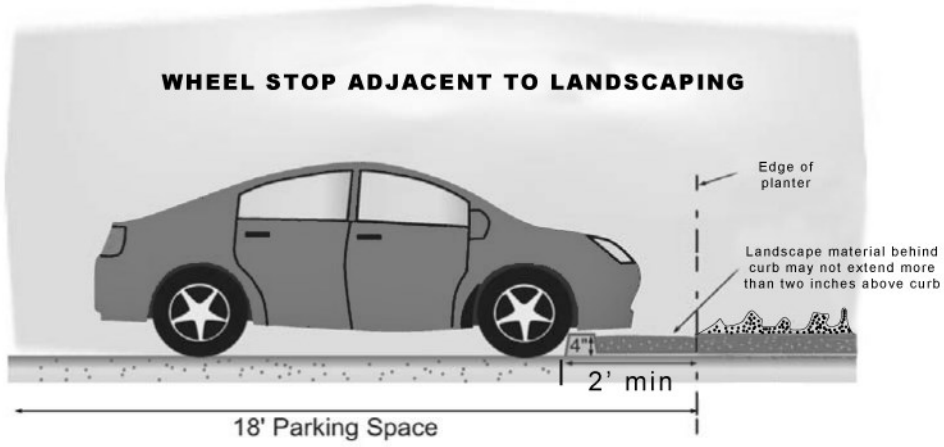


Figure 4.3-N

G. Pedestrian Safe Access

1. Direct and continuous pedestrian networks within and adjacent to parking lots should be provided to connect building entrances, parking spaces, public sidewalks, transit stops and other pedestrian destinations.

2. A safe and direct pedestrian pathway must be provided from the street or sidewalk through the parking area to the primary building entrance. These pathways must be ADA compliant, and either be completely separated from vehicular traffic or clearly designated, such as through a raised surface or distinctive paving.

3. Pedestrian pathways within parking areas that cross driveways must be clearly marked, such as through a raised surface or distinctive paving.

4. Whenever possible, parking rows should be aligned perpendicular to the main building, as this provides for a safer and more direct pedestrian route.

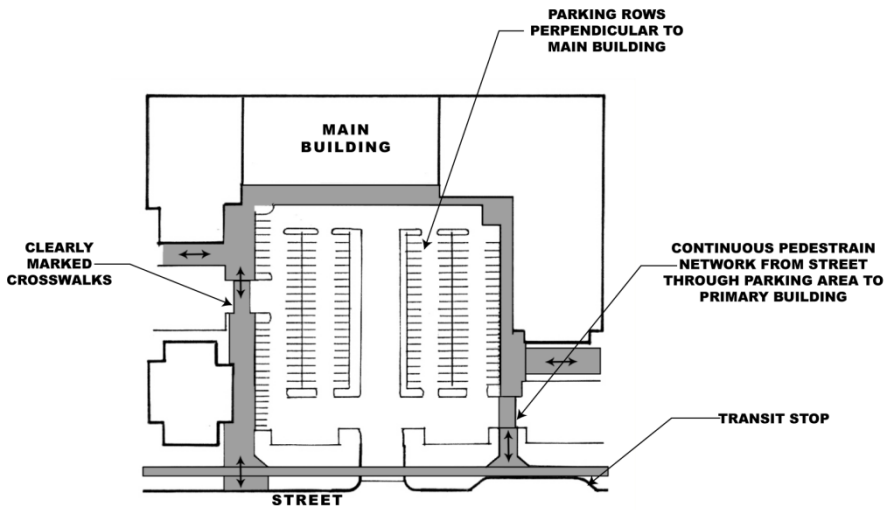


Figure 4.3-O

4.3.11. Parking Area Landscaping

The perimeter and interior of parking lots shall be landscaped pursuant to the requirements in Section 4.4. Open Space, Landscaping and Walls.

4.3.12. Parking Area Lighting

Off-Street Parking and loading areas shall adhere to the lighting requirements in Section 4.6 Lighting.

4.3.13. Special Parking Requirements for Residential Uses

In addition to the general requirements of this Section, the following regulations shall be complied with for those residential uses expressly stated in the following provisions.

A. Type of Required Residential Parking Spaces

1. Each dwelling within the SR, R-1, R-2, or MH/RV district shall have a minimum of two (2) paved off-street, parking spaces per lot.

2. The number of required covered parking spaces for all residential uses is identified in Section 4.3.4.A. Required covered spaces may be either side-by-side or tandem as specified in Section 4.3.6.C. Side-by-side covered parking areas shall at a minimum measure eighteen (18) feet wide by twenty (20) feet deep with no obstructions. Covered tandem spaces shall at a minimum measure nine (9) feet wide by forty (40) feet deep with no obstructions.

B. Residential Driveway Design

1. All lots zoned SR, R-1, R-2, or MH/RV shall provide a paved driveway between a local public street or private drive and all required parking spaces. If access to a public street in an R-1or R-2 district is provided via an alley, the alley and drive shall be fully paved.

2. Only one (1) driveway with access to a public street, private drive, or alley is allowed per lot in the R1-10, R1-8, R1-6, MH/RV, and R-2 (single-family residential uses) zoning districts.

3. Residential driveways shall not be less than twenty (20) feet in length, as measured from the back of sidewalk, or right-of-way line if no sidewalk is provided, to the front face of a required parking space (i.e. garage or carport).

4. Residential driveways which provide access from a garage to an alley may be less than twenty (20) feet in length, provided that the total width of the alley and the total length of the driveway combine to provide a minimum length of twenty-three (23) feet for the maneuvering area.

5. Residential lots in the Agricultural (AG) District accessed from a paved street shall include a paved apron that extends from the street a minimum of twenty (20) feet or to the edge of the public right-of-way, whichever is greater.

C. Location of Residential Parking Spaces

1. Required parking spaces for residential uses, as specified in Table 4.3-1, shall not be located in the front yard setback area.

2. The portion of a residential driveway or maneuvering area located within the front setback of lots zoned SR, R-1, R-2 and MH/RV, may be used for excess parking of vehicles for occupants and guests, subject to the following requirements:

   a. Excess parking of vehicles shall be done on a temporary basis and only on paved areas meeting the standards of this Ordinance.

   b. The placement of covered excess parking areas within the front setback is prohibited.

   c. The combined extent of residential driveway, maneuvering, and parking areas shall not occupy more than 45% of the required front yard setback area.

3. For all lots zoned SR, R-1, R-2, or MH/RV, excess parking of vehicles within any interior side or rear yard is permissible, provided the area is paved and is not located closer than three (3) feet to an abutting side property line, unless a shared driveway is utilized.

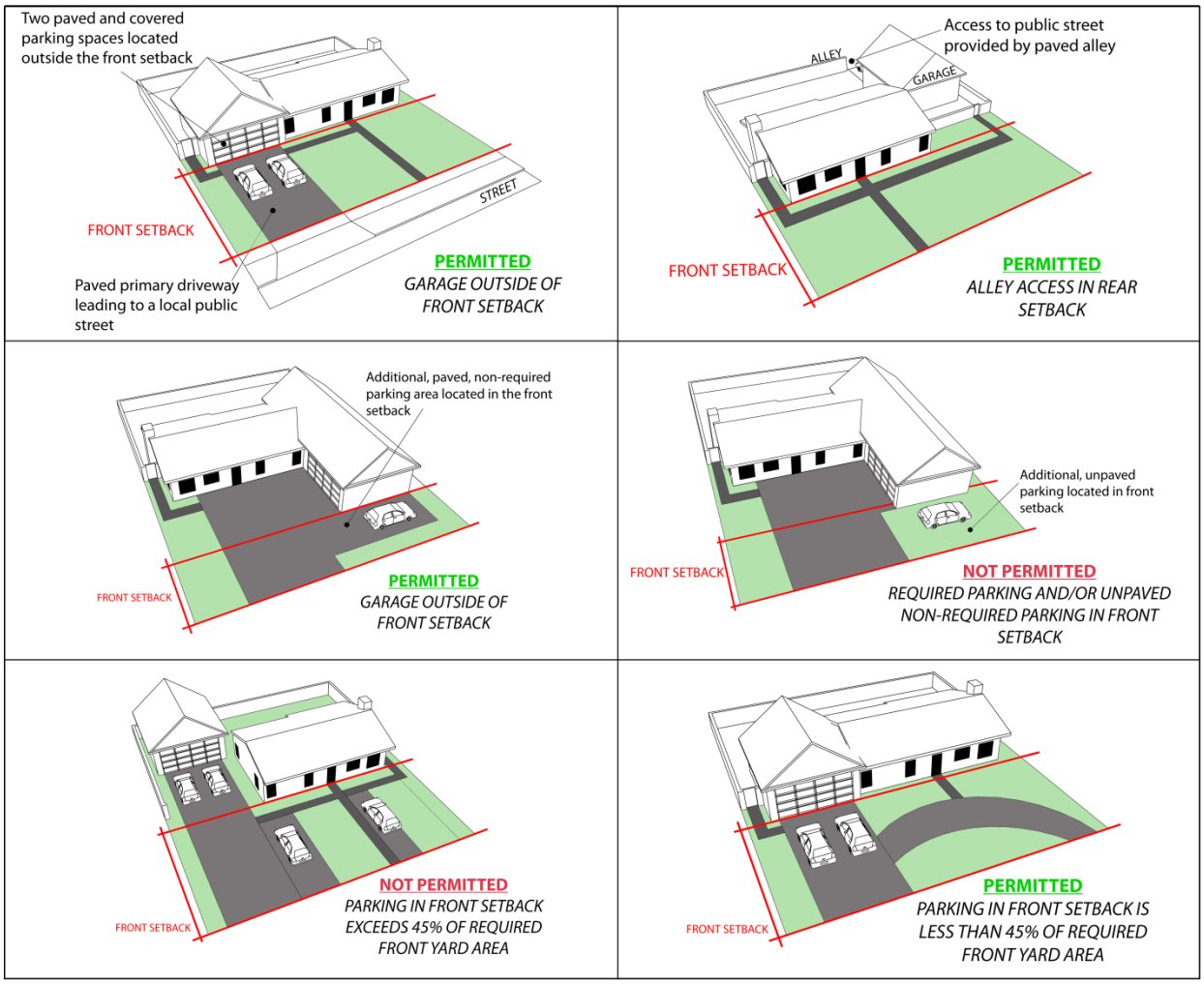


Figure 4.3-P

D. Use of Residential Parking Spaces

1. Commercial and Private Vehicles

a. The parking and/or storage of any commercial or private vehicle having more than one-and-one-half (1.5) ton capacity or the storage of construction equipment such as bulldozers, graders, cement trucks, farm trucks, dump trucks or other commercial vehicles shall not be permitted on any lot in any R-1, R-2, R-3 or MH/RV district; however, such construction equipment may be stored on a lot during the construction of a building on said lot.

b. The parking and/or storage of any commercial or private vehicle having more than one-and-one-half (1.5) ton capacity on any lot in any AG or SR district is permitted, provided said vehicle does not extend beyond the front-yard building setback line.

c. The parking and/or storage of any commercial or private vehicle having more than one-and-one-half (1.5) ton capacity on any public right-of-way in any SR, R-1, R-2, R-3 or MH/RV district is prohibited.

2. Inoperable or Unregistered Vehicles
   a. Any vehicle, trailer, or vessel which is inoperable and/or unregistered shall be parked and/or stored consistent with the following standards. These requirements do not apply to farm equipment located on property zoned AG.

      i. Parking of operable vehicles, trailers, and vessels with registration expired three (3) months or less is permissible under a carport, in a garage, or in an interior side yard or rear yard when screened by a solid (6'0") foot tall wall or landscape barrier. No parking shall be allowed in the required front yard setback or street side yard setback.

      ii. Inoperable vehicles, trailers, and vessels and those vehicles, trailers, and vessels with registration expired for a period greater than three (3) months shall be stored within an enclosed structure. No such vehicle shall be stored in any yard.

3. Recreational Vehicles
   a. The parking and/or storage of boats, campers, travel trailers and motor homes is permitted on any residential lot, subject to the following:

      i. Such equipment shall adhere to the provisions of Section 3.2.6.I

      ii. Parking in a required front yard, driveway, or street side yard is prohibited, except for loading/unloading or repairs for no more than forty-eight (48) hours within 7 consecutive days. The Zoning Administrator may authorize a longer period of time if an emergency exists, up to a maximum of five (5) days.

      iii. Parking of such equipment is permitted within interior side and rear yards when screened by a solid six (6' 0") foot tall fence, wall, and/or landscape barrier. Such equipment shall be stored so as to maintain a minimum 3 foot clearance on at least one side for emergency access.

      iv. Such equipment shall be prohibited for human occupancy as a permanent residence. Temporary occupancy is allowed for periods of no more than four (4) weeks per twelve (12) month period. A temporary occupancy permit must be issued by the community development department. See Section 3.3 for additional provisions and exceptions.

   b. The parking and/or storage of boats, campers, travel trailers and motor homes is not permitted in the public right-of-way, except for periods of up to forty-eight (48) hours within seven (7) consecutive days for the purpose of loading, unloading and cleaning.

4.3.14. Stacking Spaces

A. Required Stacking Spaces

In addition to meeting the off-street parking requirements of this section, all drive-in and drive-through facilities shall provide vehicle stacking spaces in accordance with the following Table:

Table 4.3-5: VEHICLE STACKING REQUIREMENTS

Use Type	Stacking Space Requirement
Automated Teller Machine	2 per machine
Bank Teller	4 per teller or window (MSC – 2 per teller or window)

Table 4.3-5: VEHICLE STACKING REQUIREMENTS	
Use Type	**Stacking Space Requirement**
Car Wash, Automatic	5 per bay at entrance (MSC – 3 per bay entrance)
	1 per bay at exit
Car Wash, Self Service	3 per bay at entrance (MSC – 2 per bay entrance)
	1 per bay at exist
Retail Business (dry cleaning, liquor store, etc.)	2 per window
Gasoline Sales	1 at each end of a pump island
Pharmacy	2 per window
Restaurant , fast food	4 behind menu board (MSC – 2 behind menu board)
	4 behind first window (MSC – 2 behind first window)
Other	Zoning Administrator shall determine a stacking requirement based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding stacking demand.

B. Design and Layout of Stacking Spaces

1. Stacking spaces shall be a minimum of eight (8) feet by twenty (20) feet in size

2. Stacking spaces shall not interfere with on- or off-site traffic movements or movements into or out of off-street parking spaces

3. Stacking spaces must be separated from other internal driveways by raised medinas if deemed necessary by the Zoning Administrator.

C. Exceptions

Exceptions may be granted when a traffic or parking study demonstrates the need for lower stacking requirements.

4.3.15. Loading Area Requirements

A. Passenger Loading Areas

Passenger loading areas shall be provided in accordance with the following table of minimum requirements. The required passenger loading spaces shall not be part of the spaces used to satisfy the off-street parking requirements.

Table 4.3-6: PASSENGER LOADING AREA REQUIREMENTS	
Use Type	**Loading Spaces Required**
Cultural or Public Facility	2
Day Care Center, Commercial	3
Hospital	2
Urgent Care	1
Medical Offices	1 per 5,000 sq. ft.
Hotel or Motel	3

Table 4.3-6: PASSENGER LOADING AREA REQUIREMENTS	
Use Type	**Loading Spaces Required**
Place of Worship	1 per 50 required parking spaces
Multi-Family Residential	1 per 50 units
Other	Determined by Zoning Administrator

1. Location. Passenger loading areas shall be provided adjacent to the main entrance of the use or structure they are intended to serve, unless another entrance serves as the main point of access from the parking area to the structure or use. The required passenger loading space shall not be part of the area used to satisfy the off-street parking requirements.

2. Maneuvering. Passenger loading areas shall consist of a vehicle turnout area so as to not interfere with the circulation of vehicles, pedestrians or bicycles within the parking area.

3. Dimensions. A passenger loading space is the area a vehicle occupies while loading or unloading passengers. A passenger loading space shall be a minimum of 12 feet in width and 20 feet in length.

B. Material Loading Areas

Whenever the operation of any use requires that goods, merchandise, or equipment be delivered to or shipped from that use, such as grocery stores, furniture or appliance stores, plant nurseries, retail uses, hospitals, educational uses, and manufacturing and processing centers, off-street material loading and unloading areas shall be provided in accordance with the following table of minimum requirements. The required material loading spaces shall not be part of the spaces used to satisfy the off-street parking requirements.

Table 4.3-7: MATERIAL LOADING AREA REQUIREMENTS	
Gross Floor Area (sq. ft.) [1]	**Loading Spaces Required**
0 – 15,000	1
15,001 – 40,000	2
40,001 – 90,000	3
90,001 – 150,000	4
Over 150,000	5
(1) Outdoor storage, sales or display areas are included as part of the calculation of gross floor area if these areas contain materials that are received or distributed via trucks.	

1. Location. Material loading areas shall be on the same lot or parcel of land as the use or structure they are intended to serve and shall be located as near as possible to the building door openings providing loading access.

2. Dimensions. Required loading space dimensions depend upon the size of delivery vehicles serving the site. Minimum sizes are as follows:

   a. 10' wide, 30' long, 14' overhead clearance: Spaces serving single-unit trucks and similar delivery vehicles.

   b. 12' wide, 55' long, 15' overhead clearance: Spaces serving larger freight vehicles.

3. Maneuvering. Minimum required maneuvering areas depend upon the size of delivery vehicles serving the site. Minimum sizes are as follows:

a. 30': Spaces serving single-unit trucks and similar delivery vehicles.

b. 50': Spaces serving larger freight vehicles.

Maneuvering areas for loading spaces must not conflict with parking spaces or with the maneuvering areas for parking spaces. All maneuvering shall be contained on-site and shall not interfere with any public right-of-way.

4. Setbacks and Screening. Loading areas may not be located in a required setback. See Section 4.4.4.G, Loading Area Screens for specific guidelines regarding screening of loading areas.

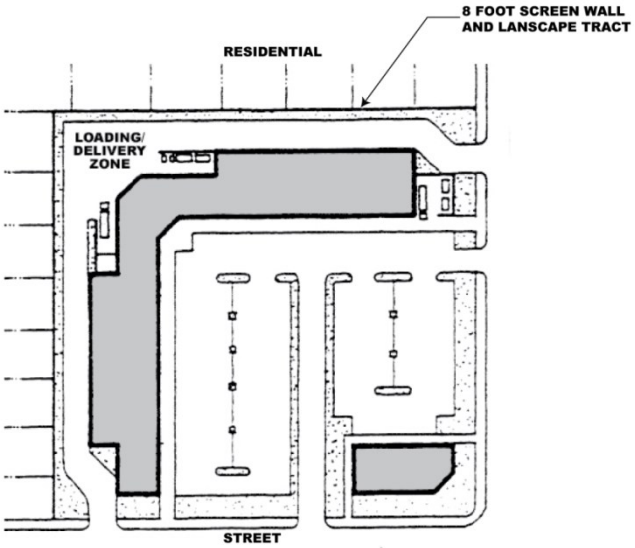


Figure 4.3-Q

C. Exceptions

Exceptions may be granted when a traffic or parking study demonstrates the need for lower loading requirements.

4.4. OPEN SPACE, LANDSCAPE AND WALLS

4.4.1. Purpose

The Open Space, Landscaping and Walls section provides uniform standards for the installation of open space, landscaping, walls and buffer areas as well as guidelines for the protection, maintenance and management of these resources to promote and encourage sustainability, effectuate privacy, facilitate logical development and enhance property value. This section includes guidance on where open space and landscaping is required; the types and use of vegetation allowed, the provision of screening and buffering mechanisms (where necessary) to encourage the creation of an attractive appearance along public streets while screening unattractive uses. Landscaping materials, including ground cover, shrubs and trees, promote the control of erosion and the reduction of glare and dust, as well as visually softening buildings, parking lots and walls. Walls and screening devices allow for the separation of incompatible uses and for the buffering of intensive activities.

4.4.2. Open Space

A. **Applicability.** Lots in the AG and SR District shall be exempt from the requirements of this section. For all other zoning districts, these regulations shall apply to the required on-site improvements of a residential subdivision, but not to the individual lots, and shall apply to all non-residential development unless otherwise specified below.

B. **Required Open Space Areas**. Each site to be developed in accordance with its applicable zoning district designation shall be required to provide open space areas equal to or exceeding the following minimum amounts:

Table 4.4-1: REQUIRED OPEN SPACE AREAS

Land Use Type	Residential (R-1, R-2, R-3, MH/RV)	Commercial (C-1, C-2)	Mixed-Use (MSC)	Industrial (L-I, H-I)
Minimum percentage of net project/lot area to be open space (4)	20%(1)	15%	Residential: 100 SF required per residential unit (2) *and/or* Non-residential: 5% (3)	10%

(1) Including required usable open space as defined in section 4.4.2.C3

(2) An in-lieu fee for each 100 square feet of open space not provided shall be paid to the City for park land purchase and improvements within the MSC District. The fee for each 100 square feet of required open space not provided on-site shall be provided as identified on the City's current fee schedule. No less than 50 square feet of common or private usable (as defined in Table 4.4-3) open space per unit shall be provided on-site.

(3) The open space requirements of mixed-use buildings that contain residential and commercial uses can be combined into one or more large spaces to satisfy the open space requirements of each use, so long as the space is directly accessible to residents and tenants of each use.

(4) Drainage facilities that are required as part of this Code or the Subdivision Ordinance shall be met regardless of minimum open space requirements, but may qualify as open space if they conform to the requirements of subsection 4.4.2.C4.

C. Open Space Development Criteria

1. **Location.** All open space areas shall have proper pedestrian access and/or be visible from at least one (1) adjoining arterial, collector, or local street.

2. **Allocation.** No yard or other open space required around any building for the purpose of complying with the provisions of this Ordinance shall again be used as a yard or other open space for another lot or parcel.

3. **Usable Open Space.** A portion of all required residential open space, as specified in Table 4.4-1, shall be of adequate size, shape, and improvement to be "Usable" for outdoor recreation or relaxation as defined below:

Table 4.4-2: REQUIRED USABLE OPEN SPACE

Lot Size	Minimum Amount of Usable Open Space
R-1, R-2, R-3, MH/RV	5% of net project area

a. To qualify as and meet the definition of Usable Open Space and to be credited towards the requirements of table 4.4-2, land so designated shall meet the requirements of the following table:

Table 4.4-3: QUALIFIED USABLE OPEN SPACE		
At least one area of the total usable open space required shall be a minimum 5,000 square feet in size and be no less than 50 feet in its least dimension. A smaller parcel may qualify to meet this requirement provided that an applicant satisfactorily demonstrates special improvements have been made to create a space meeting the purposes and intent of the definition.	AND	All usable open space areas shall include at least one of the following: • Multi-use, hiking, or equestrian trails. • Active amenities including, but not limited to, racquet and sport courts or fields (i.e. basketball, volleyball, baseball, etc.), common pools or recreation centers, golf courses, and substantial turfed areas. • Passive amenities including, but not limited to, ramadas, barbecue areas, bench seating areas, and specified interpretive or demonstration facilities. (In the MSC District this may include fenced yard, patio, deck or balcony)

4. Retention and Detention Basins. Retention areas or detention basins which are required as part of this Ordinance or the Subdivision Ordinance shall qualify as open space and conform to the requirements of subsection (a) thru (f) below, but shall not count as usable open space unless they meet the requirements of subsection (g) below.

   a. Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming and contouring is required in order to naturalize and enhance the aesthetics of the basin.

   b. All retention areas shall maintain slopes no steeper than a four (4) to one (1) slope (4:1). See Section 10.6 of the Subdivision Ordinance for additional retention basin design requirements.

   c. No retention basin shall occupy more than sixty (60) percent of the on-site landscape area along the street frontage.

   d. Where required, a sidewalk, the width according to the street classification, shall be provided adjacent to all street curbs on the perimeter of the retention basin.

   e. Pedestrian scale lighting shall be provided along all retention basin sidewalks. The type and style of light fixtures and the spacing of the light fixtures will be in conformance with the adopted standards for the Somerton Pathway Master Plan.

   f. There shall be one (1) six (6) foot wide paved access point to the bottom of all retention basins where turf is located. This paved access is for lawn mowers and can double as an inlet for storm water. A chain and two (2) removable bollards shall be placed at the curb line to prevent unauthorized access.

g. To be considered as usable open space, retention areas shall not be inundated so as to be unusable for their designated recreational purposes. Fifty percent (50%) or more of the basin area shall be above the twenty-five (25) year storm and conform to the site and architectural amenity requirements, as defined in Table 4.4-3.

5. **Phasing of Open Space.** A project within any zoning district containing ten (10) or more gross acres that is to be constructed in more than one phase, may aggregate open space requirements (and usable open space if required) into one or more phases, provided:

a. The total open space required (and usable open space if required) is set aside, and

b. The percentage of the total open space requirement (and usable open space if required) that corresponds to the percentage of the development phase as it relates to the total project, is developed prior to, or concurrent with, occupancy of that phase. That is, if the development phase is twenty-five percent (25%) of the entire project, the amount of open space required (and usable open space if required) to be developed is also twenty-five percent (25%) of the total open space requirement (and usable open space requirement).

D. Open Space Administration

All open-space areas provided in accordance with the requirements and provisions of this Ordinance may be owned, preserved, and maintained as determined by the City Council by any of the following mechanisms, combinations thereof or alternatives they determine to be acceptable.

1. **Dedication of Open Space.** Open space may be dedicated to the City, an appropriate public agency, or a nonprofit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space. The City may not consider acceptance of the dedication of open space unless such dedication meets the following requirements:

a. Neighborhood Park. In order for an open space area to be considered for acceptance as a "Neighborhood Park" by the City of Somerton, Parks and Recreation Department and/or City Council, the area must meet the minimum requirements listed below, along with all other applicable provisions in this ordinance. A "Neighborhood Park" Plan must be formally accepted by the City of Somerton, Parks and Recreation Department before it is developed.

Neighborhood Park Requirements	
Size	Minimum 1-5 acres
Shape	Rectangular in shape with a ratio of 1.7: 1 length to width
Landscaping	At least 60% of park in grass/landscaping and remaining 40% in non-vegetative materials
Retention	If park is also used for retention, slope of edge along exterior of basin area shall be 4:1 or less.
Location	To be located within a residential neighborhood, specifically not adjacent to arterial streets
Fencing	No fencing will be allowed on two sides of the park so that view of the park will not be obstructed.
Required Amenities	Walking Path Security Lighting Drinking fountain Playground Unit

	Park benches
Optional Amenities	Swing set Basketball Court *All other Amenities must be pre-approved by the City of Somerton Parks and Recreation Department

b. Area Park. In order for an open space area to be considered for acceptance as an "Area Park" by the City of Somerton, Parks and Recreation Department and/or City Council, the area must meet the requirements listed below, along with all other applicable provisions in this ordinance. An "Area Park" Plan must be formally accepted by the City of Somerton, Parks and Recreation Department before it is developed.

Area Park Requirements	
Size	Minimum 5+ acres
Shape	Rectangular in shape with a ratio of 1.7: 1 length to width
Landscaping	At least 60% of park in grass/landscaping and remaining 40% in non-vegetative materials
Retention	If park is also used for retention, slope of edge along exterior of basin area shall be 4:1 or less.
Location	To be located along arterial streets due to the high vehicular volume associated with these facilities.
Fencing	No fencing will be allowed on two sides of the park. It is preferable to not have fencing on any side of the park so that view of the park will not be obstructed.
Required Amenities	Walking Path Security Lighting Drinking fountains (minimum of two) Playground apparatus (including shade structure) Ramadas (minimum of two) Picnic Tables Barbeque grills Restrooms Adequate off-street parking Park benches
Optional Amenities	Athletic facilities Recreation Centers Band shells Water feature *All other Amenities must be pre-approved by the City of Somerton Parks and Recreation Department

c. Retention Basin. In order for an open space area to be considered for acceptance as a "Retention Basin" by the City of Somerton, Parks and Recreation Department and/or City Council, the area must meet the requirements listed below, along with all other applicable provisions in this ordinance. A "Retention Basin" Plan must be formally accepted by the City of Somerton, Parks and Recreation Department before it is developed.

Retention Basin Requirements	
Size	Maximum 1-acre
Shape	Rectangular in shape with a ratio of 1.7: 1 length to width
Landscaping	No more than 60% grass/landscaping, the remaining area in non-vegetative materials such as gravel.
Slope	Slope of edge along exterior of basin will be 4:1 or less

Retention Basin Requirements	
Location	If located within a residential neighborhood, specifically not adjacent to arterial streets.
Fencing	No fencing will be allowed on two sides of the basin so that view of the basin will not be obstructed.
Required Amenities	Walking Path Security Lighting * Amenities changes must be pre-approved by the City of Somerton Parks and Recreation Department.
Optional Amenities	*All other Amenities must be pre-approved by the City of Somerton Parks and Recreation Department

2. Common Ownership of Open Space. Open space may be held in common ownership by a homeowner's association which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event that any private owner of open space fails to maintain same according to the standards of this Ordinance, the City may, following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space and shall constitute a lien upon the property and buildable lots of the subdivision or development site.

3. Improvement Districts. Open space may be placed into an improvement district for maintenance. If a District is formed, no 12 month warranty is required by the City as the District maintains the open space.

4.4.3. Landscape

A. Applicability. All development projects shall provide landscaping in all portions of the development site not required for buildings, structures and loading and vehicular access ways in accordance with the required landscape improvements as set forth herein. All new multi-family and non-residential developments shall adhere to this section, however, lots used exclusively for agriculture or single-family dwelling units (when not otherwise required to provide landscaping) shall be exempt from the requirements of this section. These regulations shall apply to the required on- and off-site improvements of a subdivision, but not to the individual lots of any single-family residential subdivision.

B. General Landscape Provisions

1. All landscape areas shall be landscaped with vegetation as identified in the City Approved Plant list and other identified landscape topping material.

2. Between the right-of-way line and the property line of the subdivision lots in all residential neighborhoods the following is to be provided:

   a. A fifteen (15) foot wide landscaped area along all arterial streets.

   b. A ten (10) foot wide landscaped area along all collector streets and on the side of lots abutting onto local streets.

3. In addition to the minimum on-site landscaping requirements, the entire area of the right-of-way between the property line (street side) and back of street curb (excluding

approved driveways and walkways) shall also be landscaped in the same design, plant density, type and size as the adjacent on-site landscape area.

4. Vegetation shall not be placed in drainage ways.

5. An automatic irrigation system shall be provided for all landscaped areas. The system shall include a backflow preventer and be designed to minimize overflow and seepage outside of the landscaped area.
6. The backflow prevention device shall be completely enclosed by a screened cage installed per City of Somerton adopted standards of construction.

7. If water features are to be used in the landscape, they shall not be connected to the irrigation system. A backflow prevention device shall be provided.

8. Street trees may not be planted where they will interfere with any overhead or underground utility lines in their initial planted or mature height or width.

9. Street trees are not to be planted in any sight triangle. Shrubs to be planted in any sight triangle shall be of varieties that do not exceed mature heights of more than twenty four (24) inches measured from finished grade.

10. Street trees and/or shrubs shall not be planted closer than three (3) feet to any fire hydrant or utility pole.

11. Street trees shall not be planted closer than five (5) feet to the face of any curb.

12. Vegetation to be planted that is characterized with thorns, needles or other spikes shall be located a minimum of four (4) feet from all walkways, parking lot curbing, or sport court locations.

13. Overspray of non-landscaped areas shall be minimized by setting back all spray or stream type irrigation heads a minimum of one (1) foot from a curb, sidewalk or other paved or building area.

14. Plant material shall not be planted within the two (2) foot overhang at the head of a parking stall.

C. Required Landscape Planting Criteria

1. Selection of Trees, Shrubs and Groundcover: The City utilizes its Approved Plant List (located in Appendix A) to identify the pre-approved annuals/perennials, wildflowers, grasses, groundcovers shrubs, succulents/accents, trees and vines that may be considered for inclusion within the preliminary and final landscape plan. Due to the fact that the City of Somerton and City of Phoenix are both located within the Sonoran Desert ecoregion, the City's Approved Plant List utilizes the Arizona Department of Water Resources' (ADWR) Low Water Use/Drought Tolerant Plant List prepared for the Phoenix Active Management Area (AMA). Even though the City of Somerton is not contained within an ADWR designated AMA, it desires a lush, verdant palette, while embracing a low water use ethic.

2. Use of Non-Listed Plants: While the City Approved Plant List is intended to be inclusive, if the landscape architect is aware of a plant not listed herein, but which is low water use/drought tolerant, it may be submitted to the City Parks and Recreation Director and identified as such in the submittal of the preliminary landscape plan.

3. Exception to Approved Plant List: While the City Approved Plant List is composed of low water use plants, it does not imply that all sites should be landscaped with low water use vegetation (xeriscape). On sites where the applicant can demonstrate that a historically high groundwater table exists, such that plantings will benefit from the direct root access to the water table (i.e. citrus, cottonwood, willow, etc.) exceptions to the City Approved Plant List shall be considered by the City Parks and Recreation Director. The burden of proof to augment the City Approved Plant List rests with the landscape architect to determine which plant species are suitable to satisfactorily address the particular conditions existing on the site/development area.

4. Quantity of Required Landscaping: The total quantity of required landscape materials shall be computed for all landscape areas as follows (unless otherwise noted within this Ordinance):

   a. Trees: A minimum of one (1) tree shall be required per 3,000 square feet of landscape area and a maximum of one (1) tree shall be required per 1,500 square feet of landscape area. All trees shall be twenty-four-inch (24) box. All twenty-four-inch box trees shall be a minimum of ten (10) feet in height, six (6) feet in spread and two-inch trunk caliper at the finished grade. If palms are to be used (i.e. Mexican Fan Palms (Washington Robusta), California Fan Palms (Washingtonia Filifera), Queen Palms (Cocos Plumosa) or Windmill Palms (Trachycarpus fortunei) each specimen shall have a minimum five (5) foot trunk height measured from the base of the trunk to the base of the lowest fronds when located within the public right-of-way or within fifty (50) feet of the street property line.

   b. Shrubs: One shrub shall be required per sixteen (16) feet of solid perimeter screening or wall (on center). One shrub shall also be required per four hundred (400) square feet of landscape area. All shrubs shall be a minimum of five (5) gallons in size. Upon approval of the Parks and Recreation Department, the installation of twenty (20) square feet of vegetative groundcover in any landscaped area shall substitute for one (1) required shrub, up to a maximum of thirty (30) percent of the required shrubs in any particular landscaped area.

   c. Groundcover: All groundcover shall be a minimum of one (1) gallon in size. One groundcover plant shall be provided per eight hundred (800) square feet of landscape area. Flats or pony pack of groundcover are only acceptable for areas that are identified on the final landscape plan for seasonal color and will be replaced at minimum six (6) month intervals.

   d. Landscape Topping Materials: All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: decomposed granite (two (2) inches minimum depth), river run rock or expanded shale. Type, size and color of landscape topping material for public projects shall be approved in writing by the Parks and Recreation Department. If boulders are used, they shall be installed with a minimum of 1/2 of their volume below the finished grade and placed a minimum of ten (10) feet from any curb and four (4) feet from a walkway. Rock materials indigenous to the region for boulder/topping applications and use in rip-rap or other drainage applications in the landscape area are strongly encouraged by the City.

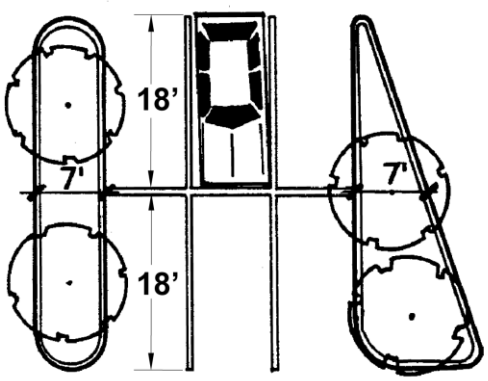
D. Parking Area Landscape Requirements

All parking areas shall be landscaped in compliance with the following requirements:

1. Landscape areas with raised concrete curbing shall define all parking lot edges, entrances, aisles and the ends of all parking aisles.

2. A landscape island shall be located at a minimum count of every twelve (12) continuous parking stalls within a parking lot as well as at the end of each parking aisle. In the MSC District, landscape islands along the parking aisle may be substituted for diamond planters, however, landscape islands shall still be required at the end of all parking aisles. The design and landscape requirements of all parking islands/planters shall be consistent with the following:

   a. Each landscape island in the parking lot shall extend the entire depth of the double or single loaded stall design and contain a minimum of one-hundred (100) square feet of area, not including curbs, and shall measure a minimum of seven (7) feet in width at the mid-point. Diamond planters shall contain a minimum of twenty-five (25) square feet of interior area (not including curbs) with minimum interior dimensions of five (5) feet by five (5) feet.



MINIMUM WIDTH AT MIDPOINT

Figure 4.4-A

   b. Each landscape island shall include a minimum of one (1) twenty-four inch (24") boxed tree, five (5) - one (1) gallon groundcover plants located within eighteen inches of the landscape island centerline and landscape topping material per Section 4.4.3.B-4d. All groundcover in parking landscape islands shall be of a species selected from the City Approved Plant List that will not exceed two (2) feet in height at maturity. Each diamond planter shall include a minimum of one (1) twenty-four inch (24") boxed tree and landscape topping material per Section 4.4.3.B-4d.

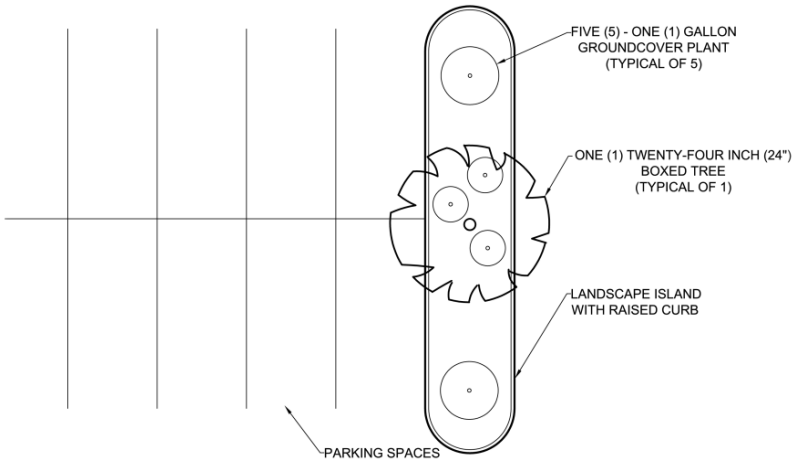


Figure 4.4-B

E. Landscape Plan Regulations

1. A "preliminary landscape plan" and a "final landscape plan" shall be prepared by a landscape architect submitted, and approved for all applicable development projects in accordance with the procedures and requirements set forth in this section.

2. All changes in the landscaping of a site/development area after final landscape plan approval and landscape installation shall be approved by the community development department prior to issuing a certificate of occupancy by the City.

3. Any proposed building or use shall be shown on the site plan/development plan and shall indicate the location of existing or proposed buildings, parking areas, retention areas, street/utility improvements, lighting improvements and the location and types of landscaping areas.

4. Prior to the issuance of a building permit, the community development department shall review and approve the required plans (i.e. lighting, drainage, mechanical) which affect the placement and type of landscaping and walls within the site.

5. An "Assurance of Installation" (executed by the property owner) may be accepted by the community development department in lieu of immediate installation of the landscaping. The assurance shall be in an amount sufficient to guarantee the installation of the approved final landscape plans within six (6) months of occupancy and shall utilize an acceptable financial mechanism approved by the city attorney (i.e. cash, bond or letter of credit) and made payable to the City of Somerton.

F. Landscape Plan Preparation and Approval

1. Preliminary Landscape Plan: Two (2) copies of a preliminary landscape plan shall be prepared by a landscape architect licensed in the State of Arizona and submitted along with the required development/site plan for review by the City Zoning Administrator. The preliminary landscape plan may be shown on the development/site plan drawings. The components of the preliminary landscape plan shall include, at minimum) a scaled plan indicating the general locations of all existing and proposed trees, shrub massings, and groundcovers. Actual botanical names are not required to be specified at this time. Property lines, north arrow, existing and proposed structures, streets, sidewalks, trails, major natural features, walls and fences, slopes, berms, basins, drainage structures,

trash enclosures, sewer laterals, utility transformers, site furniture, concrete curbing, decorative paving, and other site elements that relate to or affect the overall landscape along with any notes describing the proposed method of irrigation. The preliminary landscape plan shall be reviewed and approved by the Parks and Recreation Director as part of the development/site plan review, and may be approved with stipulated changes or additions.

2. Final Landscape Plan: Two (2) copies of a final landscape plan, irrigation plan and lighting plan shall be submitted along with all other required site improvement and building plans at the time of application for a building permit. The landscape plan and irrigation plan shall be prepared by a landscape architect licensed in the State of Arizona. The lighting plan shall be prepared by a technically competent lighting professional. The final landscape plan shall contain the final calculations, data, and specific details and information of all proposed landscaped areas, landscape materials, screening walls, irrigation system, and other items that were required and identified in conceptual form on the preliminary landscape plan. The final landscape plan shall contain a specific schedule of all trees and shrubs identified by common and botanical name, and shall clearly indicate the quantity and size of each tree and shrub to be installed. The final landscape plan shall be in conformance with the approved preliminary plan and any stipulated changes or additions, and shall be approved by the Parks and Recreation Director prior to the issuance of a building permit.

3. Upon approval, both sets of the landscape plan will be dated and stamped "Approved" and one (1) original, signed plan will be transmitted to the applicant and one will be retained on file with the Community Development Department.

4. Any project encroaching on any public right-of-way shall be required to obtain an encroachment permit issued by the City, County or State.

4.4.4. Fences, Walls and Screening

A. Applicability. Unless otherwise stated within this Ordinance, fences and/or walls shall be installed and maintained in compliance with this subsection.

B. General Fence and Wall Regulations

1. A building permit must be obtained from the City of Somerton to construct all fences or walls.

2. All general perimeter and on-site walls shall adhere to the City of Somerton adopted standards for construction and be constructed of brick, stone, concrete or similar solid and durable material. The surface of all walls should be finished (stucco, plaster, etc.) and painted to match the on-site buildings (unless they are split-faced, grid or similar decorative types of concrete masonry units). Within the AG and SR zoning districts, chain link fences or other fencing materials may be allowed with the approval of the Community Development Department.

3. All walls located along the perimeter of a property and adjacent to an arterial or collector street, except Perimeter Walls associated with subdivisions described in subsection 10.5.20 of the Somerton Subdivision Ordinance, shall use an undulating pattern at minimum intervals of two hundred (200) feet to provide variety and visual interest. The undulation depth parallel to the street line shall be a minimum of three (3) feet. Perimeter walls located along common property lines or local streets shall be exempt from this undulating requirement.

4. Fences or walls are not required to be set back from the property line except as otherwise specified in this Ordinance.

5. Retaining walls extending more than four (4) feet in height, measured from the bottom of the footing, require a building permit and supporting structural calculations prepared by a licensed structural engineer. Retaining concrete block walls shall adhere to the City of Somerton adopted standards for construction.

6. Swimming pool fences are covered in Section 3.2.6.I, Swimming Pools.

7. Barbed Wire Fences: Barbed wire fences shall be prohibited in all zoning districts except in the HI District and for temporary construction sites, provided that the barbed wire is located six (6) feet or more above grade. Temporary barbed wire fencing located on construction sites shall be removed from the site at the time of final inspection, or a certificate of occupancy will not be issued.

C. General Wall and Fence Height Standards

1. Fences or walls located between the front yard building setback line and the front property line of a lot may not exceed four (4) feet in height.

2. In areas behind a required front yard building setback and within the required rear and side yards, including walls for single-family dwellings, the maximum height of walls shall be six (6) feet, as measured from the finish grade, except where a taller wall is necessary for screening purposes. Where two lots abut one another, but have differing finish grades, the wall height shall be limited to six (6) feet on the high side and eight (8) feet on the low side. Modifications of these requirements shall require written request and approval of the Community Development Department.

3. Fences or walls exceeding six (6) feet in height, measured from the inside finished grade, shall require the submittal of structural calculations prepared by a licensed structural engineer, unless specified otherwise in this Ordinance. Non-retaining concrete block walls shall adhere to the City of Somerton adopted standards for construction.

4. Sport court fences may not exceed twelve (12) feet in height and must be set within the buildable area of a lot (may not encroach into any required setbacks).

5. Corners: No walls, buildings or other obstruction to visibility in excess of two (2) feet in height (measured from the top of the street curb at each end of the site triangle) shall be placed on any corner lot within a triangular area formed by the curb lines and a line connecting them at points thirty (30) feet from the intersection of lines, extended from the back of curbing. There shall be an exception for any existing trees to remain within the area of triangle, but shall be pruned to a height of seven (7) feet measured from finished grade to permit unobstructed visibility for automobile drivers.

D. Parking Lot Screens

All on-site parking areas adjacent to any street shall be screened from street views according to the provisions as set forth herein. This standard can be met through the use of the following screening methods, which may be used individually or in combination:

1. A continuous opaque landscape screen consisting of shrubs a minimum of three (3) feet-6 (six) inches in height and planted in compliance with all additional provisions outlined in Section 4.4.3.B-C.

2. Earth berms, if used in lieu of or in tandem with a landscape screen, shall have a maximum slope of four (4) to one (1) ratio. Berms are allowed only when there is sufficient area to create a three (3) foot, six (6) inch tall berm. Earth berms used in lieu of a landscape screen shall be landscaped per Section 4.4.3.C and earth berms used in tandem with a landscape screen shall be landscaped per Section 4.4.4.E1 above.

3. Open areas or portals for natural surveillance and pedestrian access to the site shall be provided as required by the Community Development Department.

E. Refuse Area Screens
All refuse areas shall be screened from public view by a minimum six (6) foot high masonry wall.

F. Loading Area Screens
All loading, delivery and service bays shall be screened from public view by a building, a decorative screen wall a minimum eight (8) feet in height, a solid landscape screen or in any combination.

G. Screening Between Different Land Uses
See individual Buffer Yard requirements listed for each Zoning District within Section 2 of this Ordinance.

4.4.5. Landscape and Wall Maintenance

A. Landscape areas (as well as those located in the public right-of-way) and Walls shall be maintained by the owner or owner's association or the lessee of the site unless otherwise specified herein. Any areas designated and intended for the retention of on-site water and/or parks shall be maintained and reserved for those specific purposes. Any alteration or deterioration of open space, landscape areas, or walls required by this section shall be considered a violation of this Ordinance and any other applicable ordinances.

B. Any plant materials or other equipment required by this section that does not survive or remain in a functional capacity after twenty-four (24) months from the date of the Certificate of Occupancy or the completion of the landscaping, whichever occurs last, shall be replaced within thirty (30) days of its demise/failure or damage.

C. The removal or destruction of any open space, landscape materials, walls or equipment required by this section and previously approved by the city as a part of the site plan, wall plan, irrigation plan or landscape plan, shall constitute a violation of the Zoning Ordinance. Replacement of materials shall be of like size, type or manufacturer as that which was removed or destroyed.

D. Landscape irrigation systems, structures and other equipment required by this section shall be reasonably maintained in accordance with the approved final landscape plan.

E. Modifications or removal of existing landscaping, lighting, walls, screening devices or other equipment required by this section shall require written approval of the community development department.

F. Failure to properly maintain any required landscaping, irrigation system or wall shall constitute a violation of the Zoning Ordinance. The Zoning Administrator shall determine the level of maintenance that constitutes this violation.

G. All landscaped areas shall be maintained in a healthy, neat, clean, weed free condition. Any dead material shall be replaced within thirty (30) days in a size equal to the material shown on the approved landscape plan.

4.5. SIGNAGE

4.5.1. Purpose

The Sign Regulations section promotes traffic safety, safeguards public health, facilitates police and fire protection, prevents adverse community appearance and enhances identification and/or direction within the City. These regulations are designed to promote attractive signage by permitting appropriate legibility and preventing its over concentration, improper use and placement and excessive height, bulk, area and illumination within the City.

4.5.2. Applicability

The regulations in Section 4.5 are applicable to all signs in the city, except where otherwise noted herein. Signs may be erected, re-erected, placed, constructed, altered, moved, or maintained only in conformance with the provisions of this section.

4.5.3. General Provisions

The general provisions for all signs are listed below:

A. Design

1. All signs hereafter constructed or maintained shall conform to the provisions of this ordinance and the provisions of the City Code, promoting the health and welfare of the general public.

2. No sign, other than an official traffic sign or similar sign, shall be constructed within the boundary of any street or public right-of-way unless specifically authorized herein, authorized by other City ordinances or regulations; or permitted by special City authorization.

3. No temporary or permanent sign or sign structure, shall be erected or placed in a manner that would obscure vehicular visibility on or at the intersection of roadways; or at any location where its position, shape or color may interfere with or obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
4. All signs shall be designed and constructed to resist all weather conditions and seismic hazard conditions of southwestern Arizona.

5. The sign is designed and stamped by a registered professional engineer licensed in Arizona.

6. The placement of new signs shall integrate with the established locational pattern of like sign types.

7. Directional signs shall be harmonious with the streetscape character of the downtown area.

8. Sign colors shall be complementary with the building color/accent, with an understanding that contrast is an important influence to enhance sign legibility.

9. Gas-filled (neon, argon, krypton, etc.) illuminated signage offers historic relevance in the Downtown and could be encouraged by the City if carefully sized, located and integrated with the building architecture per Section 4.5.4.

10. Spherical, free-form, sculptural or other non-planar signs that advertise the occupant business Downtown through the use of graphics or crafted symbols (i.e. shoes, keys, glasses, books, etc.) are encouraged.

11. When a site is developed as a complex or center containing more than three (3) tenants, a Comprehensive Sign Plan shall be provided for the property, and approved through the development plan review process. See Section 4.5.7.C

B. Materials

1. All sign materials and components shall be of the quality and grade to resist specified wind and seismic hazard conditions of southwestern Arizona.

2. Combustible materials, other than approved plastics, shall not be used in the construction of any electronic signs.

3. Sign materials to be used on the building facade shall be compatible with the design of the face of the façade.

C. Sign Anchors

1. All signs shall be securely anchored to resist the identified wind and seismic hazards existing in southwestern Arizona.

2. All signs attached to masonry, concrete, plywood or steel shall be safely and securely fastened utilizing metal anchors, bolts or approved expansion screws of sufficient size to safely support the loads generated by the sign.

3. Only signs attached to wood framing may be attached with screws or nails. The screws or nails shall be of sufficient size to safely support the weight of the sign and resist the wind and seismic hazards existing in southwestern Arizona.

4. Signs shall not be attached to any wall that is not securely braced or supported. Signs shall not be attached to any parapet wall if the parapet is not designed and constructed to accommodate the loads associated with the signage identified to be attached.

D. Sign Illumination

Signs may be illuminated as provided by this Ordinance and specified by approved sign criteria, if applicable, in accordance with the following regulations:

1. Externally-illuminated building-mounted signage may be accommodated utilizing either ground-mounted lights or building-mounted light bars. In either situation, the light source shall be completely screened from view.

2. Externally-illuminated, free-standing signage shall be illuminated by ground-mounted lights with the light source completely screened from view.

3. Flashing or intermittent forms of illumination are prohibited.

4. All illuminated signs shall adhere to the provisions provided in Section 4.6 Outdoor Lighting unless specifically modified herein.

E. Maintenance

1. The property owner or tenant on which the sign is located shall be responsible to maintain all signage that has been approved or that has been issued a permit. Periodic maintenance shall be undertaken by the owner or tenant so that the signage continues to conform to the conditions imposed by the sign permit.

2. Any damaged sign base shall be repaired within thirty (30) days after receipt of written presentation/rectification of the issue by the Zoning Administrator to the property owner.

3. All metal pole covers and sign cabinets shall not show any effect of rust and rust stains.

4. Any internally illuminated sign cabinets or sign panels which have been damaged shall not be illuminated until repaired.

5. If the sign is suspect to collapse, or determined to be unsafe by the City's Inspector/Code Enforcement, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof, or the person or firm using the sign, shall, upon written notice by the City's Inspector/Code Enforcement, or immediately in the case of imminent danger, and in any case within not more than ten (10) days after notice shall make such sign conform to the provisions of this ordinance; or remove the sign. If, within ten (10) days, full compliance with the notice has not occurred, the City's Inspector/Code Enforcement may remove, or cause such sign to be removed, at the sole expense of the owner and/or user of the sign.

F. Sign Height Measurements

Sign height measurements are determined as follows for each sign type:

1. Freestanding Signs: The height of the sign shall be measured from the top of the sign structure to the top of curb or the crown of the adjacent roadway (where no curb exists). The height of any monument base or other structure constructed to support or ornament the sign shall be included as part of the overall sign height.

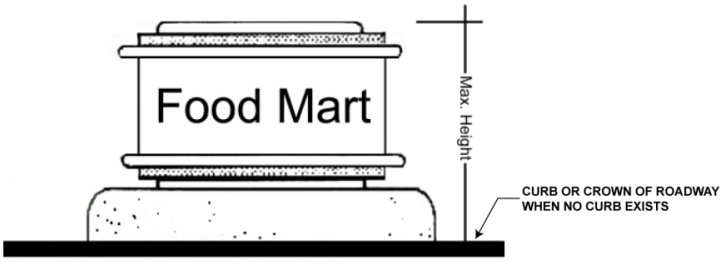


Figure 4.5-A

2. Wall Signs or Fascia Mounted Signs: The height of the sign shall be measured from the top of the sign structure to the top of curb or the crown of the adjacent road where no curb exists.

G. Sign Area Standards

The "Sign Area" of each permitted sign shall be measured as follows:

1. Two-Part Signage (e.g. a service station identification and a price sign combination) shall be calculated as the total area of the smallest single rectangle that will enclose all of the sign copy.

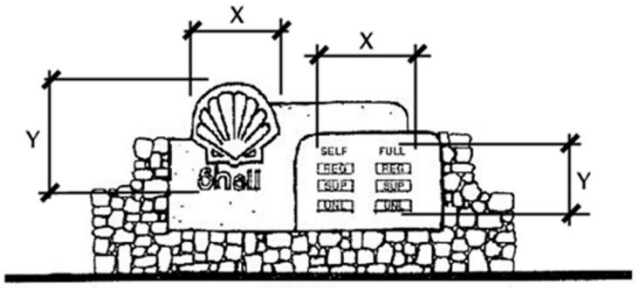


Figure 4.5-B

2. Sign copy shall be measured as the area contained within the outside dimensions of the background panel or surface.

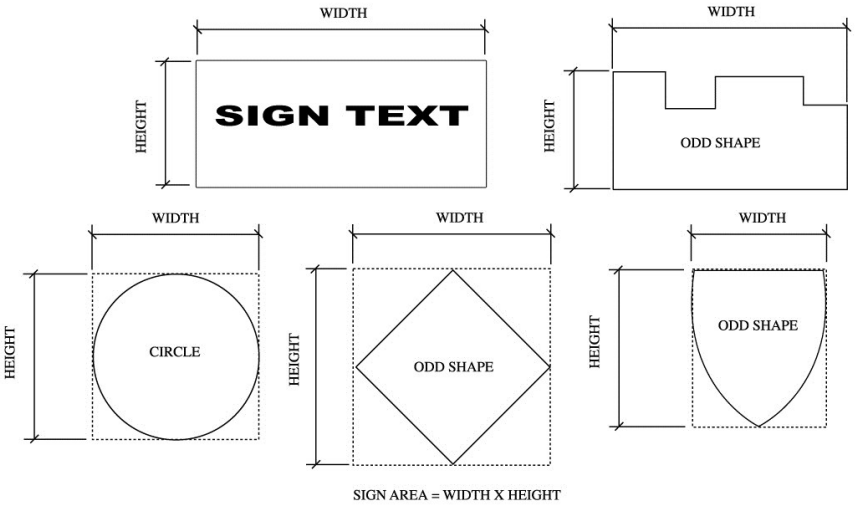


Figure 4.5-C

3. Sign copy mounted, as individual letters or graphics, against a wall or the fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, shall be measured as the area enclosed by the smallest single rectangle that will enclose all of the sign copy.

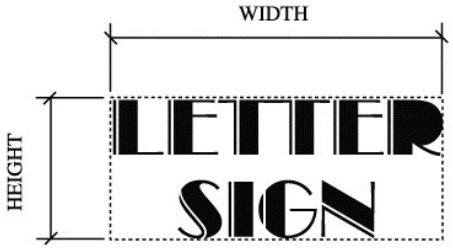


Figure 4.5-D

4. Sign copy mounted or painted on an illuminated surface or illuminated architectural element of a building shall be measured as the entire illuminated surface or illuminated architectural element which contains sign copy.

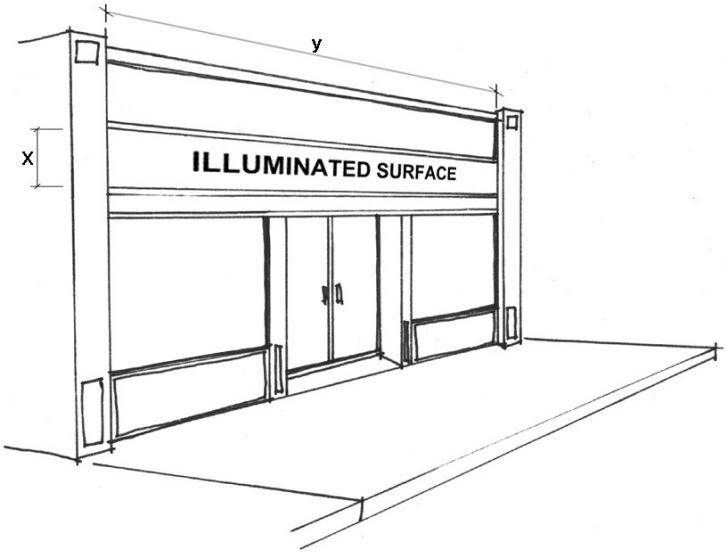


Figure 4.5-E

5. One Sign with one or more sign faces:

   a. One (1) face: Area of the single face only;

   b. Two (2) faces: If the interior angle between the two (2) faces is forty-five (45) degrees or less, the sign area will be the total of one face only; if the angle between the two (2) sign faces is greater than forty-five (45) degrees, the sign area will be the sum of the areas of the two (2) faces.

   c. Three (3) or more faces: The sign area will be calculated as the sum of the areas of each of the faces.

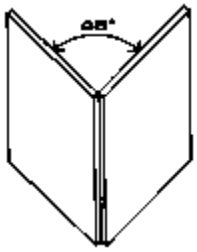


Figure 4.5-F

d. Spherical, free-form, sculptural or other non-planar signs: The signage area will be the sum of the areas using only the four (4) vertical sides of the smallest cube that will encompass a sign.

Figure 4.5-G

H. Total Aggregate Sign Area Standards

The "Total Aggregate Sign Area" shall be the sum of all the sign areas of each allowable sign placed on a parcel with the following restrictions:

1. Frontage is determined by the measurement of the portion of the building facing the street. Corner buildings may include two street frontages if the frontages are joined at an angle between forty-five (45) and ninety (90) degrees. However, the total sign area that is oriented toward a particular street may not exceed 125% of the portion of the lot's total sign area allocation that is derived from the building frontage on that street. Building frontages that contain angles of less than forty-five (45) degrees or between ninety (90) and one hundred eighty (180) degrees shall be considered to be one frontage. Multi-story building lineal footage is limited to the ground floor lineal footage measurement except as modified by the subsections below.

2. In all Main Street Corridor, and commercial and industrial zoning districts, the total aggregate sign area allowable to any ground floor business in a single or multi-story building, having an external business entrance shall not exceed the greater of fifty (50) square feet or two (2) square feet per lineal foot of building frontage, but in no case more than one hundred (100) square feet.

3. In all Main Street Corridor, and commercial and industrial zoning districts, any licensed business located above the ground floor in a multi-story building, having an external building wall facing a public street, shall be permitted exterior signage with a total aggregate sign area not to exceed fifty (50) square feet. A business occupying more than one floor is only allowed one (1) sign on one floor.

4. Businesses within the Main Street Corridor or any commercial or industrial zoning district having only an internal business entrance and no external wall facing a public street or public access driveway shall be limited to business identification signage on a common directory sign as shown on a comprehensive sign plan, as set forth in subsection 4.6.6, unless otherwise approved by the Zoning Administrator.

5. Ground floor businesses having building frontage greater than one hundred (100) feet in length may increase their allowed sign area by 0.5 square feet per one (1) lineal foot of building frontage in excess of one hundred (100) feet. Such additional sign area shall be for the exclusive use of said business and not transferable or reallocable to other businesses on the parcel.

4.5.4. Standards by Sign Type

The criteria listed within the table and text below describes the permitted conditions and applicable standards for each sign type.

Table 4.5: SIGN REQUIREMENTS BY SIGN TYPE

Sign Type	Sign Permit Required	Part of Aggregate Sign Area	P=Permitted N=Not Permitted Zoning Districts					Additional Sign Standards*	Lighting Permitted
			AG	Res.	MSC	Com.	Ind.		
A-Frame	Yes	No	N	P	P	P	N	4.5.4.A	No
Attached or Wall Mounted	Yes	Yes	P	P	P	P	P	4.5.4.B	Yes
Awning/ Canopy	Yes	Yes	P	N	P	P	P	4.5.4.C	No
Civic Organization	Yes	No	P	P	P	P	P	4.5.4.D	No
Construction/Future Development	No	No	P	P	P	P	P	4.5.4.E	No
Directional	No	No	P	P	P	P	P	4.5.4.F	Yes
Directory	Yes	No	P	P	P	P	P	4.5.4.G	Yes
Electronic Message Center	Yes	Yes	N	P	P	P	P	4.5.4.H	Yes
Flags or Symbols	Yes	No	P	P	P	P	P	4.5.4.I	Yes
Freestanding/ Monument	Yes	Yes	P	N	P	P	P	4.5.4.J	Yes
Garage Sale	No	No	P	P	N	N	N	4.5.4.K	No
Gas Filled	Yes	Yes	N	N	P	P	P	4.5.4.L	Yes
Gasoline Sales	Yes	Yes	N	N	N	P	P	4.5.4.M	Yes
Holiday Decoration	No	No	P	P	P	P	P	4.5.4.N	No
Menu Board	Yes	Yes	N	N	P	P	P	4.5.4.O	Yes
Multi-Tenant Building Identification	Yes	No	N	N	P	P	P	4.5.4.P	Yes
Off-site	Yes	No	P	N	P	P	P	4.5.4.Q	Yes
Open House Directional	No	No	P	P	P	P	P	4.5.4.R	No
Projecting	Yes	Yes	P	P	P	P	P	4.5.4.S	Yes
Reader/Sign Board	No	Yes	N	P	N	N	N	4.5.4.T	Yes
Real Estate	No	No	P	P	P	P	P	4.5.4.U	No
Sign Walkers	Yes	No	N	N	P	P	N	4.5.4.V	No

Table 4.5: SIGN REQUIREMENTS BY SIGN TYPE									
Sign Type	Sign Permit Required	Part of Aggregate Sign Area	P=Permitted N=Not Permitted					Additional Sign Standards*	Lighting Permitted
			Zoning Districts						
			AG	Res.	MSC	Com.	Ind.		
Special Event (Special event signs, inflatable signs, feather banners, political signs)	Yes	No	P	P	P	P	P	4.5.4.W	No
Street Address	No	No	P	P	P	P	P	4.5.4.X	No
Subdivision Identification	Yes	No	N	P	P	N	N	4.5.4.Y	Yes
Under-Canopy	Yes	Yes	N	N	P	P	N	4.5.4.Z	No
Window	No	No	N	N	P	P	P	4.5.4.AA	No

* All sign criteria listed in this table is subject to and may be further modified by their respective additional sign standards provided below or as stated elsewhere within this Ordinance.

A. A-Frame Signs

A frame signs are only permitted for businesses that are physically located within the MSC and commercial zoning districts or worship centers in residential zoning districts subject to the following conditions.

1. Businesses or worship centers permitted to display A-frame signs may display a maximum of one such sign per street frontage. Such signs shall be located either on the same property or on property located immediately adjacent to the business or religious building as follows:

    a. On property held in common by members of a property owners' association.

    b. On property owned by the business owner's landlord.

    c. Public street, subject to the limitations below.

2. The location of A-frame signs shall be restricted as follows:

    a. Such signs shall not be located on the paved portion of any public street, any sidewalk, or any median.

    b. Such signs shall not be located within a designated parking or loading area.

    c. Signs shall not be located in a manner that poses a traffic vision hazard.

    d. A-Frame signs must be placed at least one (1) foot behind the curb or public sidewalk. If no curb or public sidewalk is present, signs shall be located at least five (5) feet from the edge of the paved portion of the public right-of-way.

    e. Commercial areas within the MSC District may use A frame signs to advertise a product or service provided the portable sign does not obstruct the pedestrian walkways and shall only be placed within the first three (3) feet of the sidewalk located immediately adjacent to the curb, leaving a minimum sidewalk clearance of five (5) feet.

3. No sign may be greater than twelve (12) square feet per side with a maximum height of four (4) feet.

4. Signs shall be constructed of wrought iron; sheet metal; 1/8 inch thick plastic; or of wood that is at least 3/8 inch thick. No other materials are acceptable.

5. Signs must be manufactured by a licensed and bonded sign company.

6. Signs shall be clean and in good working order.

7. Attachments to signs are limited to balloons flown no higher than six (6) feet from the ground. If attachments are used, the A-Frame sign must be set back from the curb and/or sidewalk a minimum of three (3) feet.

8. Landscaping cannot be modified or damaged to accommodate an A-frame sign.

9. Signs shall only be displayed during business hours.

B. Attached or Wall-Mounted Signs

Attached or wall mounted signs are permitted in all zoning districts subject to the conditions identified below:

1. Attached or Wall-Mounted signs shall be counted as a portion of the total aggregate sign area.

2. Attached or wall mounted signs shall be supported solely by the façade or exterior building face.

3. One (1) attached sign is permitted per business in all non-residential zoning districts.

4. The sign area must provide a minimum two (2) foot border, measured from the edge of the building or suite frontage, or a minimum two (2) foot separation between signs, whichever is less.

5. Attached or wall mounted signs may project no more than twelve (12) inches from the surface of the wall to which it is attached or for halo illuminated signs must not exceed a one and three-quarter (1.75) inch separation from the wall.

6. Attached or wall mounted signs shall not exceed twenty-five (25) feet in height.

7. One (1) attached or wall mounted sign shall not exceed one (1) square foot per parcel, in the R-1 zoning districts.

8. One (1) attached or wall mounted sign shall not exceed fifteen (15) percent of the total area of any façade, nor total more than twenty-four (24) square feet per parcel, in the R-2 and R-3 zoning districts.

9. Attached or wall mounted signs shall not exceed more than the total aggregate sign area allowed as determined by Section 4.5.3.H, in the MSC, commercial and industrial zoning districts.

C. Awning/Canopy Sign

Awning/canopy signs are permitted in any non-residential zoning district subject to the conditions identified below:

1. Sign copy, including logos, shall not exceed twelve (12) square feet or twenty-five (25) percent of the awning face area, whichever is less.

2. Such a sign shall only be displayed on ground floor awnings.

3. Flashing or intermittent illumination of an awning is prohibited.

4. Such signs must be included in the total aggregate sign area.

5. The sign area shall be measured by the smallest rectangle that will enclose the sign copy.

6. If encroaching over an abutting City right-of-way line, a revocable City encroachment permit or other City Council–granted authorization approved by the City Engineer and the City Attorney shall be required.

D. Civic Organizations

Civic organizations may be identified on group display structures in accordance with the following standards:

1. Said structure must be located adjacent to arterial streets.

2. Structures shall not exceed six (6) feet in height or exceed an area of sixty (60) square feet.

3. Each civic organization shall be limited to a maximum sign area of two (2) square feet.

E. Construction/Future Development Sign

Construction/Development signs are permitted in all zoning districts subject to the conditions identified below:

1. Only one (1) such sign or banner shall be displayed along the frontage of the parcel where the construction/development is, or will be occurring, within residential zoning districts.

2. A maximum of (2) such signs or banners may be displayed along the frontage of the parcel where the construction/development is, or will be occurring, within the MSC, commercial or industrial zoning districts. A second sign or banner may be permitted if the sides or rear of the property abuts a collector or higher designated roadway as identified on the City's Transportation Plan.

3. The sign text is limited to the identification of the name(s) of the project development team (i.e. architect, planner, landscape architect, engineer, financing entity, developer and contractor, etc.).

4. The maximum size of the sign shall not exceed thirty-two (32) square feet.

5. The maximum sign height shall not exceed eight (8) feet.

6. The entire sign must be located on the construction/development site, set back a minimum of ten (10) feet from the front property line.

7. Such signs may be maintained for a period not to exceed twelve (12) months prior to obtaining building permits for a development and the sign shall be removed from the property within seven (7) days after the date of final inspection approval.

F. Directional Sign

Directional signs are permitted in all zoning districts subject to the conditions identified below:

1. A maximum of two (2) directional signs are permitted per parcel utilizing a maximum area of six (6) square feet and a maximum height of three (3) feet in the agricultural and Suburban Ranch residential zoning districts.

2. A maximum of one (1) directional sign per drive entry is permitted with a maximum area of two (2) square feet and a maximum height of three (3) feet in the R-1 zoning districts.

3. A maximum of one (1) directional sign is permitted per drive or parking entry with a maximum area of six (6) square feet and a maximum height of three (3) feet in the R-2 and R-3 zoning districts.

4. A maximum of one (1) directional sign is permitted per drive or parking entry with a maximum area of twelve (12) square feet and a maximum height of three (3) feet in the MSC, commercial and industrial zoning districts.

5. Directional signs shall be limited in content to the name of the development, business or enterprise, directional information and a directional arrow. No reference is permitted to any additional development, business, or enterprise which is not located on the same premises.

G. Directory Sign

Directory signs to assist the public, law enforcement and emergency personnel locate a particular address or individual unit is allowed with the following standards:

1. Properties occupied by three (3) or more buildings shall have an internally illuminated directory that shows the street address, layout of the complex, the location of the viewer and the unit designations within the complex.

2. Shall not exceed a maximum height of six (6) feet or sign area of twenty-four (24) square feet

3. Shall not include any advertising signage

H. Electronic Message Center

Signs with intermittent, scrolling or flashing illumination, including electronic message center signs, are permitted in the MSC, commercial and industrial zoning districts. An approved Master Sign Program, as outlined in Section 4.5.6.B, shall be required for such signs to be used by worship centers and schools in all residential districts. All electronic message center signs are subject to the following:

1. Signs must be entirely located on-site.

2. There shall be no moving or flashing green or red features that could be mistaken as traffic control devices.

3. All continuous loop image progression occurring on the face or copy of the sign must have a minimum interval time of eight (8) seconds.

4. After 10:00 p.m., the background of the sign area must be darker than the text.

I. Flags or Symbols

Flags are permitted in any zoning district subject to the conditions identified below:

1. Flag poles may not exceed twenty-five (25) feet above the average grade of the parcel.

2. No time limits apply. However all flag platforms/stands must be entirely contained within the boundary of the lot, parcel or tract of land owned or leased by the person or persons flying the flags, symbols or logos.

3. Any flag flown in conjunction with the United States or State of Arizona flags shall be flown beneath them.

4. Unless specifically permitted in this Zoning Ordinance, no more than one (1) flag may be flown or hung on any one (1) site or structure; provided, however, that one (1) State of Arizona, one (1) foreign national flag, and one (1) Somerton School District/Yuma Unified High School District flag may be flown in addition to the one (1) permitted flag.

5. The maximum size of any corporate flags shall not exceed fifteen (15) square feet, with no single dimension to exceed six (6) feet.

6. A sign permit is required to display any corporate flag and must be included as part of the total aggregate sign area.

7. Display of the United States flag must meet all requirements of the United States Flag Code, including national and local lighting standards.

8. The maximum size of a United States flag, State of Arizona flag or foreign national flag shall be sixty (60) square feet. This limit does not apply to a United States flag or State of Arizona flag flown on a national or state holiday.

9. A newly constructed residential project that utilizes an onsite building for sales/leasing (with a temporary use permit) may use flags in addition to the United States flag and State of Arizona flag, in the following manner:

   a. There can be no more than two (2) flags on the lot of one sales/leasing office or model home and one (1) flag on each additional lot with a model home located upon it, not to exceed five (5) total flags.

   b. The maximum size of any sales/leasing office or model home flag shall not exceed eight (8) square feet.

c. Sales/leasing office and model home flags shall not be illuminated.

d. Any flagpole shall not exceed twenty-five (25) feet in height.

J. Freestanding/Monument Signs

Freestanding/Monument signs are permitted for any non-residential use subject to the conditions identified below:

1. Freestanding/Monument signs shall be counted as a portion of the total aggregate sign area.

2. Single use buildings, and complexes and centers on a single lot are allowed one (1) freestanding/monument sign per street frontage, or one (1) freestanding/monument sign for every three hundred (300) feet of street frontage, whichever is greater.

3. Single use buildings, and complexes and centers on a single lot less than five (5) acres in net site area, the maximum height of the sign, including any supporting structures shall be eight (8) feet, maximum area shall be twenty-four (24) square feet and the sign may identify a maximum of four (4) tenants per sign face; and

4. All complexes and centers on a single lot, five (5) acres in net site area or greater, the maximum height of the sign, including any supporting structures shall be ten (10) feet, maximum area shall be forty (40) square feet and the sign may identify a maximum of six (6) tenants per sign face.

5. Shall have monument-type bases of masonry construction or other architectural grade material approved by the Design Review Committee.

6. Freestanding or monument signs located in the MSC district shall either be located on low planter walls or incorporated with distinctive elements of the building's architectural style and scale.

7. Address numerals shall be included on all freestanding sign structures. The numerals shall be at least six (6) inches in height.

8. All freestanding/monument signs must be no closer than thirty (30) feet from any residential use.

9. All freestanding/monument signs shall be located at least seventy-five (75) feet from the intersection of public rights-of-way.

10. A minimum area of one (1) square foot of landscaping per one (1) square foot of freestanding/monument sign shall be provided at the base of the freestanding sign.

11. No portion of the sign shall be located within three (3) feet of the front property line or six (6) feet of a side or rear property line.

K. Garage Sales

Garage sale signs are permitted in all agriculture and residential zoning districts, and are subject to the conditions identified below:

1. Garage sale signs may only be used for garage sales, yard sales and carport sales.

2. Garage sale signs must be placed at least one (1) foot behind the curb. If no curb is present, signs shall be located at least one (1) foot from the edge of the paved portion of the public right-of-way. Garage sale signs shall not be placed on sidewalks or within the center medians that divide portions of paved or unpaved roadways.

3. No garage sale sign shall be permitted within the US 95/Main Street public right-of-way.

4. No garage sale sign shall be located within three hundred (300) feet along the same roadway, as measured along the public right-of-way line(s), as another sign bearing the same message.

5. There shall not be more than three (3) garage sale signs posted to any one (1) destination.

6. Garage sale signs may only be displayed between sunrise and sunset. Signs remaining in public rights-of-way after sunset, or placed in rights-of-way prior to sunrise, shall be subject to confiscation and destruction by the City.

7. The maximum size shall not exceed four (4) square feet.

8. The maximum height shall not exceed three (3) feet.

9. Signs may only be constructed of wrought iron, sheet metal, plastic, wood, or other durable, rigid material that is at least 3/8 of an inch thick.

10. Garage Sale signs shall not be attached to any utility pole or box, light pole, street sign, tree or any structure within the public right-of-way.

11. Any posting of garage sale signs not in compliance with these provisions shall be considered a violation of this code and subject to a fine as specified within this Ordinance

L. Gas Filled Signs

Gas filled signs (neon, argon, krypton, etc.) are permitted in the MSC, commercial and industrial zoning districts subject to the conditions identified below:

1. Gas filled signs are limited to interior window display only (may not be used on the exterior of a building).

2. The total area of gas filled signage for any one (1) business shall be six (6) square feet.

3. No more than two (2) gas filled signs shall be allowed for any one (1) business.

M. Gasoline Sales Signs

Gasoline sale signs are permitted in association with any business approved for the sale of gasoline and are subject to the conditions identified below:

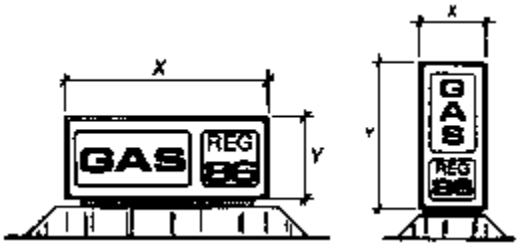


Figure 4.5-H

1. Building/Station Wall Mounted signs allowed per Section 4.5.4.B

2. Freestanding Sign

   a. One freestanding fuel price sign is allowed per street frontage.

   b. The maximum area shall not exceed twenty-four (24) square feet in area or eight (8) feet in height.

   c. The price component may have changeable copy, which shall not exceed twelve (12) square feet in area.

   d. A minimum area of two (2) square feet of landscaping shall be provided per one square foot of freestanding sign around its base.

   e. The sign shall include a monument base constructed of concrete masonry units. A comparable alternative base material may be used, upon prior written approval of the Zoning Administrator.

   f. A sign permit is required.

3. Pump-Topper Sign

   a. Shall not exceed three (3) feet in area and does not count towards the aggregate sign area for the business.

   b. Such signs may display instruction, price, or advertising copy pertaining to any product sold on site.

   c. No sign permit is required.

4. Canopy Sign.

   a. Does count towards the aggregate sign area for the business

   b. Maximum two (2) signs per canopy;

   c. Shall not exceed six (6) square feet per sign;

   d. May be illuminated; and

   e. A sign permit is required.

N. Holiday Decoration Signs

Holiday decoration signs are permitted in all zoning districts subject to the conditions identified below:

1. Holiday decorations may be displayed on any parcel thirty (30) days prior to and thirty (30) days after a traditionally accepted civic, patriotic or religious holiday.

2. Holiday decorations shall not be displayed in a manner that they constitute a traffic or other safety hazard.

O. Menu Board Signs

Menu boards are the first stop in the drive-through lane for a food-oriented retail business and are only permitted in the commercial and industrial zoning districts or any business approved for a drive-through facility subject to the conditions identified below:

1. Menu board signs shall not be counted as a portion of the total aggregate sign area.

2. Menu boards shall not exceed six (6) feet in height or twenty (20) square feet in total sign area. The menu board is typically located at the point where the food order is communicated.

3. A pre-menu board shall not exceed four (4) feet in height or (12) square feet in total sign area. A pre-menu board is typically located at the front of the menu board, allowing vehicular customers waiting in queue can finalize their order before they arrive at the menu board and communicate their food order.

4. Free-standing menu boards shall be constructed with a monument base using concrete masonry units. A comparable alternative base material may be used, if prior approved by the Zoning Administrator. The menu board shall include a landscape area at the base of the sign equal to at least one (1) square foot for each square foot of sign area.

5. Only one (1) freestanding or wall mounted sign is permitted per business.

6. Speaker boxes and LED boxes are allowed as follows:

   a. Such boxes may not exceed thirty-six (36) cubic feet and four (4) feet in height.

   b. Such boxes may not contain advertising of any kind.

   c. Such boxes must be located at least seventy (70) feet from any residential zoning district or residential use.

P. Multi-Tenant Building Identification Sign

Multi-tenant building identification signs are permitted in the MSC, commercial and industrial zoning districts subject to the conditions identified below:

1. Multi-Tenant Building Identification Sign shall not be counted as a portion of the total aggregate sign area.

2. The sign shall be a wall sign and shall identify only the building or complex.

3. The maximum number of signs for each building shall be one (1) sign.

4. The sign shall be placed on the wall of the building facing the most major adjacent street frontage.

5. The maximum area of the sign shall be six (6) inches per lineal foot of building wall with a minimum sign area of twenty-four (24) square feet and a maximum sign area of forty (40) square feet.

Q. Off-site Signs

Notwithstanding any provision of this Ordinance to the contrary, the City may construct and maintain, or cause the construction and/or maintenance of, freestanding Off-site and/or billboard signs within City-owned or leased property that is zoned agricultural, commercial, industrial, or public facilities pursuant to an agreement or license if the City Council determines that the Off-site sign meets a public purpose and serves a City interest. Such signs may be electronic, digital, programmable, and/or illuminated and shall only be located on property visible from State Route 95.

R. Open House Directional Signs

Open house directional signs are permitted in all zoning districts subject to the conditions identified below:

1. Open house directional signs shall be used only to direct traffic to a residence for sale, lease or rent.

2. The maximum number of directional signs for each residence for sale, lease or rent shall be limited to three (3) signs.

3. No sign may be greater than twenty-four (24) inches wide and thirty-six (36) inches tall.

4. The sign must contain a directional arrow.

5. Signs shall be placed at least one (1) foot behind the curb. If no curb is present, signs shall be located at least one (1) foot from the edge of the paved portion of the public right-of-way. No sign is allowed on sidewalks or within the center medians that divide portions of paved or unpaved roadways.

6. No sign shall be placed within one hundred fifty (150) linear feet of the US 95/Main Street public right-of-way.

7. Signs must be constructed by a professional sign company.

8. Signs shall not be located within one hundred (100) linear feet of any sign advertising the same location.

9. Open house directional signs may only be displayed between sunrise and sunset. Signs remaining in public rights-of-way after sunset, or placed in rights-of-way prior to sunrise, shall be subject to confiscation and destruction by the City.

10. Any posting of open house directional signs not in compliance with these provisions shall be considered a violation of this code and subject to a fine as specified within this Ordinance

S. Projecting Signs

Projecting signs are permitted in all zoning districts subject to the conditions identified below:

1. Such signs shall be included in the total aggregate sign area.

2. Such signs shall only be permitted if they are affixed to a building and should not project into the public right-of-way unless within the MSC District.

3. The maximum distance between the wall and the outer edge of the sign shall be 4 feet, or if a paved public sidewalk is below, 50% of the width of the sidewalk, whichever is less and no more than six (6) feet in height.
4. Such signs shall be located so that the base edge of the sign is not less than eight (8) feet from the ground.

5. Such signs shall require both a City sign permit and, if encroaching over an abutting City right-of-way line, a revocable City encroachment permit or other City Council–granted authorization is approved by the City Engineer and the City Attorney.

T. Reader/Sign Board

Reader/Sign board signs are permitted on worship center and public facility parcels subject to the conditions identified below:

1. A maximum of one (1) reader/sign board may be located on worship centers and public facilities parcels and shall not exceed thirty-two (32) square feet in area and twenty-four (24) feet in height.

2. The reader/sign board shall be located at least twelve (12) feet from the property line.

3. If the sign or reader/sign board is to be illuminated, each light fixture shall be shielded so light is not reflected toward residential areas or that the source of illumination is not visible.

U. Real Estate Sign

Real estate signs are permitted in all zoning districts subject to the conditions identified below:

1. Real estate signs are exempt from the total aggregate sign area.

2. A real estate sign shall measure two (2) by three (3) feet.

3. Signs may only be placed on property that is for sale, lease or rent.

4. Only one (1) sign shall be displayed per street frontage, with a limit of three (3) signs per development and not located in a public right of way.

5. A real estate sign shall not be illuminated.

6. Signs must be made by a professional sign company.

7. A-Frame signs are not permitted.

8. Signs must be removed when the purpose for which the sign was placed has been achieved.

9. Sign placement, other than as described above, may be approved by the Zoning Administrator.

V. Sign Walkers

Sign walkers are only permitted in the MSC and commercial zoning districts subject to the conditions identified below:

1. If located within the right-of-way, a sign walker shall be positioned behind the curb or, if no curb is present, ten (10) feet behind the edge of pavement.

2. Sign walkers shall not erect or place tents, temporary structures, umbrellas, chairs or stools within the public right-of-way or adjacent property.

3. Sign walkers shall not be positioned so as to obstruct vehicle sight lines.

4. Sign walkers shall not obstruct the free movement of pedestrians on sidewalks.

5. Sign walkers are not allowed in the medians of public streets.

6. The sign worn, held or balanced by a sign walker shall be a maximum of five (5) square feet in size and may be double sided.

W. Special Event Signs

Special event signage is permitted in all zoning districts subject to the conditions identified below:

1. Business Anniversary, Going Out of Business, Grand Opening, Worship Center Event: Business Anniversary, Going Out of Business, Grand Opening, Worship Center Event banners along with associated streamers, pennants and balloons are permitted in the agriculture, MSC, commercial and industrial zoning districts and are conditionally permitted in the residential zoning districts subject to the conditions identified below:

   a. All businesses/organizations shall be permitted to display banners on a one-time basis for a maximum of thirty (30) consecutive days.

   b. Prior to any special event or promotion, the business/organization shall obtain a Sign Permit per the requirements outlined within Section 6.11of this Ordinance.

   c. Alternative special event or promotion display periods that do not require attainment of a Sign Permit, are specified in Table 4.6.

   d. Special event/promotion signs shall be removed within twenty-four (24) hours after the conclusion of the event.

   e. Number/Size Limitation

      i. Vehicle mounted and flashing lights are prohibited from use as special event signs.

ii. One (1) banner sign is permitted, not to exceed thirty-two (32) square feet and the maximum height shall not exceed four and one-half (4.5) feet.

iii. No balloon may be larger than twenty-four (24) inches in diameter.

f. Location Limitations

i. Banners, streamers, balloons or pennants shall be located on the business storefront or within the area owned/leased by the business.

ii. Banners, streamers, balloons or pennants shall not exceed the height of the building or sign to which they are attached for all non-residential zoning districts unless otherwise stated.

iii. Banners, streamers, balloons or pennants shall not be placed within the public right of way. This includes all landscape areas located within the right of way.

iv. Banners, streamers, balloons or pennants shall not obscure building address numbers.

v. Banners, streamers, balloons or pennants shall not encroach within onsite fire lanes.

vi. Banners, streamers, balloons or pennants shall not be attached to, or hung from a tree or shrub.

vii. Balloons in new residential subdivisions may not exceed fifty (50) feet above the average grade of the underlying parcel.

viii. Banners, streamers, balloons and pennants shall not be erected at the intersection of any street or pedestrian walkway in such a manner as to obstruct free and clear vision, nor at any location where, by its position, shape or color, may interfere with or obstruct the view of, or be confused with, any authorized traffic signal, sign or device.

ix. Banners, streamers, balloons, and pennants may not be placed on vacant property or attached to public property or extend onto adjacent private property, and shall not be attached to utility poles or light standards within the public right-of-way.

x. Streamers and pennants must be at least ten (10) feet above the surrounding ground level.

xi. Banners, streamers, balloons, and pennants shall not create a visual obstruction over three (3) feet in height adjacent to driveways, alleys or corners pursuant to the visual obstruction requirements of this Ordinance.

g. Design

i. Banners, balloons or pennants shall not be designed to depict any product or service that cannot legally be provided in the City or promote businesses outside the City limits.

ii. Banners, balloons or pennants shall be professionally manufactured and shall only advertise products sold at the subject business.

2. Political/Ideological Sign:

Political and ideological signs are permitted in all zoning districts, subject to the conditions identified below and in table 4.6:

a. Political signs shall only be located on a parcel with the owner's prior permission.

b. Political signs shall not be located on city property or in city rights-of-way, except as otherwise permitted by State Law.

c. Political signs shall not be displayed more than sixty (60) days prior to a specified voting day. Political signs shall be removed within fifteen (15) days after such specified voting day. Candidates successful in a primary election are permitted to leave their respective political signs in place until ten (10) days after the general election, or if necessary, until ten (10) days after a run-off election.

d. The maximum aggregate size, per individual candidate or ballot issue, shall not exceed sixteen (16) square feet on any residential lot or parcel and thirty-two (32) square feet on any non-residential lot or parcel.

e. The maximum height shall not exceed four and one-half (4.5) feet.

f. Political signs shall not be counted against the total allowable sign area in non-residential zoning districts.

g. Political signs shall not be located within a sight visibility triangle or create any other hazard for traffic as determined by city staff.

h. One designated political headquarters location per candidate, party or issue may be identified with event signage, to include banners, balloons and pennants not to exceed an aggregate total sign area of eighty (80) square feet.

3. All Other Special Event Signage

Banners, feather banners, streamers, balloons, and pennants shall be permitted for special events/promotions in all zoning districts subject to the conditions identified below and in table 4.6:

a. Exceptions. Feather banners within the MSC District are exempt from the requirements of subsections b-g below and table 4.6, but shall be required to adhere to the adopted MSC District feather banner installation requirements.

b. Special promotion signs shall be placed only after meeting requirements of table 4.6 and must be removed within twenty-four (24) hours after the conclusion of the event.

c. Number/Size Limitation

i. Vehicle mounted and flashing lights are prohibited from use as special event signs.

ii. One (1) banner sign is permitted, not to exceed thirty-two (32) square feet and the maximum height shall not exceed four and one-half (4.5) feet.

iii. No balloon may be larger than twenty-four (24) inches in diameter.

iv. Feather banners total maximum height shall not exceed eleven (11) feet in height and two (2) feet six (6) inches in width.

v. The number of feather banners allowed on a site shall not exceed one (1) for every twenty-five lineal feet of frontage along the adjacent public street. The lineal feet of frontage shall be that distance of the site frontage facing a public street. Where the site fronts on more than one public street, the lineal feet of frontage shall be calculated by using the longer of any one such frontage.

d. Location Limitations

i. Banners, feather banners, streamers, balloons or pennants shall be located on the business storefront or within the area owned/leased by the business.

ii. Banners, feather banners, streamers, balloons or pennants shall not exceed the height of the building or sign to which they are attached for all non-residential zoning districts unless otherwise stated.

iii. Banners, feather banners, streamers, balloons or pennants shall not be placed within the public right of way. This includes all landscape areas located within the right of way.

iv. Banners, feather banners, streamers, balloons or pennants shall not obscure building address numbers.

v. Banners, feather banners, streamers, balloons or pennants shall not encroach within onsite fire lanes.

vi. Banners, feather banners, streamers, balloons or pennants shall not be attached to, or hung from a tree or shrub.

vii. Balloons in new residential subdivisions may not exceed fifty (50) feet above the average grade of the underlying parcel.

viii. Banners, feather banners, streamers, balloons and pennants shall not be erected at the intersection of any street or pedestrian walkway in such

a manner as to obstruct free and clear vision, nor at any location where, by its position, shape or color, may interfere with or obstruct the view of, or be confused with, any authorized traffic signal, sign or device.

ix. Banners, feather banners, streamers, balloons, and pennants may not be placed on vacant property or attached to public property or extend onto adjacent private property, and shall not be attached to utility poles or light standards within the public right-of-way.

x. Streamers and pennants must be at least ten (10) feet above the surrounding ground level.

xi. Banners, feather banners, streamers, balloons, and pennants shall not create a visual obstruction over three (3) feet in height adjacent to driveways, alleys or corners pursuant to the visual obstruction requirements of this Ordinance.

e. Design

i. Banners, feather banners, streamers, balloons or pennants shall not be designed to depict any product or service that cannot legally be provided in the City.

ii. Feather banners must be securely installed, self-supporting, and may not protrude into the public right-of-way, drive aisles, parking spaces or other areas required for vehicular or pedestrian accessibility.

iii. Banners, feather banners, balloons or pennants shall be professionally manufactured.

f. Inflatables

Inflatables are permitted in commercial and industrial zoning districts subject to the conditions identified below and in table 4.6:

i. Shall have a maximum height of the building in which the business is located or 30-feet above the adjoining ground, whichever is less.

ii. Shall be securely tethered or anchored and shall not be affixed or attached to any light poles, traffic signals, street signs, or other public safety device.

iii. Shall be located so as to not interfere with pedestrian and vehicular circulation patterns as approved by the City.

iv. Shall not be located on the roof of the building.

Table 4.6: Special Event Sign Requirements

Type of Event	Time Allowed/ Permit Required	Time Allowed/ No Permit Required
Business Anniversary	30 Days/with permit	1 period of five (5) days per calendar year/no permit req'd
Change of Business/ Going Out of Business	30 Days/with permit	12 hours for one day event per business/no permit req'd

Table 4.6: Special Event Sign Requirements		
Type of Event	**Time Allowed/ Permit Required**	**Time Allowed/ No Permit Required**
Grand Opening	30-Days/with permit	12 hours for one day event per business/no permit req'd
Worship Center Event	30 Days/with permit	12 hours for one day event per business/no permit req'd
Chamber of Commerce Event	30 Days/with permit	12 hours for one day event per business/no permit req'd
Political Campaign	One period of seventy-five (75) days per election year. Additional time is permitted for general and run-off elections	
Any Other Type of Special Event/Promotion	30-Days/with permit	12 hours for one day event per business/no permit req'd

X. Street Address Signs

Address signs are permitted in any zoning district subject to the conditions identified below:

1. Every building or group of buildings within the MSC, C-1, commercial and industrial zoning districts must be identified by a street number that is clearly visible from the adjacent street or when a building is internal to a multiple building site and a directory sign is provided, the address shall be visible from the internal drive or pedestrian path. This sign shall not be computed as part of the total sign area permitted for any site or business.

2. The street number (or number range) of the businesses or business complex identified on a monument sign shall be displayed at the top of the text area of the monument sign and shall not be computed as part of the aggregate sign area.

3. Business address letters and numeral height shall not be less than four (4) inches in height and shall be self-illuminated or located eighteen (18) to thirty-six (36) inches below a light fixture. All numbers and letters shall be illuminated from dusk to dawn.

4. One (1) and two (2) family dwellings shall provide four (4) inch address numbers on the front elevation, and on the front and rear elevations when abutting an alley. Developments, properties or sites with perimeter walls shall have the address number on the outside of the wall.

Y. Residential Subdivision/Development Identification Signs

Residential Subdivision/Development identification signs are monument signs permitted in all residential zoning districts subject to the conditions identified below:

1. The maximum height shall be six (6) feet and the maximum area shall be twenty-four (24) square feet.

2. A maximum of one (1) sign shall be located at each non-local street access to the identified subdivision.

3. Sign text shall be limited to the name of the development or subdivision.

4. The sign shall not be located within the public right-of-way without an approved encroachment permit.

5. The sign shall not be located to obstruct vehicle sight lines.

6. A minimum of one (1) square foot of landscape area per one (1) square foot of sign area shall be provided at the base of the sign.

7. Landscaping at the sign base may be occasionally changed, but shall always be maintained in good condition by the property owner or the City if dedicated during the subdivision platting process.

8. The text area of the sign may be back-lit such that the source of illumination is not visible; provided, however, that back-lit, non-opaque panels are not permitted.

9. The text area of the sign may be illuminated by fully shielded ground mounted directional lighting.

Z. Under-Canopy Signs

Under canopy signs are permitted in the MSC and commercial zoning districts as a part of a comprehensive sign plan and are subject to the conditions identified below:

1. All under-canopy signs require written property owner and City approval prior to installation.

2. Each business may be allowed one double-faced, non-illuminated sign installed under an overhanging canopy or fascia perpendicular to the front of the tenant's front wall space.

3. The maximum sign width shall not exceed twenty-four (24) inches.

4. The maximum sign height shall not exceed twelve (12) inches.

5. The minimum clearance shall not be less than eight and one-half (8.5) feet from the bottom of the sign to the sidewalk or surface beneath the sign.

6. In no case shall any other object, banner, sign or other material be attached to, or hung from the sign.

7. No under-canopy sign shall be mounted in a manner that will impede pedestrian or vehicular visibility or create any hazard.

8. The sign area for the first under-canopy sign shall be excluded from the total aggregate sign area. Businesses with multiple public entrances may be allowed one additional under-canopy sign, subject to property owner and City approval, but the sign area of the second under-canopy sign will be counted as a part of the business's total aggregate sign area.

9. Under-canopy signs attached to structures under unified ownership and control shall be consistent in size, color, location, and finish.

AA. Window Signs

Window signs are permitted in the MSC, commercial and industrial zoning districts subject to the conditions identified below:

1. Except for gas filled signs as permitted in this Zoning Ordinance, window signs do not count as part of the total aggregate sign area.
2. Window signage shall be limited to twenty-five (25) percent of the total window area in which it is placed.
3. Window signs shall be prepared by a professional sign company.
4. Window Decorations/Painting
   a. Window decorations/painting signs are permitted in all zoning districts
   b. Holiday decorations may be displayed on a temporary basis for civic, patriotic or religious holidays.
   c. The coverage of window decoration/painting and signage must not exceed seventy-five (75) percent of the total window area.
   d. Window decoration shall not contain any form of advertising copy, including but not limited to, name of business, logo or sale language.

4.5.5. Prohibited and Restricted Signs

A. Prohibited Signs

Any sign not specifically authorized herein is prohibited. The list of prohibited signs includes, but is not limited to:

1. Off-site signs except as permitted in Section 4.5.4Q of this Section.
2. Signs mounted on a building roof
3. Signs that emit smoke, steam, strobe lights, laser or hologram light displays, or other similar features.
4. Signs that constitute a public nuisance or a potential threat to the health, safety or well-being of the general public due to their height, illumination intensity, location, movement, placement, size or other design features or characteristics.
5. Any sign imitating an official traffic control sign and any sign or device obscuring such traffic control signs or devices
6. Signs mounted on, or applied to trees, utility poles, rocks, or city owned property;
7. Signs advertising home occupations in residential zoning districts.

B. Restricted Signs

The following signs are restricted except where allowed under certain circumstances as outlined in Section 4.5.4.

1. Any animated or moving sign, including wind activated, televisions, or signs with streaming video, unless approved as a conditional use.

2. Portable or mobile signs

3. Non-electrically illuminated signs

4. Any non-public signs in public right-of-way or affixed on public property

5. All off-premise signs, unless approved as a conditional use.

6. All banners, feather signs, pennants, streamers, balloons, flags, searchlights, strobe lights, or beacons.

7. Any non-public temporary or portable signs within the US 95/Main Street right-of-way.

8. Any painted or pre-made signage placed on a stationary vehicle to advertise a product or a service conducted on-site or off-premises, but excluding signs that are attached to any vehicles that are regularly used to conduct normal business activities, such as deliveries, service calls or related duties.

4.5.6. Permits Required and Process

A permit is required to erect, re-erect, construct, alter or move certain sign types within the City. A separate permit shall be required for each sign or group of signs on a single supporting structure. In addition to a sign permit, an electrical permit shall be obtained for all electric signs. All electric signs shall be subject to the provisions of the adopted electrical code of the City in effect at the time of submittal of the plans. All components of the electric sign shall bear the label of an approved agency.

A. No Sign Permit Required

A permit shall not be required by the City for the following signs; provided, however, that such signs shall be subject to any and all applicable provisions of this ordinance, including Zoning Administrator approval, when required:

1. Nameplate signs measuring four (4) square feet or less in sign area, which shall contain the name of the business and may contain any or all of the following:

   a. Street address, hours of operation and business logo

   b. Street number and name

2. Any sign measuring four (4) square feet or less in area not otherwise prohibited by this ordinance.

3. Sign repainting without changing wording, composition or colors; or minor nonstructural repairs.

4. Signs not visible from off-site public or private property.

5. Signs measuring less than eight (8) square feet, placed on any worship center property or any sign relating to religious-based operations that is not visible from an adjacent street or property.

6. Signs directing and/or guiding traffic and parking on private property and other municipal signage providing directions to hospitals or emergency services or governmental agencies, legal notices, railroad crossing signs and danger signals.

7. The names of buildings and dates of construction (when cut into any masonry surface or when constructed of bronze or other non-combustible material) not to exceed eight (8) square feet in area.

8. Text or images on bus benches not exceeding twelve (12) square feet in area and only containing transit-related service information.

B. Master Sign Program

To provide a mechanism by which the sign regulations established in this Section can be modified to ensure that signs for a uniquely planned or designed development or area are most appropriate for that particular development or area a Master Sign Program may be required or requested per the guidelines identified below.

1. A master sign program may be:
   a. Required by the Zoning Administrator for any development that requires a Site Plan Review in compliance with Chapter 6 (Site Plan Review), or a similar discretionary review; or

   b. Requested by the owner or master lessor of a development; or

   c. Initiated by the City for a particular area in furtherance of a specific plan, revitalization program, overlay zone, or other area wide planning tool.

2. A master sign program may include provisions that are more and/or less restrictive than the regulations established in this Section as related to issues of size, location, color, construction materials and design of the sign but without consideration as to the message to be displayed on the sign based on the particular unique features of the development.

3. Each master sign program applicant shall show to the Administrator's satisfaction why the modifications requested are warranted and how the total sign proposal for the development meets, on balance, the general purpose and intent of this Section.

4. A master sign program application shall be approved, conditionally approved, or disapproved through the development plan review process.

5. A new master sign program approval shall be obtained for substantial revisions to the original approval, as determined by the Zoning Administrator.

C. Comprehensive Sign Plan:

To ensure large multi-building, -tenant developments or complexes maintain a cohesive and aesthetically pleasing design theme, Comprehensive sign plans shall be required for developments containing more than three (3) structures or businesses.

1. Comprehensive sign plans shall meet all sign criteria of the City within the MSC, commercial and industrial zoning districts. The following elements are required for submittal and approval:

a. Name, address and phone number of property owner or designee.

b. Written text clearly outlining the sign plan to include all suites, offices or other leased/leasable space.

c. Name and address of property for which the comprehensive sign plan is designated.

d. Design criteria allowed for signage (i.e. colors, installation method, materials, type of signage, etc.). If it is the intention of the property owner to allow Nationally Recognized Registered Logos, this must be specified in the plan.

e. Site plan showing all lot dimensions, suites, offices or other leased/leasable space and proposed/existing signage placement (drawn to scale).

f. Elevations showing proposed sign envelopes.

g. Lineal footage of building(s).

h. Allocation chart showing allowable and utilized sign square footage for each suite, office or space number.

i. Comprehensive sign plan amendments must be made in writing and submitted, reviewed and approved by the Zoning Administrator.

j. A comprehensive sign plan denial, by the Zoning Administrator, may be appealed to the Board of Adjustment.

2. For tenants of a development that has an approved comprehensive sign package, sign permits will only be issued for signs that comply with the previously approved comprehensive sign package, or receive approval through the master sign program.

D. Sign Permit Criteria:

Sign permits are subject to review and approval by the Zoning Administrator, or designee, per Section 6 – Zoning Procedures and Fees. The following information shall be submitted to obtain a sign permit, unless alternative arrangements are made as part of a master sign program or comprehensive sign plan as specified herein:

1. The applicant's name, name of business, business address, work telephone number and email address. If different, the application shall also include the name, address, work telephone number, email address and signed authorization of the property owner.

2. The name, address, contact information and ROC# of the Arizona licensed sign contractor.

3. The address of the site for the proposed signage.

4. Two (2) scaled drawings of the proposed signage that include at a minimum:

a. All sign dimensions, including the height of the signage.

b. Sign finish, materials and colors.

c. A site plan showing the proposed location of signage.

d. Any building elevations showing proposed location of signage.

e. Electrical plans (if applicable), including the source of sign illumination and applicable details of the fixture and screening.

f. The landscape details (i.e. planting design, vegetation types, irrigation service, wall components, etc.) for signs with a landscape requirement.

5. The Zoning Administrator may require other pertinent information where, in his/her opinion, such information is necessary to insure compliance with the Code.

4.6. LIGHTING

4.6.1. Purpose

This Section provides standards for outdoor lighting that does not unreasonably interfere with the use and enjoyment of property within the City as follows:

A. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce.

B. Curtail and reverse the degradation of the night-time visual environment and the night sky.

C. Preserve the dark sky for astronomical purposes.

D. Minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary.

E. Conserve energy and resources to the greatest extent possible.

F. Help protect the natural environment from the damaging effects of night lighting from man-made sources.

4.6.2. Applicability

All exterior lighting shall be designed to conform to the standards of the state "dark skies" requirements as set forth in A.R.S §49-1101 et seq. and with the provisions of this Ordinance, the building code in effect at the time of installation, the electrical code in effect at the time of installation and the Subdivision Ordinance of the City of Somerton in effect at the time of installation as applicable and under appropriate permit and inspection.

A. New Development
Unless otherwise stated, all new residential and nonresidential development shall comply with the standards and requirements set forth in Section 4.6.

B. Somerton Redevelopment Area Lands

The lighting provisions established within the Somerton Redevelopment Plan for lands located within the Somerton Redevelopment Area shall be considered complementary to the requirements set forth in Section 4.6. In the event of a conflict between a provision of Section 4.6 and the Somerton Redevelopment Plan for land located within the Somerton Redevelopment Area, the provisions of the Redevelopment Plan shall apply.

C. Additions, Alterations and Restoration of Residential and Non-Residential Constructions
Building additions, alterations, and/or restorations that meet one of the following criteria listed below shall comply with the standards and requirements set forth in Section 4.6 of this Ordinance.

1. Additions, alterations, and/or restorations that will increase the square footage of the facility by 50% or more.
2. Alterations, and/or restorations that involve work to 50% or more of the square 50% of the facility.
3. Additions, alterations, and/or restorations the cost of which represents 50% or more of the value of the existing facility prior to such addition, alteration o restoration.

4.6.3. Exempt Lighting

A. Municipal street lighting and other municipality-owned lighting is not covered by this Ordinance, but by other City Codes or policies. However, it is recommended that all such lighting conform to all of the aspects of this Section 4.6.

B. Internally illuminated signs: All such signs shall have "dark" backgrounds (opaque or colored) and "light" lettering (white or lighter colored than the background) so as to minimize glare or luminous overload.

C. Externally illuminated signs: All such signs shall be lit from above with fully shielded fixtures.

D. Temporary lighting for theatrical, television and performance areas.

E. Lighting in swimming pools or other water features governed by the National Electric Code.

F. Code required exit signs.

G. Code required lighting for stairs and ramps.

H. Temporary holiday lighting provided that individual lamps are ten (10) watts or less.

I. Lighting required and regulated by the Federal Aviation Administration or other federal or state agency.

J. Interior lighting.

4.6.4. Prohibited Lighting

The following high-intensity, special purpose lighting systems are prohibited from being installed or used except by "Conditional or Temporary Use Permit" which shall not be granted for any use in the LZ-0, LZ-1 or LZ-2 lighting districts.

A. Aerial lasers;

B. "Searchlight" style lights;

C. Architectural use of lights bars; and

D. Other very intense lighting defined as having a light source exceeding 200,000 lumens or intensity in any direction exceeding two (2) million candles or more.

4.6.5. Lighting Zones

In order to be more responsive to the special needs of different portions of the City, a system of five (5) different "lighting zones" (LZ) has been established based upon the current and/or planned uses and ambient brightness of the area. Each LZ will have different development requirements and lighting restrictions. The LZ for a particular project shall be assigned by the Zoning Administrator during the development review process. See Table 4.6-1 Lighting Zones, for a description of each lighting zone type

A. A decrease of one (1) or more lighting zone numbers or an increase of one (1) lighting zone number may be granted to a specific (individual) land parcel or project within a lighting zone upon special application to and the approval of the Zoning Administrator.

Table 4.6-1 Lighting Zones

Zone	Ambient	Representative locations and illumination.
LZ-0	Very dark	Critical dark environments, such as wildlife preserves, parks and major astronomical observation sites.
LZ-1	Dark	Developed areas in recreational areas, wetlands, wildlife habitats, and areas where residents have expressed a desire to conserve natural illumination levels.
LZ-2	Low	Rural areas, low density urban neighborhoods and districts, and residential historic districts.
LZ-3	Medium	Medium to high-density urban neighborhoods and districts, industrial parks and districts, The zone is intended to be the default condition for commercial and industrial districts in urban areas.
LZ-4	High	Reserved for very limited applications such as major city centers, urban districts with high security requirements, thematic attractions and entertainment districts and major auto sales districts.

4.6.6. Regulations

All illumination designed or placed so as to illuminate any portion of a site shall be achieved in accordance with the following standards.

A. Luminary lamp wattage, shielding, and installation requirements

1. All outdoor lighting shall comply with the limits to lamp wattage and the shielding requirements outlined in Table 4.6-2 below.

2. Only luminaries that are allowed to be unshielded in Table 4.6-2 may employ flexible or adjustable mounting systems. All other luminaries shall be permanently installed so as to maintain the shielding requirements of Table 4.6-2.

3. The City may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaries meet the requirements of the shielding classification.

4. Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture meets or exceeds the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed.

5. All canopy lighting must be fully shielded. However, indirect "up-light" is permitted under an opaque canopy, provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no "up-light" is emitted beyond the opaque canopy.
6. Overhead lighting used to light buildings, overhangs and open canopies shall be fully recessed within the overhang or canopy.

Table 4.6-2 Maximum Wattage and Required Shielding

Lighting Zone	Fully Shielded (watts)	Shielded (watts)	Partly Shielded (watts)	Unshielded (Shielding is highly encouraged)
LZ-0	55	None permitted	None permitted	None permitted
LZ-1	70	30	None permitted	None permitted
LZ-2	150	55	None permitted	Low voltage landscape lighting
LZ-3	450	100	55	Landscape and Façade lighting 100 watts or less; ornamental lights of 55 watts or less
LZ-4	1000	150	90	Landscape and Façade lighting 250 watts or less; ornamental lights 70 watts or less; marquee lighting not employing medium-based lamps.

B. Height limits
1. **Lighting mounted to poles.** Lighting mounted on poles or any structure intended primarily for the mounting of lighting shall not exceed a mounting height of forty (40) percent of the horizontal distance of the light pole from the property line or a maximum height according to Table 4.6-3, whichever is lower.

a. Exceptions:
i. Lighting for residential sports courts and pools shall not exceed fifteen (15) feet above the court or pool deck surface.

ii. Lights specifically for driveways, and then only at the intersection of the road providing access to the site, may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 4.6-3.

iii. Mounting heights greater than forty (40) percent of the horizontal distance to the property line, but no greater than permitted by Table 4.6-3, may be used, provided that the luminaries is side-shielded toward the property line.

iv. Landscape lighting installed in a tree no higher than 18 feet above the ground surface at the base of the tree.

v. The maximum height of parking lot lighting standards (poles) shall be eighteen (18) feet.

2. **Lighting mounted to buildings or structures.** Lighting mounted onto buildings or other structures shall not exceed a mounting height greater than four (4) feet higher than the tallest part of the building or structure at the place where the lighting is installed or higher than forty (40) percent of the horizontal distance of the light from the nearest property line, whichever is less.

a. Exceptions:

i. Lighting attached to a single-family residence shall not exceed the height of the eave.

ii. Lighting for facades may be mounted at any height equal to or less than the total height of the structure being illuminated, regardless of the horizontal distance to the property line.

iii. For buildings less than forty (40) feet to the property line, including canopies or overhangs onto the sidewalk or public right-of-way, luminaries may be mounted to the vertical façade or the underside of canopies at sixteen (16) feet or less.

Table 4.6-3 Maximum Lighting Height (in feet)

Lighting Zone	Light for driveways parking and transit	Lighting for walkways, plazas and other pedestrian areas	All other lighting
LZ-0	20′	8′	4.5′
LZ-1	25′	12′	4.5′
LZ-2	37.5′	18′	8′
LZ-3	37.5′	18′	15′
LZ-4	Heights to be determined by the Permitting Authority		

C. Total Site Power Limits

This Section applies to all outdoor lighting, whether attached to a building, poles, structure or self-supporting, including but not limited to, hardscape areas (which include parking lots, lighting for building entrances, sales and non-sales canopies), lighting for all outdoor sales areas and lighting for building facades.

1. The maximum allowed lighting limit shall be determined as follows:

Step 1: Multiply the area in square feet of each of the "lighting application types" identified in Table 4.6-4 by the allowed lamp wattage per square foot for the

appropriate lighting zone. See Section 4.6.5 for determination and definition of lighting zones.

Step 2: The power allowance for each specific application type shall not exceed the calculated Lamp Power Allowance determined by Table 4.6-4.

2. Rules and Exceptions:

   a. Power is not allowed for any use types not listed, except for those items listed in Section 4.6.3 and Section 4.6.4.

   b. Only one (1) application type may be applied to a given area.

   c. Canopy allowances include only the area within the drip line area of the canopy.

   d. Areas not designed to be illuminated may not be counted toward the total site limit.

Table 4.6-4 Lamp Power Allowance (LPA)
Lamp Power Allowance = Lighting Application Area x LZ lamp wattage/SF

Lighting Application Type	Allowed Area	Lighting Zone				
		LZ-0 (lamp wattage per SF)	LZ-1 (lamp wattage per SF)	LZ-2 (lamp wattage per SF)	LZ-3 (lamp wattage per SF)	LZ-4 (lamp wattage per SF)
Parking Lots, Plazas, Driveways, Hardscape, On-Site Private Roads.	Paved area plus five (5) feet of the perimeter of adjacent unpaved land. Includes planters and landscaped areas less than ten (10) feet wide enclosed by hardscape on at least three (3) sides.	0.010	0.020	0.040	0.080	0.16
Sidewalks, Walkways, and Bikeways	Paved area plus five (5) feet of unpaved land on either side of the path of travel.	0.020	0.040	0.080	0.15	0.20
Building Entrances (without canopy)	Width of doors plus three (3) feet on either side times a distance outward from the building from the surface of the doors ten (10) feet.	0.010	0.35	0.50	0.70	1.00
Building Entry, Drive-Up Sales, and General Use Canopies.	Drip line area under canopy. Thirteen (13) watts plus the value in the LZ columns.	0.00	0.10	0.20	0.40	0.70
Vehicle Service Station.	Drip line area under canopy or five-hundred (500) square feet per double-sided fuel dispenser not under canopy	N/A	0.30	0.60	1.20	2.40
Building Facades		N/A	N/A	0.18	0.35	0.50
Outdoor Sales Lot		N/A	N/A	0.60	1.10	1.80
Outdoor Sales Frontage (frontage In linear feet, and the allowance is per linear foot).	Potion of uncovered outdoor sales used for display of vehicles or other merchandise for sale. All adjacent access drives, walkway areas, customer parking areas, vehicle service or storage areas not surrounded on three (3) sides by sales area shall be considered hardscape.	N/A	N/A	N/A	30 w/lf	40 w/lf

Table 4.6-4 Lamp Power Allowance (LPA) Lamp Power Allowance = Lighting Application Area x LZ lamp wattage/SF						
Lighting Application Type	Allowed Area	Lighting Zone				
		LZ-0 (lamp wattage per SF)	LZ-1 (lamp wattage per SF)	LZ-2 (lamp wattage per SF)	LZ-3 (lamp wattage per SF)	LZ-4 (lamp wattage per SF)
Ornamental Lighting.	Entire site.	N/A	Special Permit	0.010	0.02	0.04

E. Recommended Lighting for Externally Illuminated Signs

Externally lighted signs should be lighted from the top of the sign downward and be fully shielded.

1. **Exception:** Landscape lighting complying with Table 4.6-2 may illuminate signs not taller than ten (10) feet above grade.

F. Lighting controls

Lighting systems for non-residential properties shall be turned off or reduced in lighting at least fifty (50) percent beginning at curfew and continuing until dawn or start of business whichever is sooner. The reduction shall be determined as an overall average for the site. When possible, the lighting system should be turned off rather than just reduced in lighting level.

1. Curfew shall be as follows:
   a. LZ-0, the later of 8PM or close of business.
   b. LZ-1, the later of 8PM or close of business.
   c. LZ-2, the later of 10PM or close of business
   d. LZ-3, the later of midnight or close of business.
   e. LZ-4, the later of midnight or close of business.

2. Exceptions:
   a. When there is only one (1) conforming luminary on the site.
   b. Code required lighting for steps and stairs.
   c. When in the opinion of the Zoning Administrator, reduced lighting levels at a given location will cause unacceptable increased risk and design levels must be maintained.
   b. Except as otherwise set forth in provisions a-c above, all parking lot lighting serving commercial businesses, shall be turn off one-half (½) hour after the close of the business that the parking lot serves or as required for the safety of the employees leaving the business.

4.6.7. Special Approvals

The Zoning Administrator may approve lighting systems not complying with the technical requirements of this Ordinance but consistent with the intent of this Ordinance. The Zoning Administrator shall review each application. A special approval may be granted, if upon review, the Zoning Administrator believes that the proposed lighting will not create unwarranted glare, sky glow or light trespass for the following applications:

A. Sports field and stadiums;

B. Construction lighting;

C. Industrial lighting for hazardous areas where the heat of the lighting fixture may cause a dangerous situation;

D. Bridges;

E. National and state flag lighting with spot lights greater than 70 watts in LZ-3 and LZ-4, and greater than 39 watts in LZ-0, LZ-1, LZ-2;

F. Specialized theme park lighting;

G. Floodlighting of buildings over two stories high;

H. Public monuments, public buildings, and house of worship; and

I. Industrial areas where higher pole heights are required to avoid interference of vehicle with pole assembly.

4.6.8. Submission of Plans and Evidence of Compliance with Ordinance

Installation of any outdoor lighting requires a building permit, which will not be granted without plans and descriptions indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices. The descriptions shall include catalog cuts by manufacturers and drawings.

A. A building permit must be obtained prior to changing/substituting any regulated outdoor light fixture.

4.6.9. Exemptions

A. An approved Temporary Use Permit may allow for a temporary exemption from the requirements of this section.

B. Outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this section.

C. The use of LED, exposed neon, argon or krypton tubing, exposed incandescent lighting or other exposed artificial lighting to outline any structure or portion thereof is permitted subject to review and approval by the Development Review Committee.

1. The Committee shall approve exposed building illumination only upon a finding that such illumination:
   a. Constitutes a design component of the overall building architecture; and

   b. Is integrated into the primary physical elements of the building or development, and is harmonious with the architectural style of the structure(s); and

   c. Serves only for the purpose of embellishing the nighttime architecture of the building, and does not portray an advertising message; and

d. Is compatible with the land use and architecture of adjacent developments and is otherwise in compliance with Section 4.5 of this Ordinance.

2. Any approval by the Committee for exposed building illumination requires that:

a. The structure or building complex on which the lighting is to be used shall be in substantial compliance with all current City Code requirements and regulations.

b. The illumination complies with the National Electrical Code, as evidenced by submittal of complete design containing plans and specifications.

SECTION 5 – ADMINISTRATION

5.1. PURPOSE

This Chapter defines the authority and responsibilities of City staff and official bodies in the administration of this Zoning Ordinance.

5.2. CITY COUNCIL

The City Council is the governing body of the City of Somerton as established in Chapter 2, Article 2-1, of the City of Somerton City Code.

5.2.1. Powers and Duties

The City Council shall have the following powers and duties relating to the administration and enforcement of this Zoning Ordinance:

A. Act as the review and decision-making body on all specified planning matters as outlined in this Ordinance or by State law;

B. Consider and adopt, reject or modify amendments to the General Plan map and text pursuant to the provisions of Section 6.4;

C. Consider and adopt amendments to the Zoning Map and to the text of this title pursuant to the provisions of Section 6.5 and 6.6;

D. Approve, deny or amend applications for development approval pursuant to the provisions of Subdivision Ordinance;

E. Render determinations regarding the existence, expansion, or modification of nonconforming uses pursuant to the provisions of Section 8;

F. Establish, by resolution, a municipal fee schedule listing fees, charges, and deposits for various applications and services provided pursuant to this title;

G. The review of any appeal filed from a decision by the Commission or other approval body;

H. Take such other action not expressly delegated exclusively to the Zoning Administrator, the Planning Commission, or the Board of Adjustment as the City Council may deem desirable and necessary to implement the provisions of this Ordinance, the Subdivision Code and the General Plan; and

I. Provide final determination on conflicting regulations between this Zoning Code and other provisions of the City Code and City regulations.

5.3. PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission shall be established as set forth in Chapter 2, Article 2-6, of the City of Somerton City Code (A.R.S. § 9-461.02).

5.3.1. Members

The City Council appoints seven (7) members to the Planning and Zoning Commission for staggered terms of two (2) years.

5.3.2. Meetings

Meetings of the Commission shall be open to the public and the minutes of its proceedings, showing the votes of each member and records of its examinations and other official actions, shall be kept and filed in the Community Development Department as a public record.

5.3.3. Powers and Duties

The Planning and Zoning Commission shall have the following powers and duties:

A. Initiate, conduct hearings, and make recommendations to the City Council on proposed amendments to the General Plan map and text, pursuant to Section 6.4;

B. Initiate, conduct hearings, and make recommendations to the City Council on proposed amendments to the Zoning Map and to the text of this title, pursuant to Section 6.5 and 6.6;

C. Approve, conditionally approve, modify or deny conditional use permits, pursuant to Section 6.7;

D. Hear and decide on modifications to approved conditional use permits and variances, pursuant to Section 6.2.10;

E. Approve, conditionally approve, modify or deny applications for preliminary development plans, pursuant to Subdivision Ordinance;

F. Conduct hearings and make recommendations to the City Council on applications for final development plans, pursuant to Subdivision Ordinance;

G. Conduct hearings and make recommendations to the City Council on proposed revocations of permits, pursuant to Section 6;

H. Hear and decide appeals from decisions of the Zoning Administrator on decisions, determinations, or interpretations made in the enforcement of this title and any other decisions that are subject to appeal; and

I. Exercise such other powers and perform such other duties as are provided by law and directed by the City Council.

5.4. BOARD OF ADJUSTMENT

The Board of Adjustment shall be established as set forth in Chapter 2, Article 2-9, Section 2-9-1, Ordinance Number 259 of the City of Somerton City Code (A.R.S. § 9-462.06).

5.4.1. Members

The Board of Adjustment shall consist of the members of the City Council. The Board shall elect a chair and vice-chair, annually, who shall have power to administer oaths and to take evidence. The City Council may, delegate to a hearing officer the authority to hear and decide on matters of the board of adjustment except that the right of appeal from the decision of a hearing officer to the board of adjustment shall be preserved.

5.4.2. Meetings

Meetings of the Board shall be open to the public and the minutes of its proceedings, showing the votes of each member and records of its examinations and other official actions, shall be kept and filed in the Community Development Department as a public record.

5.4.3. Powers and Duties

The Board of Adjustment shall have the following powers and duties:

A. Hear and decide appeals in which it is alleged there is an error in a decision made by the zoning administrator in the enforcement of the zoning ordinance;

B. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. 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 zone in which such property is located;

C. Reverse or affirm the order, requirement or decision of the zoning administrator appealed from, and make such order, requirement, decision or determination as necessary;

D. If the City Council is established as the board of adjustment, it shall exercise all of the functions and duties of the board of adjustment in the same manner and to the same effect as provided in this section; and

E. Shall exercise such other powers as may be granted by the ordinance and adopt all rules and procedures necessary for the conduct of its business.

5.4.4. Restrictions

The board of adjustment may not:

A. Make any changes in the uses permitted in any zoning district, or make any changes in the terms of the zoning ordinance provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this section; and

B. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

5.5. DEVELOPMENT REVIEW COMMITTEE

The Development Review Committee (DRC) is intended to promote harmonious, safe, attractive and compatible development and is, therefore, considered to be in furtherance of health, safety and general welfare. The DRC shall recognize the interdependence of land values, aesthetics and good site planning as necessary to protect the distinctive character and natural resources of the City of Somerton.

5.5.1. Members

The Development Review Committee shall be composed of the Department Heads of the Community Development, Public Works, Parks and Recreation, Police and Fire Departments or their designated representative.

5.5.2. Meetings

The Development Review Committee shall meet as needed to review development proposals, site plan submittals, subdivision applications submittals, or other development-related issues that require DRC review.

5.5.3. Powers and Duties

The Development Review Committee shall have the following powers and duties:

A. Review development applications, site plans and master sign plans for all projects except individual residential site plans and shall issue their findings in writing to the Community Development Department.

B. Review and comment on materials submitted for Pre-Application Meetings and provide comments to the project applicant as necessary.

C. In the subdivision plat review process, the Development Review Committee shall be involved in the Pre-Application Meeting and shall review and recommend to the Planning and Zoning Commission all subdivision plat applications accepted by the Community Development Department.

D. Provide timely information to Boards, Commissions, and City Council on relevant development approval processes and projects as necessary; and

E. Promote coordination and resolve conflicting comments, recommendations, and design differences between reviewing departments and subdividers/developers regarding development-related issues.

5.6. MINOR MODIFICATION COMMITTEE

The Minor Modification Committee (MMC) is created for the purpose of reviewing and making decisions and recommendations on "minor modifications," pursuant to Section 6.10. Minor Modifications are minor deviations from the development standards or dimensional requirements within this Ordinance. The MMC is to be used when the relative impact of the modification is believed to have little to no adverse effect on nearby properties, thus making it unnecessary to complete a more formal variance process.

5.6.1. Members

The Minor Modification Committee shall be composed of the Zoning Administrator and any two (2) other members of the Development Review Committee (DRC), or their designated representative.

5.6.2. Powers and Duties

The Minor Modification Committee shall have the following powers and duties:

A. Administratively review and approve, continue, deny, or approve with conditions minor modification requests in accordance with Section 6.10 of this Ordinance.

5.7. ZONING ADMINISTRATOR

Pursuant to A.R.S § 9-462.05, the provisions of this Code shall be administered and enforced by the Zoning Administrator. The Zoning Administrator shall be the Community Development Director. During any period that the position of the Zoning Administrator is vacant, the City Manager or his/her designated representative shall perform the duties of the Zoning Administrator.

5.7.1. Powers and Duties

The Zoning Administrator is hereby authorized and is hereby delegated the authority to commence an action to enforce the provisions of this Ordinance, pursuant to A.R.S. §9-462.05.A, §9-462.05.B, and shall have the following powers and duties:

A. To establish rules, procedures and forms to provide for the efficient and timely processing of applications or requests for action under the provisions of this Ordinance.

B. To accomplish all administrative actions required by this Ordinance, to include official notification, scheduling of hearings, preparation of reports, receiving and processing appeals, acceptance and accounting of fees and rejection or approval of site plans as provided in other provisions of this Ordinance.

C. To provide advice and recommendations to the Planning and Zoning Commission, the Board of Adjustment and the City Council with respect to applications, requests for approval and permits as required by this Ordinance.

D. To assure that any development or use proceed only in accordance to the terms, conditions or requirements established by the City's Boards, Planning and Zoning Commission or City Council, as a term, condition or requirement of development and/or permit approval.

E. To direct such inspections, observations and analysis of any and all 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 Ordinance. No building shall be occupied until such time as the Zoning Administrator has directed that a Certificate of Occupancy be issued under this Ordinance.

F. To enter or inspect any building, structure, premises, or real property in the City upon which, or in connection with which, a development or land use is located or proposed for the purpose of inspection to ensure compliance with the provisions of this Ordinance. Such inspections shall be carried out during business hours unless the Administrator determines that an emergency exists. Entry onto private property for the purpose of inspection shall be made only after contact with the owner of the premises, whose permission to inspect a property is provided and proper

credentials are presented. Failing permission, no inspection shall be undertaken without an order from a court of competent jurisdiction.

G. To take such action as is necessary for the enforcement of this Ordinance with respect to any violations of this Ordinance.

H. To interpret the Zoning Ordinance to the public, City departments and other branches of government, subject to the supervision of the City Manager and specific policies established by the City Council.

I. To undertake preliminary discussions with and provide non-legal advice to applicants requesting zoning interpretive actions.

J. To interpret the location of any Zoning District Boundary shown on the Zoning Map adopted as part of this Ordinance when such location is in dispute.

K. The Zoning Administrator may, due to the complexity of any matter, unless otherwise noted herein, refer a permit application to the Planning and Zoning Commission for a recommendation.

L. The Zoning Administrator may appoint representatives of the Community Development Department to enforce provisions of this Code

M. Hear and decide appeals from any decision regarding dedications or exactions filed pursuant to A.R.S § 9-500.12.

N. Hear and decide appeals by property owners alleging a zoning regulation has created a taking in violation of A.R.S § 9-500.13.

O. Review and authorize temporary use permits.

P. Serve as a Hearing Officer or delegate such duties to the Minor Modification Committee or qualified parties in order to fully carry out the provisions and intent of this Code, subject to the concurrence of the City Manager.

5.7.2. Restrictions

The Zoning Administrator may not:

A. The Zoning Administrator shall not make any changes in the uses permitted in any zoning classification or zoning district, or make any change in the terms of the Zoning Ordinance; provided that the restriction in this paragraph shall not affect the authority to grant variances pursuant to A.R.S § 9-462.06.

B. Refuse to issue a Building Permit or Occupancy Permit when the applicant has complied with all provisions of this and other applicable ordinances or codes, despite any violation of contracts, covenants or private agreements which may result.

5.7.3. Liability

The Zoning Administrator, or designee, charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of the duties described in this Ordinance, shall not be personally liable for any damage that may accrue to persons or property as a result of an act, or by reason of an act or omission in the discharge of their duties. A suit brought against the Zoning

Administrator, or designee, because such act or omission performed by the Zoning Administrator, or designee, in the enforcement of any provision of such code or other pertinent laws or ordinances implemented through the enforcement of this Ordinance or enforced by the enforcement agency shall be defended by the City of Somerton until final termination of such proceedings. Any resulting judgment shall be assumed by the City of Somerton. This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability because of the reviews or permits issued under this Ordinance.

5.8. General Provisions of Appointed Bodies

This Section contains procedures that are common to all appointed commissions and other bodies with review and/or decision-making responsibilities under this Code.

5.8.1. Absence of Member

Any member of an appointed commission anticipating an absence from a meeting of their body shall so advise the chair or secretary prior to the meeting.

5.8.2. Removal of Member

The City Council may remove from office a member of any appointed body under this Section 5 pursuant to the City of Somerton City Code.

5.8.3. Secretary

A representative from the City Clerk's office shall be the secretary of each appointed body under in this Section 5. In the secretary's absence, a member of the Community Development Department staff as determined by the Zoning Administrator shall act as secretary. The secretary shall cause to have a record kept of all meetings of each body and shall keep such files as may be required.

5.8.4. Meeting and Hearing Procedures

The Zoning Administrator and the members of any body governed by this Code shall conduct their open meetings according to the applicable procedures provided by law, including but not limited to the Arizona open meetings laws. The City Clerk shall distribute state open meeting law materials prepared and approved by the state Attorney General to the Zoning Administrator and to each member of the City Council, the Planning and Zoning Commission, or any other body prior to the day each takes office.

5.8.5. Meeting and Hearing Conduct

Meetings and hearings shall be conducted in accordance with the following:

A. Meetings and hearings shall be conducted at the call of the chairperson or the Zoning Administrator and at such other times as the appointed body may determine. All meetings and hearings shall be conducted pursuant to the procedures set forth in this Ordinance, City Code or state law.

B. The appointed commission may conduct special meetings for good cause on call of the chairperson, or Zoning Administrator, or by a majority of the members, or as may be scheduled by a majority vote of the members at a previous meeting. The manner of the call

shall be recorded in the minutes of the special meeting, and at least 24 hours' notice of the meeting shall be provided to each member.

C. No meeting, hearing or action shall be conducted without a quorum as defined in Subsection 5.8.7, Quorum – Official Action. In the event that less than a quorum is present at any meeting or hearing, such meeting or hearing shall be rescheduled by the chairperson to a date as soon as is practical and in accordance with the entity's bylaws.

5.8.6. Consent Agenda

Any appointed body under this Ordinance may establish a consent agenda. The consent agenda may consist of all matters brought before the body for action that do not require a public hearing. All items on the consent agenda may be approved by motion without debate. An item may be removed from the consent agenda prior to approval at the request of any member of the board present at the meeting or by City staff if requested by the applicant. Items removed from the consent agenda shall be considered on the regular agenda.

5.8.7. Quorum – Official Action

A. A majority of the full membership of any appointed body shall constitute a quorum for the transaction of business.

B. Action by the appointed body shall require the favorable vote of a majority of the quorum of the body, or as required by law or specific provisions of this Code.

5.8.8. Conflict of Interest

The following procedures, in addition to all applicable state law requirements, shall govern conflicts of interest with respect to the Zoning Administrator and members of any appointed body.

A. No decision-maker shall participate in any decision in which the body determines either that such decision-maker has a conflict of interest, as defined in Arizona law or this Code; or that the decision-maker has a personal interest or involvement in the case that would prevent the decision-maker from fairly evaluating the case; or that, based on all surrounding circumstances, participation by the decision-maker would create the appearance of impropriety in the proceedings.

B. Immediately upon discovering the existence of any conflict of interest prohibited by this section, this Ordinance, or any state law applicable to local government officials, the decision-maker shall fully disclose on the record and in open session of the body the nature of and the facts creating the conflict and shall be disqualified from any participation in or communications with other decision-makers on the matter with which a conflict exists.

C. Any decision-maker found by the applicable body to have a conflict of interest with regard to a particular matter shall not participate in any manner in that matter. If the Zoning Administrator has a conflict of interest, the matter before the Zoning Administrator shall be referred to a qualified, alternate Hearing Officer within the Community Development Department.

5.8.9. Ex Parte Communications

For the purposes of this Subsection, ex parte contacts and communications are defined as the receipt, either directly or indirectly, of verbal, visual, or written communications outside a duly noticed, open hearing on the record at which all parties and all board members have an opportunity to be present. The following procedures shall govern ex parte contacts:

A. **Prohibition of Ex Parte Communication.** To ensure that the decision-making process is fair and impartial, the Zoning Administrator, Minor Modification Committee, the Planning Commission, the Board of Adjustment, and the City Council, when acting in a quasi-judicial capacity, shall refrain from permitting ex parte contacts or communications with any person regarding any matter pending before that body.

B. **Disclosure of Communications.** If a Zoning Administrator, committee, commission or board member receives an ex parte communication the member shall place the communication in the public record or shall enter into the record a statement describing the time, place, and content of the communication.

SECTION 6 – ZONING PROCEDURES AND FEES

6.1. PURPOSE

This Chapter provides procedures and requirements for the preparation, filing, and processing of development applications required by this Ordinance.

6.2. COMMON PROCEDURES

The preparation and filing of applications for land use permits, entitlements, amendments (e.g., General Plan, Zoning Map, and Zoning Code), and other matters pertaining to this Ordinance shall comply with the following common procedures, unless an exception to the common procedure is expressly identified in subsequent sections of this Ordinance. Subsequent sections include additional provisions that are unique to each type of application, including staff and review board assignments and approval criteria.

6.2.1. Pre-application Conference

A pre-application meeting to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application shall be required for all proposed:

A. General Plan Amendments;

B. Text Amendments

C. Zoning Map Amendments (Rezoning);

D. Planned Area Developments;

E. Subdivisions;

F. Conditional Use Permits;

G. Site Plan Review; and

H. Variances.

An applicant for a project not requiring pre-application review may request, in writing to the Zoning Administrator, such review.

A. Pre-Application Filing

Before filing any applications described by this Section, the applicant shall submit a preliminary description of the proposal, accompanied by a fee specified by the adopted fee schedule, for review and comment by the Zoning Administrator and any other persons the Administrator deems appropriate. This preliminary description shall include, at minimum, a site plan and project narrative; both of sufficient scope and detail so as to allow a basic review of location, land area, land use, land use intensity, traffic generation and adjacent streets, stormwater drainage, utility service, and previous case history.

B. Pre-Application Conference

After receipt of a proper preliminary description of the proposal, the Administrator shall schedule a pre-application conference. At the conference, the applicant, the Administrator or designee, and any other persons the Administrator deems appropriate to attend shall discuss the proposed development.

Based upon the information provided by the applicant and the provisions of this Code, the parties should discuss in general the proposed development, the applicable submittal requirements and standards of this Code, and conditions that may be appropriate to meet the purposes and requirements of this Code.

C. Pre-Application Waivers

The Zoning Administrator may waive the requirement for a pre-application review based on a determination that no purpose will be served by the review. In such cases, the Administrator shall prepare a written statement setting forth the reasons for approving the waiver.

D. Pre-application Completeness Review Meeting

Following the mandatory pre-application conference, but prior to filing any application described by this Section, the applicant may request in writing a pre-application Completeness Review Meeting with Community Development Staff. Although not required, this meeting is recommended to allow staff the ability to complete a cursory review of the planned submittal material and identify if any required items are missing that may prevent an application from being accepted. This meeting should be scheduled several working days prior to the submittal deadline.

6.2.2. Application Submittal (Administrative Completeness Review)

A. Applications

Completed applications shall be submitted to the Community Development Department on a form and in such a manner as established by the Administrator.

B. Application Schedule

In accordance with A.R.S. §9-835, the Community Development Department shall publish an application schedule, which prescribes the necessary deadline for submitting an application in advance of being reviewed by the appropriate decision making body pursuant to this Ordinance or the A.R.S.

C. Authority to file Applications

Any of the following persons or entities may submit an application:

1. The owner of the property;
2. An agent representing the owner, duly authorized to do so in writing by the owner.

D. Payment, Waiver and Refund of Application Fees

1. **Schedule of Fees.** The City shall establish fees for all application and permit types. Payment of the fee is required in order for an application to be complete. No application or permit shall be processed without payment of the applicable fee unless a fee waiver or deferral has been approved by the Zoning Administrator.

2. **Fee Waiver or Deferral.** No fee shall be required when the applicant is the City, or if it is waived or deferred by the Zoning Administrator based upon a finding of unique financial hardship or in unique circumstances where it would be unreasonable to impose the normal fee, or to impose such fee at the usual time.

3. **Refund of Fees.** Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds shall be issued due to a disapproval of an application.

a. In the case of an application withdrawal, the Zoning Administrator may authorize a partial refund based upon the costs incurred to-date and determination of the status of the application at the time of withdrawal.

E. Application Completeness Review

Each application filed with the Community Development Department shall be initially processed as follows:

1. Completeness Review. The Administrator shall review an application for completeness and accuracy before it is accepted as being complete and officially filed. The Administrator will consider an application complete when:

   a. All necessary application forms, documentation, exhibits, materials, maps, plans, reports and other information specified in the application form, and any additional information required by the Administrator have been provided and accepted as adequate.

   b. All necessary fees have been paid and accepted.

2. Notification of Applicant. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Ordinance. If an application is determined to be incomplete, the Administrator shall provide written or electronic notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal.

3. Expiration of Application. If a pending application is not deemed complete within 6 months after the first filing with the Community Development Department, the application shall expire and be deemed withdrawn. Thirty (30) days prior to that date the planning staff shall notify the applicant in writing that the application will become inactive. Any refunds of fees shall be processed according to Section 6.2.2.D.

4. Extension of Application. The Administrator may grant one 6 month extension upon written request of the applicant. After expiration of the application, and extension, if granted, a new application, including applicable fees, plans, exhibits and other materials will be required to commence processing of a new project application on the same property.

F. Additional Information

After the application has been accepted as complete, the Administrator and/or any decision-making body may require the applicant to submit additional information in order to evaluate fully whether an application complies with the requirements of this Ordinance, State, or Federal law.

G. Concurrent Applications

When a project requires approvals under more than one section of the Zoning Code, the individual applications may be processed concurrently at the option of the Zoning Administrator and with the approval of the applicant; provided, however, rezoning applications may not be approved simultaneously with General Plan Amendments. Rezone applications can only be approved sequentially after GPA adoption; the rezone application will be cancelled if the GPA is not adopted. The concurrent processing of applications shall be in all cases at the applicant's risk.

H. Referral of Application

At the discretion of the Administrator, or where otherwise required by this Ordinance, A.R.S., or Federal law, an application filed in compliance with this Ordinance may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

6.2.3. Citizen Review Process

A. Purpose

The purpose of the citizen review process is to provide a means for the applicant, surrounding residential neighbors, and registered neighborhood and homeowner's association representatives to review a preliminary development proposal and solicit input and exchange information about the proposed development. This citizen review process is intended to result in an application that is responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The applicant is responsible for all costs associated with the citizen review process.

B. Applicability

In accordance with A.R.S. §9-462.03, all of the following application types shall conduct a neighborhood meeting, unless as may be otherwise specified in this Section, Somerton City Code, or A.R.S.

1. General Plan Amendments;
2. Text Amendments
3. Zoning Map Amendments (Rezoning);
4. Conditional Use Permits (optional);
5. Variances (optional); and
6. Major modification to an approved plan or condition of approval (when original approval requires neighborhood meeting).

C. Meeting Schedule

The applicant shall be responsible for scheduling and facilitating the meeting. The applicant is required to hold one (1) meeting, prior to the first public hearing on an application for a specific project, but may hold more if desired. The required meeting shall be held at least fifteen (15) calendar days before the first public hearing on the application. Attendance at the meeting by Community Development Department staff is not required and will be determined by the Administrator on a case-by-case basis.

D. Meeting Location

Neighborhood meetings shall be held at a location near the proposed development site. The meeting shall be held on a weekday evening, or weekends at any reasonable time and in a publicly accessible location.

E. Notification Requirements

Notice of the meeting, which shall state the date, time, and place of the meeting, shall be provided by the applicant as follows:

1. Mailing a notice not less than ten (10) calendar days prior to the date of the neighborhood meeting to:

a. All real property owners, as shown on the latest Yuma County assessment records, within three hundred (300) feet of the outer boundary of the subject property. This notification area may be expanded if the General Plan or other policy adopted by the City Council requires notification within a larger area or the Administrator determines the potential impact of the project extends beyond the required notification boundary;

b. Residents, registered neighborhoods, and homeowners associations that may be impacted as a result of the application, and other neighborhood entities identified by the City;

c. Interested parties which have requested that they be placed on a contact list for this application; and

d. Interested parties that have been identified by the City.

F. Meeting Summary

The applicant shall submit to the Community Development Department seven (7) calendar days before the first public hearing on the matter a written summary of the meeting. The following information shall be included in the meeting summary, at a minimum: date, time, and location of the meeting; a copy of the mailing list and meeting sign-in sheet, a summary of how the applicant has addressed or proposes to address the issues, concerns, and objections identified during the meeting.

6.2.4. Application Review and Report (Substantive Review)

After determining that a development application is complete, the Administrator shall refer the application to the appropriate review agencies and planning staff to review the submitted materials, and provide written review comments to the applicant if necessary. Upon receiving the applicant's final response to review comments, the Administrator or designee shall prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to the scheduled public hearing on the development application. The staff report shall indicate whether, in the opinion of the staff, the development application complies with all applicable standards of this Ordinance. Conditions for approval may be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal.

6.2.5. Notice of Public Hearings

Notification of public hearing(s) required under this Ordinance, shall be subject to the following requirements, unless as may be otherwise specified in the Somerton City Code or as set forth in A.R.S. Any changes to Arizona Law notice requirements shall have control over this provision in the manner of providing notice.

A. Summary of Notice Requirements

The following Table 6.2-1 summarizes the notice requirements of the procedures in this Ordinance.

Table 6.2-1: Summary of Notice Requirements					
Application Type	Section	Type of Notification Required			
		Published	Mailed	Posted	Neighborhood Meeting
Amendment to General Plan Map	6.4	✓	✓	✓	✓
Amendment to General Plan Text	6.4	✓			Per Section 6.4.4.C
Amendment to Zoning Code Text	6.5	Per A.R.S. §9-462.04			Per Section 6.5.3.C
Amendment to Zoning Map	6.6	✓	✓	✓	✓
Conditional Use Permit	6.7	✓	✓	✓	Optional
Variance	6.9	✓	✓	✓	Optional
Minor Modification	6.10				Per Section 6.10.3.A
Sign Permit (Master Sign Program)	6.11	If referred to Commission by DRC			
Annexation	6.14	✓		✓	

B. Content of Public Notice

Notice of all public hearings shall include; the date, time, and place of the hearing; a general explanation of the matter to be considered; a general description of the area affected; and indicate where additional information on the matter may be obtained. If the matter to be considered applies to territory in a high noise or accident potential zone as defined in A.R.S. §28-8461, the notice shall include a general statement that the matter applies to property located in the high noise or accident potential zone.

C. Specific Notice Requirements

1. Published Notice. An advertisement (Public Hearing Notice) shall be placed by the City at least once in a local newspaper of general circulation within the City. The advertisement shall be published at least 15 calendar days prior to the public hearing.

2. Mailed Notice. A notice of public hearing shall be sent by the City, via U.S. first class mail, at least 15 calendar days prior to the public hearing. The applicant shall be responsible for providing the City with mailing labels containing the names and addresses of:

   a. The applicant or representative and owners of the subject property;

   b. All real property owners, as shown on the latest Yuma County assessment records, within three hundred (300) feet of the outer boundary of the subject property. This notification area may be expanded if the General Plan or other policy adopted by the City Council requires notification within a larger area or the Administrator determines the potential impact of the project extends beyond the required notification boundary;

   c. Residents, registered neighborhoods, and homeowners associations that may be impacted as a result of the application, and other neighborhood entities identified by the City;

   d. Interested parties which have requested that they be placed on a contact list for this application;

e. Interested parties that have been identified by the City;

f. If the proposed project involves land that abuts other municipalities or unincorporated areas of Yuma County or a combination thereof, notice of the public hearing shall be sent to the planning agency of the adjacent governmental unit.

g. If the proposed project involves land that is located within the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S Section §28-8461, notice of the public hearing shall be sent to the military airport.

Failure of the applicant to provide a complete list of mailing labels to the City shall constitute an incomplete application and may result in a postponement of the public hearing.

3. Posted Notice. A notice of public hearing shall be posted by the applicant on the lot, parcel, or tract of land that is the subject of the application. A minimum of one (1) posting shall be placed in a manner that is clearly visible from the most heavily traveled public right-of-way adjoining the subject property and shall be placed at least 15 calendar days prior to the public hearing. Such notice shall be composed of weatherproof materials and 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 hearing. The applicant shall update the sign as needed and maintain the sign in good condition throughout the required posting period. The posting shall be removed no later than 10 days after the public hearing and final action.

4. Supplemental Notice Requirements. Amendments to the text of this Ordinance, which are of a general nature and are not directed at a specific real property, shall be subject to notice requirements as set forth in A.R.S. §9-462.04

5. Multiple Notices. When multiple applications are under review for the same project, the responsible noticing body as specified in this subsection may simultaneously issue notice for multiple applications.

6. Validity of Notice. The validity of the public hearing proceedings shall not be affected by the failure of any person to receive notice or by the presence of minor defects in the notice. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notices' primary intent to inform affected parties of the project and the time, date, and place of a public hearing.

6.2.6. Public Hearing

A public hearing, if required under this Ordinance, shall be conducted in accordance with the requirements of this Ordinance, unless as may be otherwise specified in the Somerton City Code or as set forth in A.R.S.

6.2.7. Written Decision

The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant within 15 days from the decision. All decisions shall include a statement of approval, approval with conditions, or denial, whichever is appropriate.

6.2.8. Limitation on Reapplication

In the event that an application is denied, an application that is substantially the same project or request will not be considered for a period of one (1) year from the date the initial application was denied, except as follows;

A. A substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or

B. A new application is proposed to be submitted that is materially different (e.g., proposes new uses, or a substantial decrease in proposed densities and intensities) from the prior application; or

C. The final decision on the application was based on a material mistake of fact or the foregoing.

6.2.9. Reconsideration or Rehearing of Decisions

Decisions of any appointed body under this Ordinance may be brought up for reconsideration or rehearing only if:

A. There was substantial procedural error in the original proceeding; or

B. The Zoning Administrator or body acted without jurisdiction in the original proceeding; or

C. The original decision was based upon fraud or misrepresentation; or

D. Reconsideration is appropriate to avoid delay or hardship that may be caused by an appeal; or

E. As requested by a member of the body whose vote was included in the side that prevailed in the motion to be reconsidered.

Any person seeking reconsideration or a rehearing must file a request with the Zoning Administrator, together with materials supporting one or more of the grounds stated in this subsection, within 15 days of the original decision, or within the timeframe established under state law if applicable. The body, by majority vote, may hold a rehearing if the request meets the requirements of this section. A rehearing shall be conducted in the same manner as the original proceedings before the Zoning Administrator or appointed body.

6.2.10. Amendments to Permits or Other Forms of Approval

An approved development or new land use shall be established only as specified by the approved land use permit, and subject to any conditions of approval. An applicant may request, in writing, to amend the approved permit, and shall furnish appropriate supporting materials and an explanation of the reasons for the request.

A. Minor changes may be approved, modified, or denied by the Administrator. Major changes shall be approved, modified or denied by the original review authority.

B. The Administrator shall determine whether a proposed change is major or minor. The determination that the change is major depends on whether the proposal may result in:

   1. Significant impacts to the surrounding neighborhood.

2. Significant environmental impacts.
3. A change to the approved use or a significant change in conformance to the original plan or intent.
4. A change to the basis upon which the review authority made the findings for approval of the project.

C. A major change request shall be processed in the same manner as the original permit or entitlement.

6.2.11. Appeals

This section sets forth the procedures for appeals except for appeals filed pursuant to Subsection 6.2.12, Appeals of Dedications or Exactions to Hearing Officer. Any decision within the authority of the decision-making body may be appealed, unless the Zoning Code provides that the decision is final.

A. Applicability

The appropriate decision-making body for each appeal type is identified in Sections 6.4 through 6.15. General appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of this zoning ordinance shall be made to the Board of Adjustment pursuant to the provisions of this Subsection 6.2.11.

B. Appeal Process

1. **Filing of Appeal.** An appeal shall be filed with the Community Development Department on a form established by the Director. The appeal shall set forth the decision or decisions being appealed and the grounds upon which the appeal is based. The appeal shall be accompanied by any applicable fees.

2. **Appeal Period.** All appeals shall be filed within ten (10) calendar days of the decision, except for appeals from decisions of the Board of Adjustment or City Council. An appeal from any decision regarding a City Council or Board of Adjustment action (e.g., Variances, Text or Map Amendments) shall be filed with the Superior Court within thirty (30) days of the decision. If no appeal is filed in writing within the relevant 10 or 30 day protest period, the decision shall be considered final.

   Alternatively, within ten (10) working days of a written decision of the Zoning Administrator, the Chairperson of the Board of Adjustment may also call up the decision for affirmation, modification or reversal. The City Council may then call any Board of Adjustment decision up for City Council affirmation, modification or reversal within ten (10) working days of the decision.

3. **Proceedings Stayed by Appeal.** The timely filing of an appeal, except for appeals related to the zoning administrator's interpretation or enforcement of this ordinance, shall stay all proceedings in the matter appealed.

   Appeals made to the Board of Adjustment in regard to the zoning administrator's interpretation or enforcement of this ordinance shall stay all proceedings in the matter appealed from, unless the zoning administrator certifies to the board that, in the zoning administrator's opinion by the facts stated in the certificate, a stay would cause imminent peril to life or property. Upon such certification proceedings shall not be stayed, except by restraining order granted by the board or by a court of record on application and notice to the zoning administrator. Proceedings shall not be stayed if the appeal requests

relief which has previously been denied by the board except pursuant to a special action in Superior Court. Filing the complaint in Superior Court does not stay proceedings on the decision sought to be reviewed, but the court may, on application, grant a stay and on final hearing may affirm or reverse, in whole or in part, or modify the decision reviewed.

4. **Public Notice.** Prior to consideration of any appeal for which State law or the Zoning Code requires a public hearing, the City shall provide public notification in compliance with Section 6.2.5, Notice of Public Hearings or as required by State law, whichever requires the most notice.

5. **Transmission of Record.** The Administrator shall forward the appeal, the Notice of Decision, and all other documents that constitute the record to the appropriate decision-making body for the appeal as identified in Section 6.4 through 6.15.

6. **Standards.** When reviewing any decision on appeal, the decision-making body shall use the same standards for decision-making required for the original decision.

7. **Hearing Body Action.** Public hearings shall be conducted in accordance with procedures set forth in the Somerton City Code. The decision-making body for the appeal shall deny or grant the appeal or the decision-making body may remand the matter to the original decision-making body for reconsideration, for additional information or to cure a deficiency in the record or proceeding. The decision-making body shall render its decision within 30 days of the date the hearing is closed unless State law requires a shorter deadline.

6.2.12. Appeals of Dedications or Exactions to Hearing Officer

A. Any requirement of a dedication or exaction as a condition of granting approval for the use, improvement, or development of real property may be appealed to a Hearing Officer appointed by the City Council. This Subsection shall not apply to legislatively imposed dedications or exactions in which no discretion by the Zoning Administrator or administrative officer to determine the nature or extent of the dedication or exaction was exercised. In the event of such an appeal, the Zoning Administrator shall prepare a takings impact report. No fee shall be charged for filing an appeal under this Subsection and such appeal shall be conducted as required by A.R.S. § 9-500.12, et seq.

B. Appeal of Decision of Zoning Hearing Officer. A property owner aggrieved by a decision of the Zoning Hearing Officer to modify or affirm a dedication or exaction requirement or to affirm a zoning regulation may file within 30 days after the decision a complaint in Superior Court, pursuant to A.R.S § 9-500.12G.

6.2.13. Effective Date and Exercising Approval at Risk

A. A final decision on an application for any discretionary approval subject to appeal (e.g., a use permit, variance, or site plan approval) shall become effective after the expiration of the appeal period following the date of action, unless an appeal is filed. In accordance with paragraph B, below, no building permit or business license shall be issued until the day following the expiration of the appeal period, unless the applicant signs a waiver explaining that they understand and accept the risk of proceeding before the appeal period ends.

B. An approved variance or Conditional Use Permit or an interpretation favorable to the applicant may be exercised at the applicant's sole risk, and a construction permit (if required) may be issued subsequent to the approval by the Zoning Administrator or Board of Adjustment. However, if an appeal of the decision is filed in accordance with the provisions of this Ordinance that reverses in whole or in part or modifies the decision and that causes any construction or use commenced as a result of exercising the decision to be in conflict with the appellate body's decision, then such construction permit may be revoked in accordance with the appellate body's decision and any such construction or use may constitute a violation of this Ordinance and may be subject to removal or cessation by the applicant, property owner, or his agent.

6.3. REVIEW AUTHORITY

Table 6.3 identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit and other approvals required by this Ordinance, unless otherwise stated within each applicable procedure Section.

Table 6.3-1: Review Authority

Procedure	Section	Role of Review Authority R = Review Rec = Recommendation D = Decision					
		Zoning Administrator	Minor Modification Committee	Design Review Committee	Board of Adjustment	Planning and Zoning Commission	City Council
General Plan Amendments	6.4	R				Rec	D
Zoning Code Text Amendment	6.5	R				Rec	D
Zoning Map Amendment (Rezone)	6.6	R				Rec	D
Conditional Use Permit	6.7	R				D	
Temporary Use Permit	6.8	D					
Variance	6.9	R			D		
Minor Modification	6.10	R	D				
Sign Permit, Comprehensive Sign Plan, Master Sign Program	6.11	D (Sign Permit, Comp Sign Plan)		D (Master Sign Program)			
Site Permit	6.12	R		D			
Building Permit	6.13	D (Building Official)					
Certificate of Occupancy	6.14	D					
Annexation	6.15	R				R	D

6.4. General Plan Amendment

6.4.1. Purpose and Applicability

The purpose of this section is to provide procedures by which changes may be made to the text or map of the General Plan.

A. Types of General Plan Amendments

1. **Major Amendment.** A major amendment to the General Plan is any development proposal that would substantially alter the City's mixture or balance of uses. Chapter 10: Implementation Program, of the General Plan contains the criteria for determining whether a proposed amendment constitutes a major amendment.

2. **Minor Amendments.** A minor amendment to the General Plan is considered as minor text changes, minor land use adjustments, or minor corrections/updates. Chapter 10: Implementation Program, of the General Plan contains the criteria for determining whether a proposed amendment constitutes a minor amendment.

6.4.2. Initiation of Amendments

An amendment to the General Plan text or map may be initiated by:

A. City Council on its own motion;

B. The Planning and Zoning Commission;

C. The Zoning Administrator; or

D. The Owner of the subject property or authorized agent.

6.4.3. Timing of Amendments

A. **Major Amendments.** Applications for major amendments shall be filed no later than June 15th of each calendar year in order to be considered in that year. All applications for major amendments to the General Plan shall be heard by the City Council at a single hearing during the calendar year in which they are filed.

B. **Minor Amendments.** Applications for minor amendments may be filed and heard at any time during the calendar year.

6.4.4. General Plan Amendment Application Process

A. Pre-application Conference

Prior to the submission of an application for a zoning map amendment, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

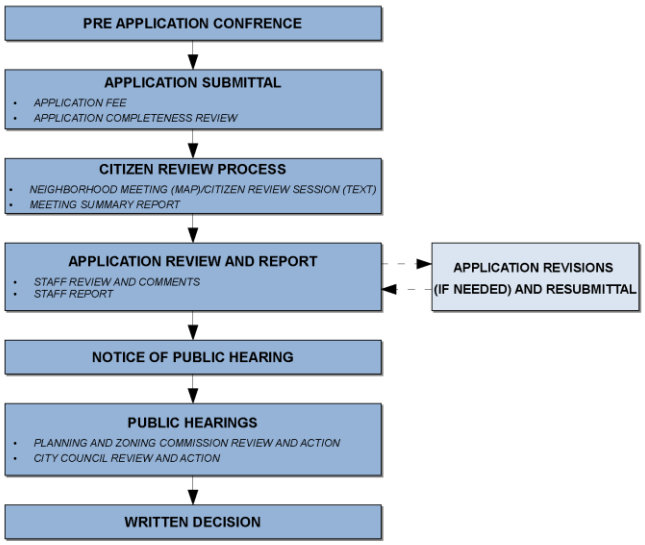


Figure 6.4-A

B. Application Submittal

A complete application for a zoning map amendment shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal.

C. Citizen Review Process

All applications to amend the General Plan shall be subject to a citizen review process. The Zoning Administrator may establish additional procedures for the citizen review process. The citizen review process shall at a minimum consist of a neighborhood meeting or a work session of the Planning Commission, as set forth below.

1. Map Amendments. The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.

2. Text Amendments

   1. In place of a neighborhood meeting, a citizen review session shall be held at a work session of the Planning Commission scheduled at least 5 days prior to the public hearing at the Planning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to comment on the proposal.

   2. Notice of the citizen review session shall be given by the applicant at least 10 days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. The method of notice to be used may vary according to the type of text amendment proposed. Any method of notice approved by the Administrator for the proposed text amendment shall be considered sufficient. The method of notice given may include, but is not limited to, the following:

      a. A notice of a citizen review session shall be sent, via U.S. first class mail, to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application.

      b. Publication in a local newspaper of general circulation distributed to residents living within the City.

      c. Posting at a minimum of four (4) public places within the City.

      d. Posting on the official City website.

D. Application Review and Report

Upon receipt of a complete General Plan amendment application, the Zoning Administrator shall review the proposed amendment and prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings. In addition, at least 60 days before a new General Plan or major amendment of a General Plan is noticed pursuant to this subsection, the Community Development Department shall transmit the proposal to the Planning Commission and the City Council and shall submit a copy for review and further comment to:

1. The Yuma County planning agency;
2. Each municipality that is contiguous to the corporate limits of the City;
3. The regional planning agency;
4. The state agency that is designated as the general planning agency for the State of Arizona; and
5. Marine Corps Air Station Yuma, or any other ancillary military facility as defined under state law, if an element of or amendment to the General Plan is applicable to territory in the vicinity of such a facility.
6. The attorney general, if an element of or major amendment to the General Plan is applicable to property in the high noise or accident potential zone of MCAS-Yuma or ancillary military facility, as defined under state law.
7. Any person that requests in writing to receive a review copy of the proposal.

F. Planning and Zoning Commission Review and Action

The Planning Commission shall conduct at least 1 public hearing for all General Plan amendments. The Planning Commission may recommend the approval, approval with modifications or denial of the proposed amendment. If the Commission fails to make a recommendation to the City Council within 90 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the City Council.

G. City Council Review and Action

The City Council shall review the application in a public hearing. The City Council may approve, approve with modifications or deny the application. Approval of any major amendment to the General Plan shall require an affirmative vote by at least 2/3 of the members of the Council. Approval shall be by Resolution.

H. Written Notification

The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.4.5. Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed General Plan amendments, issues for consideration shall include but not be limited to:

A. Whether the development pattern contained in the future land use plan provides appropriate optional sites for the use proposed in the amendment.

B. That the amendment constitutes an overall improvement to the Somerton General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

C. The degree to which the proposed amendment will impact the community as a whole or a portion of the community by:

a. Significantly altering acceptable existing land use patterns.

b. Requiring larger and more extensive improvements to roads, sewer, or water systems than are needed to support the prevailing land uses in which, therefore, may negatively impact development of other lands. The Commission and/or the City Council may also consider the degree to which the need for such improvements will be mitigated pursuant

to binding commitments by the applicant, a public agency, or other sources when the impacts of the uses permitted pursuant to the General Plan amendment will be felt.

c. Adversely impacting existing uses due to increased traffic on existing systems.

d. Affecting the livability of the surrounding area or the health and safety of present or future residents.

D. That the amendment is consistent with the overall intent of the General Plan.

E. Whether there was an error or oversight in the original General Plan adoption in that the Council did not fully consider facts, projects or trends which could reasonably exist in the future.

F. Whether events subsequent to the General Plan adoption have superseded the Council's original premises and findings made upon plan adoption.

G. Whether any or all of the Council's original premises and findings regarding General Plan adoption were unsubstantiated.

H. Whether events subsequent to the General Plan adoption may have changed the character and/or condition of the area so as to make the application acceptable

I. The extent to which the benefits of the Plan amendment outweigh any of the impacts identified in Subsections One (1) through eight (8) hereto.

6.4.6. Appeal

An appeal from any final decision regarding a City Council action shall be filed with the Superior Court within 30 days of the decision. If no appeal is filed in writing within 30 days, the decision shall be considered final.

6.5. AMENDMENTS TO ZONING CODE TEXT

6.5.1. Purpose and Applicability

The purpose of this section is to provide procedures consistent with applicable State requirements by which changes may be made to the text of the Zoning Code.

6.5.2. Initiation of Amendments

An amendment to the text of this Code may be initiated by:

A. City Council on its own motion;

B. The Planning and Zoning Commission;

C. The Zoning Administrator; or

D. An application filed by an individual or group.

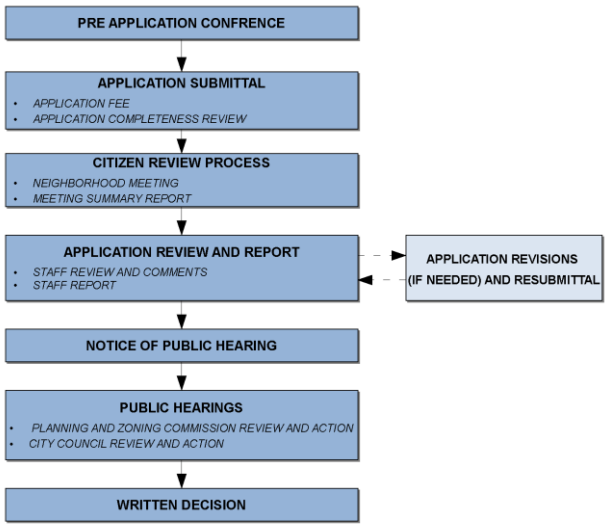


Figure 6.5-A

6.5.3. Text Amendment Application Process

A. Pre-application Conference

Prior to the submission of an

application for a text amendment, all individual or group applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

B. Application Submittal

A complete application for a text amendment shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal.

C. Citizen Review Process

1. In place of a neighborhood meeting, a citizen review session shall be held at a work session of the Planning Commission scheduled at least 5 days prior to the public hearing at the Planning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to comment on the proposal.

2. Notice of the citizen review session shall be given by the applicant at least 10 days prior to the Planning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. The method of notice to be used may vary according to the type of text amendment proposed. Any method of notice approved by the Administrator for the proposed text amendment shall be considered sufficient. The method of notice given may include, but is not limited to, the following:

   a. A notice of a citizen review session shall be sent, via U.S. first class mail, to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application.

   b. Publication in a local newspaper of general circulation distributed to residents living within the City.

   c. Posting at a minimum of four (4) public places within the City.

   d. Posting on the official City website.

D. Application Review and Report

Upon receipt of a complete text amendment application, the Zoning Administrator shall review the proposed text amendment for consistency with the goals and objectives of the Somerton General Plan, and prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5.C4 – Supplemental Notice Requirements.

F. Planning and Zoning Commission Review and Action

The Planning and Zoning Commission shall review the application in a public hearing, and recommend approval, approval with modifications, or denial of the subject application. The Planning Commission may recommend the approval, approval with modifications or denial of the proposed amendment. If the Commission fails to make a recommendation to the City Council within 90 days after closing the public hearing, the Planning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the City Council.

G. City Council Review and Action
The City Council shall review the application in a public meeting and public hearing, and approve, approve with modifications, or deny the application. Approval shall be by Ordinance.

H. Written Notification
The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.5.4. Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed text amendments, issues for consideration shall include but not be limited to:

A. The proposed amendment will promote the public health, safety, and general welfare;

B. The proposed amendment is consistent with the General Plan and the stated purposes of this Development Code; and

C. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

6.5.5. Appeal

An appeal from any final decision regarding a City Council action shall be filed with the Superior Court within 30 days of the decision. If no appeal is filed in writing within 30 days, the decision shall be considered final.

6.6. AMENDMENTS TO ZONING MAP (REZONING)

6.6.1. Purpose and Applicability

The purpose of this section is to provide procedures consistent with applicable State requirements by which changes may be made to the Official Zoning Map. This procedure shall apply to all proposals to revise a zoning district classification or zoning district boundary line shown on the Official Zoning Map.

6.6.2. Initiation of Amendments

An amendment to the Official Zoning Map may be initiated by:

A. City Council on its own motion;

B. The Planning and Zoning Commission;

C. The Zoning Administrator; or

D. The Owner of the subject property or authorized agent.

6.6.3. Rezone Application Process

A. Pre-application Conference

Prior to the submission of an application for a zoning map amendment, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

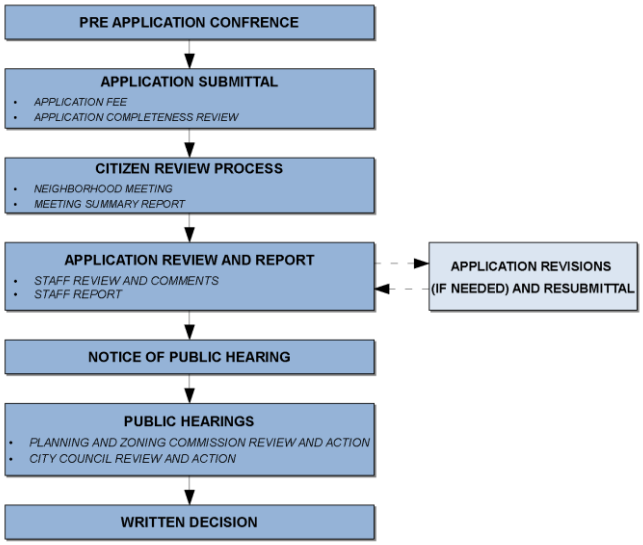


Figure 6.6-A

B. Application Submittal

A complete application for a zoning map amendment shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal.

C. Citizen Review Process

The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.

D. Application Review and Report

Upon receipt of a complete zoning map amendment application, the Zoning Administrator shall review the proposed zoning map amendment and prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

F. Review by Planning and Zoning Commission

The Planning and Zoning Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application.

G. Protest Procedures

If the owners of 20 percent or more either of the area of the lots included in a proposed zoning change, or of those immediately adjacent in the rear or any side thereof extending 150 feet there from, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against the proposed amendment, it shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the City Council. 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.

H. City Council Review and Action

The City Council shall review the application in a public hearing, if required, and may approve, approve with conditions, or deny the application.

I. Written Notification
The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.6.4. Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed Official Zoning Map amendments, issues for consideration shall include but not be limited to:

A. Consistency (or lack thereof) with the Somerton General Plan, and other adopted Plans;

B. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;

C. Suitability of the subject property for uses permitted by the proposed zoning district;

D. Suitability of the subject property for uses permitted by the existing district; and

E. Availability of sewer and water facilities.

6.6.5. Revocation or Modification

If the City Council approves an amendment to the Official Zoning Map with a condition that is required to be completed within a specific time period and the condition is not satisfied within that time period, the following actions may be taken:

A. The City Council or Planning Commission may initiate an amendment to remove the condition or extend the time period and direct the Zoning Administrator to prepare an ordinance to do the same pursuant to the procedures set forth in Section 6.6.3 E-H., or

B. The City Council or Planning Commission may initiate a rescission of the zoning map amendment to revert the zoning to its prior zoning classification for failure to comply with the conditions of the rezoning ordinance, pursuant to A.R.S. § 9-462.01(e) and direct the Zoning Administrator to notify the property owner by certified mail and prepare an ordinance to revert the zoning pursuant to the procedures set forth in Section 6.6.3 E-H., or

C. The property owner in writing may apply to amend or remove the condition pursuant to the procedures set forth in Section 6.6.3 E-H.

6.6.6. Appeals

An appeal from any final decision regarding a City Council action shall be filed with Superior Court within 30 days of the decision. If no appeal is filed in writing within 30 days, the decision shall be considered final.

6.7. CONDITIONAL USE PERMIT

6.7.1. Purpose and Applicability

The purpose of this Section is to provide a discretionary approval process for Conditional Use Permits (CUP) for sites that have unique or widely varying operating characteristics or unusual site development features. Because of their unusual characteristics or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this Ordinance and their effect on surrounding properties. Conditional uses may be complimentary to those uses permitted by right

in a zoning district, but require individual review of their location, design, configuration, and intensity, and may require the imposition of additional conditions in order to accomplish the following:

A. To protect the public health, safety, convenience, and general welfare.

B. To assure that the purposes of the Zoning Ordinance shall be maintained with respect to the particular conditional use on the particular requested site.

C. To consider the location, use, building, traffic characteristics, and environmental impact of the proposed use.

D. To consider existing and potential uses with the general area in which the requested conditional use is proposed.

6.7.2. Types of Conditional Uses

The Planning Commission may grant a Conditional Use Permit in accordance with the procedures stated in this Section for the following uses:

A. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in Section 2 of this Ordinance, or unspecified uses as determined by the Commission upon a finding that said use is materially similar to other permitted or conditional uses within the same zoning district, in accordance with the procedures and standards set forth in this Section.

B. Unspecified uses as determined by the City that shall be consistent with the intent and purpose of the district in which the use is proposed to locate such use, meet the requirements of the General Plan with regard to providing benefit to the general welfare of the public and fill a probable need of the public which can best be met by a conditional use at this time and in this place.

C. Any use that the Planning Commission may permit as a Conditional Use, existing at the time this Ordinance or amendments thereto become effective, shall be considered a nonconforming use unless such use has been established as a Conditional Use as herein provided.

6.7.3. Conditional Use Permit Application Process

A. Pre-application Conference
Prior to the submission of an application for a Conditional Use Permit, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

B. Application Submittal
A complete application for a Conditional Use Permit shall be submitted to the Zoning

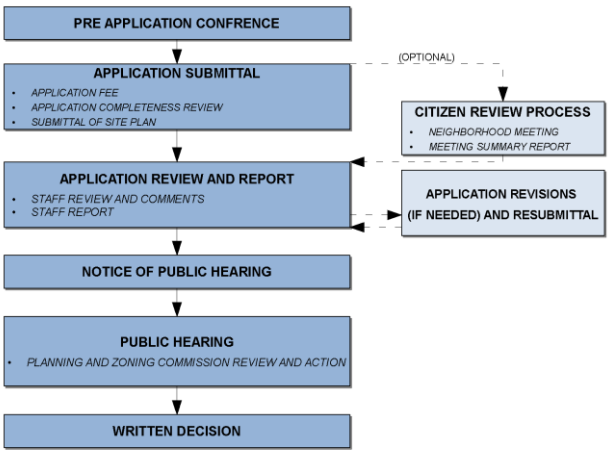


Figure 6.7-A

Administrator as required by Sec. 6.2.2, Application Submittal. In addition, no conditional use shall be established until a site plan has been approved in accordance with Subsection 6.12 of this Section. Applications for a conditional use and site plan review shall be submitted and reviewed concurrently.

C. Citizen Review Process

The applicant shall not be required to conduct a neighborhood meeting, however for certain Conditional Use requests staff shall have the option to require the applicant to schedule and conduct a neighborhood meeting to avoid any unnecessary delays during the public hearing process. If the applicant chooses to hold or is required to hold a neighborhood meeting it shall be conducted in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.

D. Application Review and Report

Upon receipt of a complete Conditional Use Permit application, the Zoning Administrator shall review the proposed Conditional Use Permit application and prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

F. Planning and Zoning Commission Review and Action

The Planning and Zoning Commission shall review the application in a public hearing. The Planning Commission may approve, approve with modifications and/or conditions, or deny conditional use permits. If the Planning Commission fails to take action within 90 days after closing the public hearing, the Planning Commission shall be deemed to have denied the application.

1. Conditions of Approval. In permitting a conditional use or the alteration of an existing conditional use, the Commission can impose, in addition to those standards and requirements expressly specified by this Ordinance additional conditions which it finds necessary to avoid detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions can include, but are not limited to the following:

   a. Limiting the manner in which the use is conducted, including restricting the time a certain activity can take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

   b. Establishing special yard, open space, lot area or dimensional requirements.

   c. Limiting the height, size or location of a building or other structure or use.

   d. Designating the size, number, location and nature of vehicle access points. For example, but not limited to: secondary driveway access on corner lots in residential subdivisions.

   e. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or loading area.

   f. Limiting or otherwise designating the number, size, location, height and lighting of signs.

   g. Limiting the intensity of outdoor lighting and requiring light shielding.

h. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for its installation and maintenance.

i. Designating the size, height, location of screening and materials of fencing, including anti-graffiti type materials.

j. Limiting hours of operation, revocation dates and time limits for commencing construction or use authorization.

G. Review by City Council
The Planning Commission, due to the complexity of any matter, unless otherwise noted herein, may refer a Conditional Use Permit application to the City Council for decision. If referred to the City Council, the Council shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application as set forth in Section 6.7.3.F and Sections 6.2.5 through 6.2.6.

H. Written Notification
An approved conditional use shall not be established until a Conditional Use Permit has been issued by the Community Development Department. The permit shall cite the plans and documents on which the Planning Commission based its approval, as well as the specific modifications and/or conditions of the approval, if any.

6.7.4. Required Findings

The Planning Commission may approve a Conditional Use Permit as submitted or modified only upon making the following findings:

A. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

B. The proposed use conforms with the purposes, intent, and policies of the General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the City Council;

C. The proposed use conforms with the conditions, requirements, or standards prescribed by the Zoning Code and any other applicable local, State, or Federal requirements; and

D. The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall be given to the location, type and height of the buildings or structures and the type and extent of landscaping and screening on the site.

E. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

F. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

G. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

H. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminishes or impair the property values within the neighborhood.

I. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

6.7.5. Expiration and Time Extensions:

A. Expiration

In any case where a Conditional Use Permit has not been used within one (1) year after the granting, it shall become null and void. Conditional Use Permits shall run with the land unless the Council elects to specify a period of abandonment after which the Conditional Use Permit shall be voided.

B. Time extensions

The Planning and Zoning Commission shall hold a public hearing to consider the granting of a time extension as follows:

1. Upon request by the applicant.

2. When the request is filed in writing with the Community Development Department not less than thirty (30) days prior to the expiration date of the original Conditional Use Permit (CUP) approval.

3. When accompanied by a time extension fee in accordance with the fee schedule of the City of Somerton.

4. Upon determination by the Commission that there have been no changes in the circumstances or in the vicinity of the property or use which would render the previously approved Conditional Use Permit (CUP) inappropriate.

6.7.6. Revocation or Modification

A. Revocation

The Planning and Zoning Commission shall be authorized to hold a public hearing to consider the revocation or modification of a Conditional Use Permit (CUP) previously granted in accordance with the provisions of the Zoning Ordinance. A written notice of the date, time, place and purpose of the hearing shall be served on the owner of the property for which the CUP was granted by registered mail, return receipt requested, not less than thirty (30) days prior to the date of such hearing.

B. Findings

A Conditional Use Permit (CUP) may be revoked or modified if, from the facts presented at the public hearing or by investigation, the Planning and Zoning Commission makes an affirmative determination on any one (1) of the following findings:

1. That the Conditional Use Permit (CUP) was obtained by fraud.

2. That the Conditional Use Permit (CUP) granted is being exercised contrary to the conditions of approval of such CUP or in violation of any applicable law, license, ordinance, permit or regulation.

3. That the use for which the Conditional Use Permit (CUP) was granted is being or has been exercised as to be detrimental to the public health or safety.

4. The use ceases for a period of 90 consecutive days, or because of failure to comply with the conditions of the use permit.

C. Appeal of Revocation

Each decision by the Planning and Zoning Commission to revoke a Conditional Use Permit (CUP) shall be by a majority of membership of the Commission present and voting. Any person may appeal the revocation in writing to the Community Development Department, including any required appeal fee, within thirty (30) days of the decision of the Planning and Zoning Commission. The appeal shall be forwarded to the City Council. The City Council may, after a public hearing, affirm, reverse or modify the decision of the Planning and Zoning Commission.

6.7.7. Appeal

Decisions of the Planning Commission may be appealed to the City Council pursuant to the procedures set forth in Section 6.2.11.

6.8. TEMPORARY USE PERMIT

6.8.1. Purpose and Applicability

The purpose of this Section is to allow for the establishment of temporary uses and/or activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. The temporary use for which the permit is requested must be specifically authorized as a temporary use in the zoning district in which the use is to be located.

6.8.2. Types of Temporary Uses

The Zoning Administrator may grant a Temporary Use Permit in accordance with the standards and/or conditions specified in Subsection 3.3 of this Ordinance.

6.8.3. Temporary Use Permit Application Process

A. Application Submittal

1. A complete application for a Temporary Use Permit shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal.

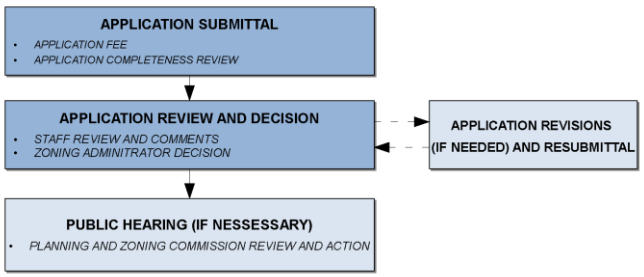


Figure 6.8-A

2. The application shall contain sufficient information to demonstrate compliance with temporary use conditions in accordance with Subsection 3.3.3 and 3.3.4 of this Ordinance.

3. All applications for Temporary Use Permits shall be filed at least four weeks prior to the date the temporary use will commence, or at least six weeks prior to the date the temporary use will commence if public safety support is requested from the City. The Administrator may waive this filing deadline requirement in an individual case for good cause shown.

B. Application Review and Decision

Upon receipt of a complete Temporary Use Permit application, the Zoning Administrator shall review the proposed Temporary Use Permit application and distribute the application to other reviewers as he or she deems necessary. Based on the results of those reviews, the Administrator shall take final action on the application and approve, approve with conditions, or deny the application based on the applicable approval criteria. The Zoning Administrator, due to the complexity of any matter, unless otherwise noted herein, may refer a permit application to the Planning and Zoning Commission for decision.

1. Review by Planning and Zoning Commission

If referred to the Planning and Zoning Commission, the Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application as set forth in Sections 6.2.5 through 6.2.6.

6.8.4. Appeal

Decisions of the Administrator may be appealed to the Board of Adjustment pursuant to the procedures set forth in Section 6.2.11

6.9. VARIANCE

6.9.1. Purpose and Applicability

The purpose of the Variance procedure is to allow for a variation from the strict application of the development standards or dimension requirements of the Zoning Ordinance where practical difficulties, unnecessary hardship, or a result inconsistent with the general purposes of the Zoning Ordinance would occur from the strict and literal interpretation and enforcement. Variances may be granted with respect to dimensional and performance standards including, but not limited to site dimensions, yards, height of structures, distances between structures, open space requirements, signage dimensions, fences, and walls. No variances from the use regulations of the Zoning Code shall be granted. All sections of this Code are considered binding unless relief is granted through the following processes:

A. Minor Modification

Requests for minor deviations of up to 20 percent of height, setback and other development standards or dimensional requirements may be treated as an administrative adjustment subject to the requirements of Section 6.10, Minor Modifications.

B. Variances

All other modification requests to the development standards or dimensional requirements of this Ordinance shall be deemed as a Variance and are subject to review and approval by the Board of Adjustment. All Variance applications are subject to the standards of this section.

6.9.2. Variance Application Process

I. Pre-application Conference

Prior to the submission of an application for a Variance, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

J. Application Submittal

A complete application for a Variance shall be submitted to the Zoning Administrator as required by Section 6.2.2, Application Submittal.

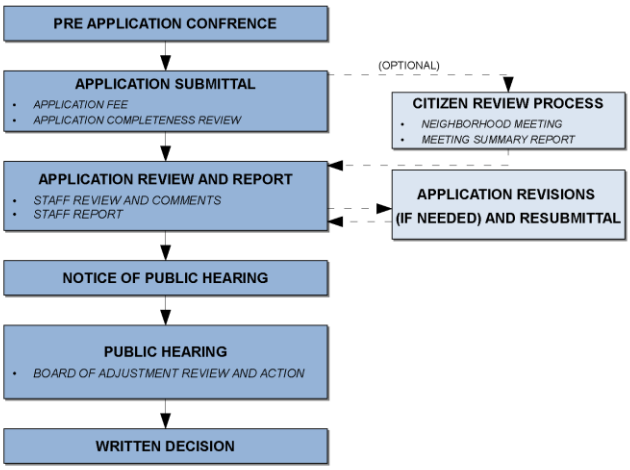


Figure 6.9-A

K. Citizen Review Process

The applicant shall not be required to conduct a neighborhood meeting, however for certain Variance requests staff shall have the option to require the applicant to schedule and conduct a neighborhood meeting to avoid any unnecessary delays during the public hearing process.

If the applicant chooses to hold or is required to hold a neighborhood meeting it shall be conducted in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.

L. Application Review and Report

Upon receipt of a complete Variance application, the Zoning Administrator shall review the proposed Variance for compliance with criteria enumerated in Section 6.9.3. The Administrator shall then prepare a staff report for transmittal to the Board of adjustment.

M. Notification

Public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

N. Board of Adjustment Review and Action

The Board of Adjustment shall review the application in a public hearing and may approve, approve with modifications and/or conditions, or deny the Variance.

1. Conditions of Approval. In approving a variance, the Board of Adjustment may impose reasonable conditions necessary to:

   a. Achieve the general purposes of the Zoning Code or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan;

   b. Protect the public health, safety, and general welfare; or

   c. Insure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

O. Written Notification

The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.9.3. Required Findings

The Board of Adjustment shall only approve a variance after finding that all of the following conditions are met. Financial hardship, personal preference of the owner, or the fact that property may be utilized more profitably if the requested Variance is granted shall not be considered grounds for a Variance.

A. Granting of the Variance would be in substantial compliance with the General Plan or other relevant area plans.

B. That there is a unique circumstance or condition (such as size, shape, topography, location or surroundings) applying to the property, building or use referred to in the application which does not apply to most other properties in the district and would deprive such property of the privileges enjoyed by other properties of the same classification and/or zoning district.

C. That such special circumstance was not created or caused by the owner, property, building, or use referred to in the application which does not apply to most other properties in the district.

D. That the granting of the Variance does not constitute a grant of special privileges and is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity under identical zoning designations.

E. That the granting of the Variance(s) shall not be materially detrimental to any person residing or working in the vicinity, to any adjacent property, to the neighborhood or to the public health, safety and general welfare.

F. The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Ordinance that are in question.

G. No variance shall be granted that violates the intent of this Ordinance or its amendments. No variance may make any changes in the terms of this Ordinance provided the restriction in this subsection shall not affect the authority to grant variances pursuant to this Section

H. No variance shall be granted from any written conditions attached by another decision-maker to the approval of a rezoning, Conditional Use Permit, subdivision plat, or site plan.

I. No variance shall be granted if the conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

J. No Variance shall authorize any changes in the uses or densities permitted in any zoning district or approve any modification of the requirements of the Zoning Code that would have the effect of allowing the establishment of a use not otherwise permitted.

6.9.4. Expiration and Time Extensions

A. Expiration

In any case where a Variance has not been used within one (1) year after the granting, it shall become null and void.

B. Time extensions

The Board of Adjustment shall hold a public hearing to consider the granting of a time extension of no more than one (1) additional year as follows:

1. Upon request by the applicant.

2. When the request is filed in writing with the Community Development Department not less than thirty (30) days prior to the expiration date of the original Variance approval.

3. When accompanied by a time extension fee in accordance with the fee schedule of the City of Somerton.

4. Upon determination by the Board that there have been no changes in the circumstances or in the vicinity of the property or use which would render the previously approved Variance inappropriate.

6.9.5. Revocation

A. Revocation

The Board of Adjustment shall be authorized to hold a public hearing to consider the revocation of a Variance previously granted in accordance with the provisions of the Zoning Ordinance. A written notice of the date, time, place and purpose of the hearing shall be served on the owner of the property for which the Variance was granted by registered mail, return receipt requested, not less than thirty (30) days prior to the date of such hearing.

B. Findings

A Variance may be revoked if, from the facts presented at the public hearing or by investigation, the Planning and Zoning Commission makes an affirmative determination on any one (1) of the following findings:

1. That the Variance was obtained by fraud.

2. That the Variance granted is being exercised contrary to the conditions of approval of such Variance or in violation of any applicable law, license, ordinance, permit or regulation.

6.9.6. Appeals

An appeal from any final decision regarding a Board action shall be filed with Superior Court within 30 days of the decision. If no appeal is filed in writing within 30 days, the decision shall be considered final.

6.10. MINOR MODIFICATION

6.10.1. Purpose and Applicability

The purpose of the Minor Modification process is to allow for a maximum twenty (20) percent variation from a development standard or dimension requirement of the Zoning Ordinance where a practical difficulty, unnecessary hardship or a result inconsistent with the general purposes of the Zoning Ordinance would occur from its strict and literal interpretation and enforcement. Any numerical adjustment request greater than 20 percent shall be treated as a Variance handled by the Board of Adjustment pursuant to the requirements of Section 6.9, Variances.

6.10.2. Minor Modification Application Process

A. Application Submittal
A complete application for a Minor Modification shall be submitted to the Zoning Administrator as required by Section 6.2.2, Application Submittal.

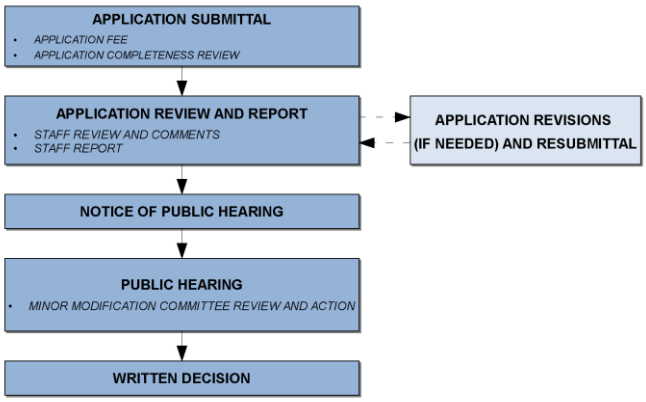


Figure 6.10-A

B. Application Review and Report
Upon receipt of a complete Minor Modification application, the Zoning Administrator shall review the proposed Minor Modification for compliance with criteria enumerated in Section 6.10.3. The Administrator shall then prepare a staff report for transmittal to the Minor Modification Committee in accordance with Section 6.2.4, Application Review and Report.

C. Notification
Public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

D. Minor Modification Committee Review and Action
The Minor Modification Committee (MMC) shall review the application in a public hearing and may approve, approve with modifications and/or conditions, or deny the modification.

E. Written Notification
The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.10.3. Required Findings

The Minor Modification Committee shall only approve a modification after finding that all of the following conditions are met.

A. The applicant receives written consent to the requested Minor Modification, on a form provided by the Administrator, from an owner of each property adjacent to the property which is the subject of the Minor Modification request, whether or not separated by public right-of-way;

B. The applicant requests a Minor Modification not exceeding a twenty (20) percent reduction or increase in one (1), but not more than two (2) development standards or dimensions required by the Zoning Ordinance on a single parcel of record;

C. The Minor Modification does not result in an increase in building height;

D. No Minor Modification shall authorize any changes in the uses or densities permitted in any zoning district or approve any modification of the requirements of the Zoning Code that would have the effect of allowing the establishment of a use not otherwise permitted;

E. No Minor Modification shall deviate from the use-specific standards set forth in Section 3 of this Ordinance; and

F. No Minor Modification shall be granted from any written conditions attached by another decision-maker to the approval of a Conditional Use Permit or site plan.

6.10.4. Appeals

In the event that the MMC denies the minor modification, the applicant may seek a Variance from the Board of Adjustment in accordance with the provisions of Section 6.9, Variances.

6.11. Sign Permits, Master Sign Programs and Comprehensive Sign Plans

6.11.1. Purpose and Applicability

The purpose of this section is to provide procedures by which specific signage within the City can be regulated to promote traffic safety, safeguard public health, facilitate police and fire protection, prevent adverse community appearance and enhance identification and/or direction within the City. Certain sign approvals are required to erect, re-erect, construct, alter or move specific sign types within the City. Sign applications shall be also required as part of a final site plan or final plat submittal, as may be required by the Zoning Administrator. (See sign standards in Section 4.5, Signage)

6.11.2. Sign Permit and Comprehensive Sign Plan Application Process

A. Application Submittal

A complete application for a sign permit or Comprehensive Sign Plan (see Section 4.5.6.C) shall be submitted to the Zoning Administrator as set forth in Section 6.2.2, Application Submittal. All sign permit applications shall provide information as specified in Section 4.5.6, Sign Permits Required and Process.

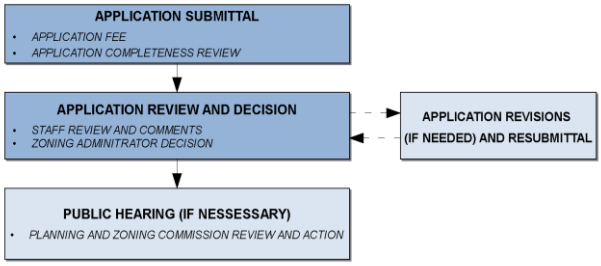


Figure 6.11-A

B. Additional Application Requirements

An approved sign permit does not address electrical provisions for sign illumination. This omission shall not be deemed to grant authorization for any electrical design and construction completed by the permittee in violation of the provisions of the Somerton Building Code or any other laws or ordinances.

C. Application Review and Decision

Upon receipt of a complete Sign Permit or Comprehensive Sign Plan application, the Zoning Administrator shall review the proposed application and distribute the application to other reviewers as he or she deems necessary. Based on the results of those reviews, the Administrator shall take final action on the application and approve, approve with conditions, or deny the application based on compliance with the requirements of this Code (See sign standards in Section 4.5, Signage). The Zoning Administrator, due to the complexity of any matter, unless otherwise noted herein, may refer a permit application to the Planning and Zoning Commission for decision.

1. **Review by Planning and Zoning Commission.** If referred to the Planning and Zoning Commission, the Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application as set forth in Sections 6.2.5 through 6.2.6.

D. Appeal

An appeal from any final decision of the Administrator may be appealed to the Board of Adjustment pursuant to the procedures set forth in Section 6.2.11.

6.11.3. Master Sign Program Application Process

A. Application Submittal

A complete application for a Master Sign Program (See Section 4.5.6.B) shall be submitted to the Zoning Administrator as set forth in Section 6.2.2, Application Submittal. All Master Sign Program applications shall provide information as specified in Section 4.5.6, Sign Permits Required and Process.

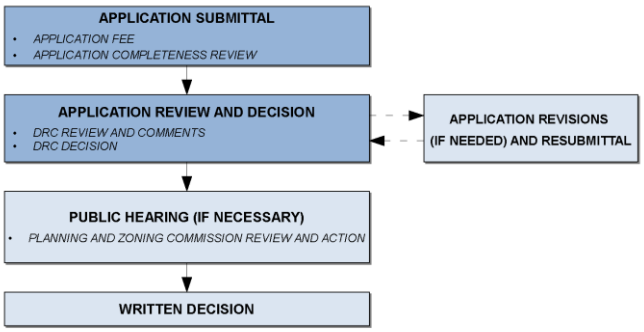


Figure 6.11-A

B. Application Review and Report

Following submittal of a complete application, the Development Review Committee (DRC) shall review the application and provide written comments to the applicant. Following receipt of DRC comments, the applicant shall correct the Master Sign Program and resubmit the corrected application to the Community Development Department. Based on the resubmitted application material, the DRC shall take final action on the application and approve, approve with conditions, or deny the application, unless the DRC determines that there are unusual circumstances or special conditions related to an application, in which case the DRC may defer action and refer such application to the Commission for final decision.

C. Review by Planning and Zoning Commission

If referred to the Planning and Zoning Commission, the Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application as set forth in Sections 6.2.5 through 6.2.6.

D. Written Notification

The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.11.4. Revocation

Failure to conform to the provisions of a sign permit, including any conditions and/or stipulations attached thereto by the Administrator, Commission and/or Council shall render such permit void.

6.11.5. Appeal

Decisions of the Commission may be appealed to the City Council pursuant to the procedures set forth in Section 6.2.11.

6.12. SITE PLAN REVIEW

6.12.1. Purpose and Applicability

This section provides procedures and standards for the comprehensive review of proposed development projects to: promote the safe, functional and aesthetic development of property, ensure compliance with the development and design standards of this Ordinance; and encourage quality development reflective of the goals, policies, and objectives of the General Plan. Site Plan Review shall be required for:

A. An application for development approval requesting a non-residential use or any multi-family dwelling unit.

B. An application for approval of a Conditional Use. In this case, the Site Plan Review shall occur concurrently with the review of the Conditional Use application.

6.12.2. Site Plan Process

A. Pre-application Conference
Prior to the submission of an application for Site Plan approval, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

B. Application Submittal
A complete application for site plan approval shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal.

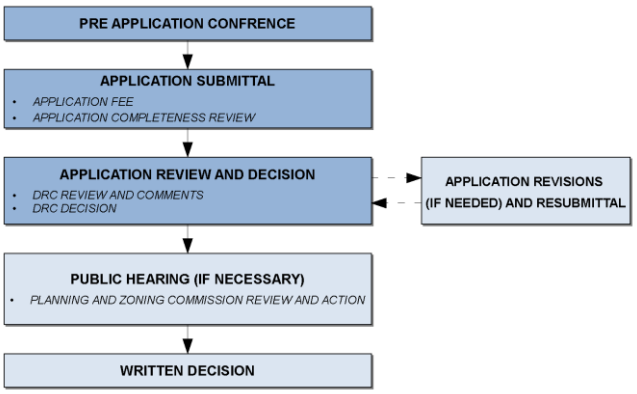


Figure 6.12-A

C. Application Review and Report
Following submittal of a complete application, the Development Review Committee (DRC) shall review the application and provide written comments to the applicant, if necessary. Following receipt of DRC comments, the applicant shall correct the site plan as needed and resubmit the corrected application to the Community Development Department. Based on the resubmitted application material, the DRC shall take final action on the application and approve, approve with conditions, or deny the application based on the applicable approval criteria, unless the DRC determines that there are unusual circumstances or special conditions related to an application, in which case the DRC may defer action and refer such application to the Commission for final decision.

1. Conditions of Approval. In approving a Site Plan, the DRC may impose reasonable conditions necessary to:

   a. Achieve the general purposes of the Zoning Code or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan;

   b. Protect the public health, safety, and general welfare; or

c. Insure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

D. Review by Planning and Zoning Commission
If referred to the Planning and Zoning Commission, the Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application as set forth in Sections 6.2.5 through 6.2.6.

E. Written Notification
The decision to approve or approve with conditions, or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.12.3. Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed Site Plans, issues for consideration shall include but not be limited to:

A. The general layout of the project, including orientation and location of buildings, open space, vehicular and pedestrian access and circulation, parking and loading facilities, building setbacks and heights, and other improvements on the site, is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.

B. The architectural design of the structure(s) and their materials and colors are compatible with the scale and character of surrounding development and other improvements on the site and are consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.

C. The landscaping, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of landscape elements has been designed to create visual relief, complement structures, and provide an attractive environment and is consistent with the purpose and intent of this Chapter, the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.

D. The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development, will not result in vehicular or pedestrian hazards, and will be in the best interest of the public health, safety, and general welfare.

E. The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.

F. The proposed project is consistent with the General Plan and any applicable specific plan.

6.12.4. Final Inspection

A site plan approval is a binding development order and all improvements reflected on approved site plans must be completed, and all restrictions and conditions of site plan approval must be fulfilled, prior to issuance of the final certificate of occupancy.

6.12.5. Expiration of Approval

An approved site plan shall expire 12 months from the date of approval unless a complete building permit application has been submitted. If a site plan is not submitted for certification within the one (1) year period, the approval shall be null and void, and the applicant shall be required to submit a new site plan for review.

6.12.6. Appeal

Decisions of the Commission may be appealed to the City Council pursuant to the procedures set forth in Section 6.2.11.

6.13. BUILDING PERMIT

6.13.1. Purpose and Applicability

For property falling within the purview of this Code, no building or other structure shall be erected, constructed, enlarged, or altered, nor shall the use of any land or building or other structure be changed, without a building permit from the Building Official, unless specifically excluded below.

A. Building Permits are not required for one-story detached accessory structures, provided the floor area does not exceed 200 square feet as well as such improvements or repairs will not involve any installation, movement, extension or limitation of any electric, plumbing or gas work and does not violate other provisions of this Code.

B. Recreational vehicles may occupy recreational vehicle park pads without building permit approval.

6.13.2. Applications

A. Applications for Building Permits shall be made on the forms provided by the Community Development Department. A Building Permit and a Minor Modification (or Variance if applicable) is required if any portion of the new structure lies within a required front-yard, side-yard or rear-yard setback area.

B. Any person renting, leasing or holding an option on property within the City will be required to submit the owner's approval of any improvements upon or repairs to such property when applying for a Building Permit.

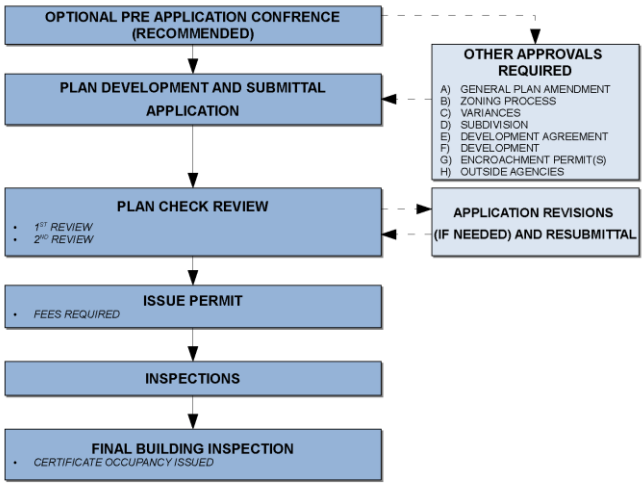


Figure 6.13-A

C. All applications for building permits shall be accompanied by a plat or drawing drawn to scale, showing the dimensions of the lot to be built upon, the size and location of the

building to be erected, and such other information as required by the City's Building Code or as may be necessary to provide for the enforcement of this Ordinance.

D. A building permit fee will be charged in accordance with the schedule set forth in Section 6.2.2.D

6.13.3. Review and Decision

A. The Building Official shall grant or deny the building permit in accordance with the terms of this Ordinance and all applicable City requirements.

B. No Building Permit or other permit required by this Ordinance shall be issued without a zoning clearance.

C. A building permit shall be issued only after a subdivision final plat or lot split application as required by Section 10 Subdivision Code of this Ordinance and a site plan, if required, have been approved. However, with the approval of the Administrator, an applicant may submit a building permit application to the Building Official concurrent with the site plan application, which permit may be issued upon site plan approval by the Design Review Committee or Planning Commission, whichever is applicable. Building permits shall not be issued for any development that is not in conformance with the approved site plan.

D. The City of Somerton reserves the right to require a bond or letter of credit to be posted at issuance of a Building Permit in an amount sufficient to assure compliance with the terms of the permit. The City may utilize funds from such financial instrument to repair or restore to native condition the result of non-compliance with duly issued permits.

E. Inspections of the construction activity shall be made by the City in accordance with the Building Code.

6.13.4. Expiration or Cancellation

Every permit issued under this Ordinance shall expire after one-hundred-eighty (180) days or six (6) months; if the use or structure authorized by the permit is not established, unless a different expiration is specified herein or unless an extension is granted by the issuing agency before expiration. Failure to comply fully with the terms of any permit is grounds for criminal prosecution.

6.13.5. Validity of Permits

For any permit for which the Board, Commission or Council is responsible, the Zoning Administrator shall require that the development or use in question proceed only according to the terms of such permit, including any requirements or conditions established as a condition of issuance and except as specifically provided in this Ordinance, the securing of a single required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

6.13.6. Violations

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or land, or cause or permit the same to be done, in violation of this Ordinance. When any building or parcel of land regulated by this Ordinance is being used contrary to this Ordinance, the Zoning Administrator

will order such use discontinued and the structure, parcel of land or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Zoning Administrator after receipt of such notice to make the structure, parcel of land or portion thereof, observe the requirements of this Ordinance.

6.14. CERTIFICATE OF OCCUPANCY

6.14.1. Purpose and Applicability

It shall be unlawful to use, occupy or permit the use or occupancy of any building or structure, or any change or extension of a use of land for which the Zoning Administrator has not directed the issuance of a Certificate of Occupancy.

6.14.2. Issuance of a Certificate of Occupancy

Within ten (10) working days after having received notice that the building, structure or premise has been completed and is ready for use or occupancy, the Zoning Administrator shall direct that a final inspection be made to determine whether construction has been completed in conformity with the provisions of this Code. If the Administrator finds construction in conformity, the Administrator shall direct the issuance a Certificate of Occupancy.

6.14.3. Temporary Occupancy Permits

The Zoning Administrator may direct the issuance of a Temporary Occupancy Permit for a part of a building, structure or use prior to completion of the entire building, structure or use, provided that such part has been completed in conformity with all provisions of this Code and is considered safe and suitable for use or occupancy. A Temporary Occupancy Permit shall remain in force until the entire building, structure or use and off-site improvements have been completed and inspected and a Certificate of Occupancy has been issued.

6.15. ANNEXATION

6.15.1. Purpose

The purpose of this Section is to provide procedures consistent with applicable State requirements for the annexation of real property into the corporate limits of the City.

6.15.2. Initiation of Annexations

A. City Council or City Manager
The City Council or City Manager may direct staff to review specific property to determine whether it may be legally annexed and to contact property owners to determine whether they will sign an annexation petition.

B. Owner Initiation
One or more property owners may submit an application to annex property owned by them into the City.

6.15.3. Annexation Process

All annexation proceedings shall be conducted in conformance with A.R.S. §9-471 and any other applicable State law requirements for the annexation of land into the City.

SECTION 7 – ENFORCEMENT

7.1. PURPOSE

This Section provides procedures which are intended to ensure compliance with the requirements of this Ordinance and the conditions of land use permit approval. Any violation of this Zoning Code shall be subject to the enforcement remedies and penalties provided in this Subsection or by State law.

7.2. ENFORCEMENT RESPONSIBILITIES

A. Building and Code Compliance. Prior to issuance of building permits, the Building Safety and Code Enforcement Division shall ascertain that plans presented with the building permit application comply with those approved subject to the requirements of the Zoning Code.

B. Code Compliance. The Zoning Administrator shall enforce the provisions of the Zoning Code and is authorized to stop any work undertaken not in compliance with any provision of the Zoning Code, approved permit, or condition of approval.

7.3. TYPES OF VIOLATIONS AND OFFENSES

A. Any use, structure, or property which is altered, enlarged, erected, established, maintained, moved or operated contrary to the provisions of this Ordinance or any condition of approval, is hereby declared to be unlawful.

B. Each day any violation of any provision of this Zoning Code, or the failure to perform any act or duty required by this Zoning Code, continues shall constitute a separate offense.

7.4. INVALID PERMITS AND APPROVALS

No permit or approval may be issued under this Zoning Code unless all structures and uses of land and structures to be authorized by the permit or approval conform to this Zoning Code, regulations promulgated under this Zoning Code, and the terms and conditions of other applicable permits and approvals issued under this Zoning Code. Any permit issued or administrative approval granted in conflict with this zoning ordinance is void.

7.5. VIOLATION REMEDIES

Failure to comply with any provision of this ordinance is hereby declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this Ordinance.

A. Withhold Permit. The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question. The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this Ordinance. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

B. **Permits Approved with Conditions.** Instead of withholding or denying a permit or authorization (as described in subsection A, above) the City may grant such authorization subject to the condition that the violation be corrected.

C. **Revoke Permits.** Any development permit or other form of authorization required under this Ordinance may be revoked when the Administrator determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was issued by mistake, or (3) that any of the provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contract, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

D. **Stop Work.** With or without revoking permits, the City may stop work on any building or structure on any land on which there is uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

E. **Revoke Plan or Other Approval.** Where a violation of this Ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the City Council may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this Ordinance, the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the City Council may reasonably impose.

F. **Abatement.** The City may commence an action to abate a violation of the Zoning Code pursuant to A.R.S § 9-499.

G. **Other Remedies.** The City shall have such other remedies as are and as may be from time to time provided by Arizona law for the violation of zoning or related Ordinance provisions.

7.6. Criminal and Civil Penalties

A. Any person, firm, or corporation violating any provision of this Code, or any amendments to it, shall be guilty of a Class One Misdemeanor punishable by a fine not exceeding $2,500, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, for each violation. Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

B. Violation of any provision of this Code, or any amendments to it, may also subject the offender to a civil monetary penalty in an amount to be established by the City Council. Violations and Citations shall direct the person to whom the citation is issued to pay a fine in the amount set forth by the council. If the offender fails to pay this penalty within15 days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of a debt. Any judgment for civil fines or penalties may be collected as any other civil judgment, as provided for in the Arizona Revised Statutes.

7.7. Continuation of Prior Enforcement Actions

Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous regulations.

7.8. Cumulative Procedures and Remedies

The procedures and remedies provided for herein shall be cumulative and in addition to any other procedures and remedies to which the City may be entitled by law or equity.

SECTION 8 – NONCONFORMITIES

8.1. PURPOSE

This Chapter establishes regulations for legal nonconforming land uses, structures, and parcels. These are land uses, structures, and parcels within the City that were lawfully established, constructed, or subdivided before the adoption or amendment of this Ordinance, but which would be prohibited, regulated, or restricted differently under the current terms of this Ordinance or future amendments thereto.

It is the intent of this Section to encourage the continuing improvement of the City by limiting the extent to which nonconforming structures and uses may continue to be used, expanded, or replaced, while allowing for improvements in their appearance.

8.2. GENERAL PROVISIONS

8.2.1. Determination of Nonconformance Status

In other than criminal proceedings, the owner, occupant or user shall have the burden to show that a nonconforming structure, lot or use was lawfully established prior to the effective date of this Ordinance.

8.2.2. Change of Ownership or Tenancy

Changes of ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the provisions of this Section.

8.2.3. Maintenance and Minor Repair

Minor repairs or maintenance of nonconformities are permitted, provided that the minor repairs and maintenance do not increase the extent of nonconformity. For purposes of this section, "maintenance or minor repair" shall mean:

A. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or exterior or interior appearance of a building or structure without expanding the building or structure;

B. Maintenance of land areas to protect against health and environmental hazards; and

C. Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

8.3. NONCONFORMING USES

8.3.1. Continuance

Any nonconforming use of land or a nonconforming use of a conforming structure that lawfully existed as of the passage of this Ordinance and that remains nonconforming, and any nonconformity that is created as a result of the adoption of this Ordinance or any subsequent amendment to the text of this Ordinance, may be continued or maintained as a nonconformity only in accordance with the terms of this Section.

8.3.2. Expansion, Enlargement and Modification

A. Any nonconforming use of land or a nonconforming use of a conforming structure that is not in compliance with this Code or subsequent amendment applicable to the use shall not be enlarged, extended, moved, or substituted unless the use is brought into compliance with this Code. However, reasonable repairs and alterations are permissible in accordance with the provisions of Section 8.2.3.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use from the effective date of adoption or amendment of this Code.

8.3.3. Change of Use

A. Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

B. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy.

8.3.4. Loss of Nonconforming Status

If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of at least one (1) year, the rights to a legal nonconforming status shall terminate. The initial decision as to whether a prior existing, non-conforming use has been abandoned shall be made by the Director, subject to said decision being appealed to the Board of Adjustment by the affected property owner within three (3) months of the ruling by the Director.

8.3.5. Conditional Uses

A use that received a Conditional Use Permit prior to the effective date of this Ordinance and that is permitted in its entirety as a principal use in the district in which it is located under this Ordinance shall not be deemed a nonconforming use. Such use shall be deemed a permitted principal use and the Conditional Use approval shall be null and void.

8.4. NONCONFORMING STRUCTURES

8.4.1. Continuance

An existing structure that lawfully existed as of the passage of this Ordinance and that remains nonconforming, and any nonconformity that is created as a result of the adoption of this Ordinance or any subsequent amendment to the text of this Ordinance, may be continued or maintained as a nonconformity only in accordance with the terms of this Section.

8.4.2. Expansion, Enlargement and Modification

No nonconforming structure may be enlarged or altered in a way that increases its nonconformity, unless expansion of a nonconforming structure

A. Complies with development standards, including but not limited to, setbacks applicable to the use for new construction, parking regulations and landscaping and screening requirements, or

B. Is approved through a Conditional Use Permit approved under Section 6.7, Conditional Use Permits.

8.4.3. Destruction and Replacement

Any nonconforming structure when damaged or destroyed by force majeure, may be restored without impairment to any nonconforming status, provided:

A. If more than fifty (50) percent of the area under roof of any non-conforming structure is destroyed, it shall not be reconstructed. If less than fifty (50) percent is destroyed, it may be reconstructed as long as a building permit is obtained within six (6) months after the date of destruction, provided the resulting structure complies with current building codes and the size and function of the nonconforming use shall not be expanded. The City's Building Official shall determine the above percent of impacted area. Appeal of the Building Official's determination may be made to the Planning Commission following the procedures under Section 6.2.11, Appeals.

B. Replacement of existing mobile homes in existing non-conforming mobile home parks may be permitted if the replacement mobile home is of equal size or smaller than the existing one and is less than ten (10) years old at the time of installation.

1. Installation of any mobile home must be completed in conformance with the building code in effect at the time of installation, the plumbing code in effect at the time of installation and the electric code in effect at the time of installation or other applicable building codes in effect at the time of installation.

8.5. NONCONFORMING LOTS OF RECORD

Any lot of record that is effective as of the date of this Ordinance and is considered a nonconformity because of noncompliance with lot width or area requirements may be used for any use permitted in the Zoning District in which it is located, provided compliance with all other applicable regulations of this Ordinance are met.

8.6. NONCONFORMING SIGNS

8.6.1. Continuance

Any sign legally existing at the time of the adoption of this Ordinance by the Somerton City Council that, due to changes in this Section, no longer conforms in use, location, height or size with the regulations of this Section, may be continued or maintained as a nonconformity only in accordance with the terms of this Section.

8.6.2. Expansion, Enlargement and Modification

No nonconforming sign may be enlarged, altered or modified in a way that increases its nonconformity, unless such change:

A. Is a reasonable alteration, repair, or maintenance as determined by the Director.

B. Complies with development standards, including but not limited to, setbacks applicable to the use for new construction, parking regulations and landscaping and screening requirements, or

C. Is approved through a Conditional Use Permit approved under Section 6.7, Conditional Use Permits.

8.6.3. Loss of Nonconforming Status

A. The sign may continue in use until such time as it is removed or abandoned for a period of twelve (12) or more continuous months.

B. Except as otherwise set forth in Section C below, any change in the sign, including a 50% or more change of sign copy, shall be considered an abandonment and the legal non-conforming status of the sign shall become void.

C. In the event that the name of a business or other sign text changes, any legal non-conforming sign(s) on the premises shall be modified to bring them into conformance with this Section, even if the change only addresses sign copy. This paragraph shall not apply to directory signs designed with interchangeable letters or panels or to the text area of a monument sign.

D. Legal non-conforming sign structures, poles and other related equipment that have been abandoned or not in use for more than twelve (12) months shall be removed and the building, land or site restored to its original state.

8.6.4. Destruction and Replacement

A. Damage by force majeure to the extent that more than fifty (50) percent of the sign has been affected, shall be removed or altered to become a legally conforming sign with the provisions of this Ordinance.

SECTION 9 – DEFINITION

9.1. PURPOSE

This Article provides definitions of terms and phrases used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Section conflict with definitions in other provisions of the Code, the specific Section's meaning and application of the term shall control. If a word is not defined in this Section, or other provisions of the Code, or the A.R.S., the Director shall determine the most appropriate definition in compliance with Section 9.2.8 (Interpretation of Regulations).

9.2. GENERAL RULES

The following general rules shall apply for construing or interpreting the terms and provisions of this Zoning Code.

9.2.1. Tenses, Plurals, Gender and Persons

Words used or defined in one tense or form shall include other tenses and derivative forms. Words used in the singular number shall include the plural number and words used in the plural shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities, including the federal government, another city, county or school district, except as exempt by law.

9.2.2. Illustrations and Photographs

Illustrations and photographs are included in this Code for illustrative purposes only. In case of any difference of meaning or implication between the text of this ordinance and any illustration or photograph, the text shall control.

9.2.3. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

9.2.4. Computation of Time

If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the City. References to days are calendar days unless otherwise stated.

9.2.5. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

9.2.6. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

9.2.7. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

"And" indicates that all connected items, conditions, provisions or events apply; and "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

9.2.8. Interpretations

The Director has final authority to determine the interpretation or usage of terms used in this Development Code. Any person may request an interpretation of any term by submitting a written request to the Director, who shall respond in writing within 30 days. The Community Development Department shall keep a public record of all interpretations and determinations on usage of terms rendered by the Director.

A. Use Interpretation

If an application is submitted for a use type not listed in the Use Tables, Section 2, the Community Development Director shall be authorized to make a "Similar Use Interpretation", based on the following considerations:

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use type;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use; and
10. How the use advertises itself.

B. Use Interpretation Standards

1. No Similar Use Interpretation shall allow a use in a zoning district when that use is a permitted or conditional use in any other zoning district.
2. No Similar Use Interpretation shall permit any use in any zoning district unless evidence shall be presented demonstrating that it will comply with all applicable Use Standards and all other applicable requirements and standards of this Code.
3. No Similar Use Interpretation shall permit any use in a zoning district unless the use is more similar to the uses listed for the respective zone than to permitted or conditional uses allowed in other zoning districts.

4. If the proposed use is more similar to a use allowed only as a conditional use in the zoning district in which it is proposed to be located, then any Similar Use Interpretation permitting that use shall require a Conditional Use Permit.

C. Effect of Similar Use Interpretation

No Similar Use Interpretation finding a particular use to be permitted or conditionally permitted in a specific District shall authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the City of Somerton or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to Conditional Use Permits, Building Permits, and Certificates of Occupancy.

9.3. DEFINITIONS OF USE CATEGORIES AND SPECIFIC USES

For the purpose of carrying out the intent of this Zoning Code, unless the content clearly indicates to the contrary, the following words, phrases, and terms shall have the following meanings:

A. Basis for Use Categories

Use categories classify land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for organizing and assigning present and future land uses into appropriate zoning districts.

B. Specific Use Type

Specific uses are assigned to the category that most closely describes the nature of the specific use. Specific uses shall be considered based on common characteristics and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells clothing to the general consumer on a small scale is included in the "Retail, General" use rather than the "Wholesale Establishment" use. This is because the actual activity on the site matches the description of the Retail, General use.

C. Developments with Multiple Specific Uses

When all principal uses of a development fall within one specific use, the entire development is assigned to that use. A development that contains a clothing boutique, bookstore and bakery, for example, would be classified in the Retail, General use type because all of the development's specific uses are in that use. When the specific uses of a development fall within different use types, each use is classified in the applicable use and each use is subject to all applicable regulations for that specific use.

9.3.1. Residential Use Category

Assisted Living Center – A residential care institution that provides resident rooms or residential units for the housing of and caring for the ambulatory, aged or infirm; other than a nursing home, group home, or hospital; licensed by the Arizona State Department of Health services for more than eleven (11) persons in a residential setting. Care givers are present at all times, and may (or may not) reside at the site. Facilities typically include common kitchen and dining areas, but may contain individual kitchenettes for residents.

Assisted Living Home – A dwelling unit shared for the housing of and caring for the ambulatory, aged or infirm; other than a nursing home, group home, or hospital; licensed by the Arizona State Department of Health services for no more than ten (10) persons excluding staff in a residential setting. Care givers are present at all times, and typically reside at the site.

Day Care, Home – A state certified facility, the primary use of which is a residence, in which child care for not less than five children and not more than ten children through the age of 12 or adult day care for at least five and not more than ten adults is regularly provided for compensation for periods of less than 24 hours per day. The following uses are not a Day Care, Home; an Assisted living Facility, Group Care Home, or Day Care, Home Occupation.

Day Care, Home Occupation – See Section 9.3.6

Dwelling, Single-Family Detached - A dwelling designed for or used by one family, located on an individual lot, and having no walls in common with adjoining dwellings.

Dwelling, Single-Family Attached - A dwelling designed for or used by one family, located on an individual lot, and having any portion of one or more walls in common with adjoining dwellings. Housing units are side by side only.

Dwelling, Modular home – A factory-built building, residential, excluding mobile homes and manufactured homes defined herein. Such housing is certified as meeting the state and local building codes as applicable to modular housing and shall be considered equivalent to a site built building and which requires substantial assembly on site. Also referred to as "factory built" in Department of Building, Fire and Safety Rules, State of Arizona.

Dwelling, Manufactured Home - A structure built on or after June 15, 1976, 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.

Dwelling, Duplex - A single building containing two dwelling units located on an individual lot designed for or used by two families living independently of each other. Housing units may be side by side or up and down.

Dwelling, Multi-Family - A single building containing three or more dwelling units on an individual lot for occupancy by families living independently of each other. Within apartments, the building and land are under single ownership and dwelling units are rented or leased. Within a condominium, ownership consists of the airspace within a unit and the building(s) and all land within the development are under common ownership.

Dwelling , Townhouse - A dwelling designed for or used by one family and adjacent to other similarly owned single-family dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility. Housing units are side by side only. Townhouse ownership includes the building, the land beneath the building and typically a patio or small yard adjacent to the structure. The remaining land within the development is under common ownership.

Dwelling, Mobile Home - A structure, transportable in one or more sections, that is at least eight feet in width and thirty-two feet in length and that is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to on-site utilities, and that was not constructed 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.

Group Care, Home – A dwelling unit shared as a primary residence by no more than six (6) unrelated persons, living together as a single housekeeping unit in which staff provides on-site care, training or support for the residents. Such residence or services provided therein shall be licensed by, certified by, approved by, registered with, funded by or through, or under contract with the State of Arizona. This definition shall include group care homes for the developmentally disabled and child foster care homes as defined by A.R.S. §8-501 and adult foster care homes as defined by A.R.S. §36-401. Group care home does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or a residence for a criminal offense, or a residence which provides drug and/or alcohol rehabilitation.

Manufactured Home Park or Subdivision - A site (park) or individual home lots (subdivision) with required improvements and utilities for the long-term parking of manufactured homes, which may include services and facilities for the residents.

Nursing Home – Establishment with individual rooms supported by communal facilities (such as kitchen, dining, living, and recreation) that provides 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of Arizona, including but not limited to, rest homes and convalescent hospitals, but not Assisted Living Facilities, Hospitals, or Clinics.

Recreational Vehicle Park - A site with required improvements and utilities for the short-term parking of recreational vehicles, which include services and facilities for the residents.

9.3.2. Public and Semi Public Use Category

Arboretum or Botanical Garden – A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants. Permitted accessory uses include gift shops, cafes, snack bars, and parking.

Assembly Hall/Auditorium/Conference Center – A building or structure, or group of buildings or structures, that may or may not be rented for the conducting of organized short-term events such as weddings, receptions, and conferences. Accessory uses may include meeting rooms, kitchen facilities for preparation of food to be consumed on the premises, parking, and childcare provided for persons while they are attending assembly functions. Schools associated with assembly uses are not an accessory use.

Bus Terminal – Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

Campground and Camps – A parcel of ground where two or more campsites are located, established, or maintained for occupancy by camping units of the general public, including cabins, or tents, as temporary living quarters for recreation, education, or vacation purposes.

Cemetery – Land used or dedicated to the interment of human or animal remains, including columbaria, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

College or University – A degree-granting institution, other than a trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories.

Community Playfields and Parks – A tract of land owned by a public entity and available to the general public for recreational purposes. This definition includes indoor recreational facilities, swimming pools, playgrounds, and lighted and unlighted athletic fields.

Community Recreation Center – A facility providing recreation/pool facilities and/or meeting rooms, and typically oriented to the recreational needs of the residents of the surrounding area.

Country Club, Private Membership – An area containing, but not limited to, a golf course and a club house and available only to a private specific membership. Such a club may contain as adjunct facilities, a private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.

Crematorium or Funeral Parlor – A location containing properly installed, certified apparatus intended for use in the act of cremation, or an establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This definition may include a facility for the permanent storage of cremated remains of the dead.

Day Care Center – Any facility licensed by the Arizona State Department of Health Services in which care and supervision for five or more persons is regularly provided for compensation for periods of less than 24 hours per day. This classification includes nursery schools, preschools, day care centers for children or adults, and any other non-residential day care facility licensed by the State of Arizona.

Detention Facility – A facility providing housing, care, and supervision for persons confined by law under the direction and/or control of any law enforcement agency including but not limited to the Arizona Department of Corrections and the U.S. Department of Homeland Security.

Fraternal or Social Club, nonprofit - Meeting, recreational, or social facilities of a nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.

Government Offices and Civic Buildings – An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: post offices, employment offices, public assistance offices, or motor vehicle licensing and registration services.

Health Care Related Facility or Clinic – A public or private facility primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals, including the offices of chiropractors, physicians, dentists, drug therapists, rehabilitation therapists and other health practitioners, medical and dental laboratories, outpatient care and outpatient care facilities. Patients are not kept overnight except under emergency conditions.

Hospital – A public or private facility, which can include multiple buildings, for the accommodation of sick, injured, or infirm persons, and for the provision of related outpatient services. Services regularly include the keeping of patients overnight. Accessory uses include heliports and related facilities, and parking.

Library, Public – A permanent facility for storing and loaning books, periodicals, reference materials, audio and videotapes, computers, and other similar media open and available to the public.

Museum, Cultural Facility, Public – Any permanent institution for the collection and display of objects of art or science, sponsored by a public or quasi-public agency and open and available to the public.

Nature Preserves, Non-Profit – An area that preserves or protects desert lands, associated endangered species, washes, critical environmental features, viewsheds, or other natural elements. Such areas may include pedestrian or equestrian easements.

Public Safety Facility – The conduct of publicly owned safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

Religious Assembly – A facility used primarily to provide assembly and meeting areas for religious activities. Accessory uses include cultural events, parking, caretaker's housing, buildings ancillary to a religious function, pastor's housing, and group living facilities such as convents.

School, Boarding – Private education institutions having curricula of general academic education consistent with the requirements of the State of Arizona that include group living quarters for a student body or religious order as a normal accessory use. This does not include degree-granting college or universities.

School, Public or Private 9-12 – Facilities for secondary high school education, including public schools, charter schools, and private institutions having curricula of general academic education consistent with the academic requirements of the State of Arizona. This includes accessory facilities traditionally associated with schools, such as athletic stadia, cafeterias and libraries.

School, Public or Private K-8 – Facilities for primary education, including public schools, charter schools, and private institutions having curricula of general academic education consistent with the academic requirements of the State of Arizona, including kindergarten, elementary, and junior high school, including accessory facilities traditionally associated with schools, such as athletic fields, cafeterias and libraries.

Social Service Facility – Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from a hospital, nursing home, day care center, group care home, residential facility, boarding house, health clinic, or emergency shelters providing 24-hour or overnight care.

Solar Generation Facility – An electrical energy generation plant comprised of one or more freestanding, ground-mounted devices that capture solar energy and convert it to electrical energy for use by an off-site electric utility provider. Solar generation stations typically utilize photovoltaic solar cells, but they can also be combinations of light reflectors, concentrators, and heat exchangers. A solar generation station is also known as a solar plant, solar generation plant, solar farm, concentrated solar power plant, solar power plant, or solar thermal power plat (if non-photovoltaic).

Wireless Facility – Wireless facilities transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific use types include, but are not limited to:

1. Tower (Including any facility with a tower)

2. A structure in a fixed location used as an antenna or to support antennas for the primary purpose of transmitting and/or receiving electronic signals. This use includes wireless communication facilities with towers. This definition also includes non-residential broadcast, communication, transmission, and similar towers, either freestanding or attached to an adjacent broadcasting or transmitting facility.

3. Broadcasting or Recording Studio (no tower)

4. A building or portion of a building used as a place for radio or television broadcasting or recording but without a transmission tower.

5. Satellite Earth Station

6. A telecommunication facility that transmits to and/or receives signals from an orbiting satellite.

7. Transmitting Station (no tower)

8. Any facility utilized for the transmission of broadcast information but without a transmission tower. This use includes wireless communication facilities without towers.

Utility Facility and Service Yard, Major – A service of a regional nature that normally entails the periodic construction/expansion of buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include, but are not limited to: wastewater treatment plants, water treatment plants, reservoirs, power plants, and accessory maintenance yards.

Utility Facility, Minor – A service that is necessary to support development within the immediate vicinity and that involves only minor structures. Employees typically are not located at the site on an ongoing basis. Examples include, but are not limited to: electric transformer stations; gas regulator stations; telephone exchange buildings; well, water, and sewer pumping stations; water storage tanks; and water pressure regulating stations.

9.3.3. Agriculture Use Category

Agribusiness, Entertainment Farming – A commercial, service and/or industrial use operated primarily for the direct support of agricultural activities. It may consist of agricultural equipment sales rental and sales; the storage, warehousing, transportation & distribution and wholesaling of agricultural products; agricultural research, development, management and maintenance services conducted primarily within an office setting; agri-entertainment, such as pick-your-own operations, pumpkin patches, corn mazes, farm stores, agricultural festivals, and educational activities; and other similar agriculture related uses.

Agriculture, General - The use of land for agricultural purposes, where growing and harvesting activities associated with horticulture, floriculture, viticulture, apiaries, aviaries along with necessary accessory uses (such as incidental raising of agricultural animals or the storage of agricultural related equipment used on the premises and temporary storage of agricultural products used and/or produced on the premise.) takes place; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. General agriculture uses may or may not be owner-occupied and may utilize employees who are not owners or family of the owners. This use does not include: dairies, commercial animal breeding, concentrated animal feeding operations (CAFO), slaughter and meat packing plants, or fertilizer yards.

Agriculture, Processing – A fixed establishment performing any processing or packaging of crops after harvest to prepare them for market on-site or for further processing and packaging elsewhere, including but not limited to: cold storage houses; hulling operations; fruit dehydrators; dryers and the sorting, cleaning, packing, storing, and distribution of agricultural products prior to shipment or sale. The production, processing, or packing of meat that is intended for human consumption or for use as animal food is excluded from this definition.

Agriculture, Storage – Any building, structure, or yard for the bulk storage of agriculture equipment or chemical and/or animal waste (fertilizer) for eventual removal and/or dispersion.

Greenhouse – A building or structure constructed chiefly of glass, glass-like translucent material, cloth, lath or similar materials which is devoted to the protection or cultivation of flowers or other plants.

Intensive Animal Operation (Dairy, Poultry Farming, Egg Farming, Feed Lot) – The raising or fattening of animals in a manner that produces potentially adverse environmental impacts or adverse impacts to neighboring properties. Examples of Intensive Animal Operation uses include dairies, poultry farms, egg farms, aquaculture, feedlots or confined animal feeding operations (CAFOs), and other similar operations.

Market Garden – A lot or any portion thereof, managed and maintained by a person, for growing and harvesting, farming, or any other use, which contributes to the production of organic agricultural, floricultural, or horticultural products for recreation or direct local consumption rather than for commercial processing.

Nursery, Commercial – A full service retail sales establishment which sells plants that are purchased wholesale from off site. Accessory items can include packaged fertilizer, seed, mulch, and topsoil, as well as other packaged items commonly associated with a retail plant nursery, as long as such items are stored inside of a solid or screened structure. However, the sale or outside storage of bulk items, and/or the on-site storage of commercial vehicles or heavy equipment, shall be prohibited.

Nursery, Wholesale – Land, which may include greenhouse facilities, used for the development, growth and wholesale distribution of plants produced on the premises.

Ranching, Commercial – A commercial use for the keeping of agricultural animals (e.g., cattle, goats, sheep, swine, etc.), along with necessary accessory uses such as heavy equipment storage and limited crop production. Allowed ranch uses shall include; grazing livestock; animal husbandry; equine stables for riding, boarding, breeding, training, and lessons; the sale of ranch animals; rodeos, 4-H and other public or youth-related activities.

9.3.4. Commercial Use Category

Adult Oriented Business – Any business establishment where employees, independent contractors or patrons expose specified anatomical areas or engage in or simulate specified sexual activities, or any business establishment which offers to its patrons services or entertainment distinguished or characterized by an emphasis on matters depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas. The businesses may include, but are not limited to, Adult Live Entertainment Establishment, Adult Only Massage Establishment, Adult Theater, or Adult Retail Establishment.

Alcoholic Beverages, Retail Sales – A retail establishment, such as a liquor store, licensed to sell alcoholic beverages such as beer, wine, and liquor. No on-site consumption is allowed.

Animal Hospital – A place where household pets or livestock are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Kennel, indoor/outdoor – A commercial, non-profit, or governmental facility for keeping, boarding, breeding or maintaining five or more dogs, cats, or other household pets not owned by the kennel owner or operator on a 24-hour basis. This classification includes animal shelters and pet shops and animal hospitals that provide boarding-only services for animals not receiving services on

the site but excludes the provision by shops and hospitals of 24-hour accommodation of animals receiving medical or grooming services on site. This classification also includes kennels that, in addition to 24-hour accommodation, provide pet care for periods of less than 24 hours.

Animal Training School – A facility that specializes in the training of household animals.
Automobile Rentals – Rental of automobiles, including storage and incidental maintenance.

Automobile Sales and Leasing – Sales or leasing of automobiles, motorcycles, trucks, and motor homes, including storage and incidental maintenance.

Automobile Repair, Major – Repair of automobiles, trucks, motorcycles, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, but excludes vehicle dismantling or salvaging and tire re-treading or recapping.

Automobile Repair, Minor – The service and repair of automobiles, light-duty trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up, wheel and brake shops, muffler shops, auto glass services, and tire sales and installation, where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy trucks or construction vehicles.

Bar, Lounge, or Tavern – A structure or part of a structure used primarily for the sale or dispensing and on-site consumption of alcoholic beverages or liquor by the drink, which may or may not serve food. Any facility providing both food and alcoholic beverages or liquor by the drink for on-site consumption that does not meet the definition of a restaurant shall be considered a bar, lounge, or tavern.

Bed and Breakfast – One building containing no more than eight sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation, but not including a trailer court or camp, hospital, asylum, orphanage, or building where persons are housed under restraint. The building is occupied by either the owner or a resident manager.

Business Services – Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, office security, custodial services, and photo finishing.

Car Wash – A facility, coin operated, automatic, or hand wash, for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.

Catering Service – An establishment that prepares food for service at a remote site.

Coffee Shops/Cafes – Establishments that primarily serve nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises, or a specialty snack, such as ice cream, frozen yogurt, cookies or popcorn.

Commercial Entertainment, Indoor – A place or facility designed to accommodate activities that generally draw 1,000 persons or more to specific indoor events or shows. Activities are generally of a spectator nature. Examples include auditoriums, performing arts centers, and coliseums. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

Commercial Entertainment, Outdoor – A large open or partially enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

Convenience Store – Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building of less than 5,000 square feet. This classification includes small retail stores located on the same parcel as or operated in conjunction with a service station.

Dry Cleaning and Laundry Service – An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers and that also includes on-site laundry and/or cleaning activities, including related operation of equipment and machinery. Establishments that do not include on-site cleaning activities are classified as "general personal services."

Farmers Market – A building, structure, or tract of land with open air stands that is used for the primary purpose of retail sales of fresh fruits, vegetables, flowers, herbs, or plants. This definition may also include the accessory sales of other unprocessed foodstuffs, home processed food products, baked goods, and home-made handicrafts.

Feed Store – An establishment engaged in the retail sale of supplies directly related to ranching or dairy operations.

Financial Institution – An establishment that provides banking services, lending, or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers.

Financial Institution, with Drive-Thru – Same as the above use, but with a drive-thru facility.

Fitness and Sports Center – A facility primarily featuring equipment for exercise and other active physical fitness and/or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, indoor soccer, yoga, and other kinds of sports and fitness facilities.

Flea Market – An indoor or outdoor premises where the main use is the sale of new or used household goods, personal effects, tools, art work, appliances, and similar merchandise, objects, or equipment in small quantities, in stalls, lots, parcels, or in bulk, for the use, sale or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. This definition does not include retail sidewalk sales or garage sales.

General Personal Services – An establishment, whether for consideration or not, that provides non-medical care, advice, aid, maintenance, repair, treatment, or similar semi-technical, technical, or experienced assistance, other than the practice of a profession and wholesale or retail sale of goods. Examples included, but are not limited to, shoe repair, beauty and barber shops, tanning salons, and dry cleaning pick-up and drop-off shops that do not conduct dry cleaning on the premises.

General Recreation, Indoor – An establishment offering entertainment, game playing, rides, or similar amusements to the public within an enclosed building. This shall include arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, and indoor shooting ranges.

General Recreation, Outdoor – Intensely developed recreational uses, lighted or unlighted, such as amusement parks, miniature golf courses, batting cages, skateboard or skate parks or courses,

bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.

Golf Course, Unlighted – A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course, nor shall it include lighted golf courses.

Golf Course/Driving Range, Lighted – A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term includes a lighted driving range without a golf course, but shall not include miniature golf courses as a principal or accessory use.

Hotel or Motel – A building or group of buildings with continuous on-site management and containing nine or more sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation.

Instructional Services or Trade School – A specialized instructional establishment that provides on-site training of business, artistic, or commercial skills, or a trade school that prepares students for jobs in a trade (e.g., carpentry). Examples include, but are not limited to, fine arts schools, computer instructional services, and driving schools.

Medical Marijuana Dispensary, Operation or Cultivation

1. Medical Marijuana Cultivation Facility ("Cultivation Facility"). A building, structure or premises used for the growing or storage of medical marijuana (cannabis spp.) and registered with the Arizona Department of Health Services (DHS) as related to a dispensary.

2. Medical Marijuana Dispensary ("Dispensary"). An entity registered, certified and authorized by DHS as a "Nonprofit medical marijuana dispensary" that acquires, possesses, sells, distributes, dispenses, or otherwise provides medical marijuana (cannabis spp.) to qualifying patients and designated caregivers. Such dispensaries may include on-site cultivation and infusion facilities.

3. Medical Marijuana Infusion Facility ("Infusion Facility"). A facility that incorporates medical marijuana (cannabis spp.) by the means of cooking, blending, or incorporation into consumable, edible or transdermal goods.

Mobile Food Vendor – Any business which sells food items from a licensed, non-stationary location within the City of Somerton such as, but not limited to, mobile food trucks, concessions carts, concession trailers.

Movie Theater – An indoor theater for the showing of motion pictures.

Nightclub – A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainments are permitted.

Non-chartered Financial Institution (Check-Cashing Facilities) – Any person(s) or establishment engaged in the business of cashing checks or accepting deferred deposits for a fee, service charge, or other consideration. Such uses are not licensed banks, trust companies, savings and loan

associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.

Office, Business or Professional – An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use, and not including a medical office or clinic. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, broadcasting, call centers, and similar offices.

Outside Storage, (Boat, RV Storage) – A facility where boats and/or recreational vehicles are stored outside for 72 hours or more.

Parking Lots and Parking Structure – A paved area used for the sole purpose of parking motor vehicles or a structure designed with one or more levels partially or fully enclosed, used for the parking of motor vehicles. The facility may be above, below, or partially below ground. This use does not include private carports or garages.

Research Laboratory – A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

Resort, cabins, lodges – A group or groups of buildings containing more than five dwelling units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffleboard, tennis, and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities.

Restaurants, Bar and Grill – Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may be provided, but a minimum of 30 percent of gross sales revenue must be from serving food to be classified as a Bar and Grill Restaurant.

Restaurants, Full Service – Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may be provided, but a minimum of 40 percent of gross sales revenue must be from serving food to be classified as a Full Service Restaurant.

Restaurants, Limited Service – Establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where no table service is provided. This classification includes cafeterias, fast-food restaurants, carryout sandwich shops, limited service pizza parlors and delivery shops, self-service restaurants, snack bars and takeout restaurants. A minimum of 40 percent of gross sales revenue must be from serving food to be classified as a Limited Service Restaurant.

Restaurant, With Drive-Through Facilities – Establishments providing food and beverage services to patrons remaining in automobiles.

Restaurant, With Live Entertainment – Establishments providing live performance based entertainment such as music bands or stand-up comedy.

Restaurant, With Outdoor Seating Areas – Provision of outdoor dining facilities on the same property or in the adjacent public right-of-way.

Restaurant, with Off-Track Betting – A facility in which simulcasting of horse or dog racing events held away from the facility are shown for the purpose of pari-mutuel wagering. Operated as an accessory use to a Restaurant as defined within this Code, and authorized by issuance of an Off-site Teletrack Wagering Permit in accordance with A.R.S §5-112, and AAD R19-2-401.

Retail, General – The retail sale or rental of merchandise not specifically listed under another use classification. This classification typical provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to: pharmacies, jewelry stores, bait shop, bakeries, bookstores, and florists.

Retail, General with Drive-Thru – Same as the above use, but with a drive-thru facility.

Retail, Large – A single retail establishment as described above that occupies more than 25,000 square feet of floor area. Examples include, but are not limited to: apparel shops, appliance sales, auto parts store, department stores, and factory outlet stores.

Retail, Massage – Shall mean any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, or the office of a physician, surgeon, chiropractor, osteopath, or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders.

Retail, Smoke Shop – A cigar shop, hookah lounge, head shop, electronic cigarette or other retail establishment where the primary activity is the sale of tobacco and smoking related goods/paraphernalia. Smoke shops do not include any individual business establishments that contain tobacco departments/sections that are ancillary to their primary use.

Retail, Tattoo and Body Piercing Parlor – Establishments whose principal business activity is one (1) or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. Exception: Piercing earlobes as an accessory or subordinate activity when done at a shop or store selling jewelry as primary activity.

Retail, Pawn Shop – A business in which a principal business activity involves advancing money on the security of pledged goods or purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

Self-Storage, indoor – A building or group of buildings with controlled access that contains varying sizes of individual, compartmentalized, and controlled access garages, stalls or lockers for the storage of customers' goods or wares. This use does not include outdoor storage.

Service Station – Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

Shooting Range, Outdoor – An outdoor facility wherein firearms are shot at targets under strict rules of conduct and safety.

Studios for Art, Dance, Photography – A small-scale instructional facility that typically accommodates one student or a group of students at a time in no more than one instructional space. These include facilities for: individual and group instruction and training in the arts, martial arts, gymnastics, etc.; photography and the processing of photographs produced only by users of the studio facilities; production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. These uses may also include accessory retail sales of products related to the services provided. Larger facilities are included under "Schools."

Veterinary Clinic – An office or a clinic of a veterinarian where small animals, household pets, or large animals are given medical, surgical, or health maintenance treatment. The boarding of animals is limited to short term care incidental to the treatment clinic and must be a secondary use of the property.

Wholesale Establishment – An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers, and limited retail uses when directly associated with the wholesale use. This term shall not include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations.

Zoo – An area, building, or structure(s) that contains wild and/or domesticated animals on exhibition for viewing by the public.

9.3.5. Industrial Use Category

Aeronautical Facilities within Airport – Any facility or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such Airport operations. Activities may include, but are not limited to, charter operations (under either Federal Aviation Regulation (FAR) Part 121 or 135), charter brokerage, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, fire suppression, aerial advertising and surveying, aircraft sales, leasing, and servicing, aircraft management, and sale of aviation petroleum products, whether or not conducted in conjunction with other included activities which have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sale of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an aeronautical facility

Airport/Heliports – A place where aircraft or helicopters can land and depart, usually equipped with landing field facilities for refueling and repair, various accommodations for passengers and emergency service facilities.

Assembly, Light – An establishment engaged only in the on-site assembly of goods. No manufacturing of parts occurs. Goods are shipped to the establishment, assembled, packaged, and reshipped. Assembly and packaging involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts. Typical light assembly uses include ceramic studios and custom jewelry manufacturing.

Auctions, Indoor – A facility where property is received from other persons or businesses, when such property is to be sold to third parties, by auction, either publicly or privately, whether for cash, property or other consideration, inside the primary structure. Outdoor storage is allowed as an accessory use.

Auctions, Livestock – An indoor or outdoor facility consisting of barns, pens and sheds for the temporary holding and sale of livestock.

Auto Wrecking and Salvage Yard – Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale.

Building Material Sales, Indoor Retail – An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, and where most display and sale of materials occurs inside the primary structure. Outdoor storage is allowed as an accessory use.

Building Material Sales, Outdoor or Wholesale – Outdoor sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage.

Large Vehicle and Equipment Sales, Service, and Rental – Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for personal, construction, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities. Sales of new or used automobiles or trucks are excluded from this classification.

Manufacturing, Heavy – An establishment engaged in the manufacture or compounding process of raw materials. Such activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

Manufacturing, Light – An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to: airplane, automobile, or truck assembly, remodeling, or repair; bottling works; boat building, machine or blacksmith shops; metalworking or welding shops; paint shops; and printing and publishing shops.

Office Warehouse – A structure containing both offices and a warehouse for storing products associated with the business. The office component of this use shall be least 50 percent of the overall floor area of the structure.

Recycling Center, Indoor – A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production, and in which no operations or storage take place outside of an enclosed building. This facility is not a junkyard or salvage yard.

Recycling Center, Outdoor – A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production, and in which some of the operations or storage take place outside of an enclosed building. This facility is not a junkyard or salvage yard.

Resource Extraction – The on-site extraction of surface or subsurface mineral products or other natural resources, including but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

Storage Yard – Any lot or portion of a lot that is used for the sole purposes of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment.

Truck Repair – A facility for the overhaul of large diesel engines and/or the performance of major repairs to or rebuilding of large diesel trucks or tractor/trailer combinations.

Truck Stop – A commercial facility whose primary purpose is to provide service and maintenance to diesel powered trucks and tractor trailers, including bays for truck washing and fuel dispensing, but excluding the overhaul of large diesel trucks or engines. Other facilities may also be present, such as convenience markets, motels and restaurants.

Warehouse – A structure containing an area available for the purpose of storing raw materials, goods, or property. Such storage may include heavy equipment and machinery, and incidental minor repairs to the equipment or machinery.

Warehouse and Freight Distribution, Indoor – Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. This also includes facilities for local or worldwide freight, courier, local messenger, and postal services by truck or rail. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Warehouse and Freight Distribution, Outdoor – Storage of vehicles or commercial goods (other than construction materials) in open lots. This may include intermodal distribution facilities for truck or shipping transport.

Waste Facility, Hazardous Materials – All contiguous land and structures, other appurtenance, and improvements on the sites used for the treatment, transfer, storage, disposal or recycling of hazardous waste management units, or combinations of these units.

Waste Facility, Transfer Station – A facility or site where solid waste from households, businesses, and industries is transferred from one type of collection vehicle or container to another. Transfer activities are entirely within covered structures. A transfer station is an intermediary point between the locations of waste generation and the sites of ultimate processing or disposal. Does not include liquid waste transfer, hazardous or toxic waste disposal, solid waste disposal, or liquid waste recycling or refining activities.

Waste Facility, Landfill – A planned and approved method or system of waste disposal in which the waste is disposed or buried in layers, compacted by earth or other approved methods, also known as sanitary landfill.

9.3.6. Accessory Uses

Home Occupation – A commercial activity conducted entirely within a dwelling or accessory structure (in a residential zoning district) that can be conducted without any significantly adverse impact on the surrounding neighborhood.

Day Care, Home Occupation – A permanent residential unit where an occupant provides day care and supervision for no more than four children or adults not residing in the household, whether or not for compensation. The following uses are not a Home Occupation Day Care use: Group Home; Day Care, Home and Day Care, Center.

Foster Home, Home Occupation – A home maintained by any individual(s) having the care or control of no more than 5 minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals which is licensed by the appropriate government agency.

9.4. SUPPLEMENTAL DEFINITIONS

As used in this Zoning Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise. These definitions are in alphabetical order.

Abut, Abutting – To share, border or physically touch a common boundary, property line or right-of-way.

Access – The place, means or ways by which pedestrians, vehicles or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership and controlled by means of a deed, dedication or easement.

Accessible Parking Space – A parking space that meets the requirements of applicable state and federal disabilities acts.

Accessory Building – A secondary detached building situated on the same lot or building site, the use of which is incidental to that of a main building.

Accessory Dwelling Unit – A dwelling unit on the same lot with and of a nature normally incidental and secondary to the principal structure or use. This definition shall include any structure or portion of a structure, other than the principal structure or use, wherein kitchenette facilities and/or provisions for sanitation (shower, tub and/or water closet) are provided.

Accessory Structure or Use – A use of land or of a building or portion thereof usually incidental and secondary to the principal use of the land or building and located on the same lot with such principal use or building.

Accident Potential Zone One (APZ-1) – The area within a three-thousand (3,000) foot wide by five-thousand (5,000) foot long rectangle that begins at the end of each clear zone. It is centered and measured on the extended runway centerline, terminating eight-thousand (8,000) feet from the end of each main military runway.

Accident Potential Zone Two (APZ-2) – The area within a three-thousand (3,000) foot wide by seven-thousand (7,000) foot long rectangle that begins at the end of Accident Potential Zone One (APZ-1). It is centered and measured on the extended runway centerline, terminating fifteen-thousand (15,000) feet from the end of each main military runway.

Acre – A unit of measure for land area containing 43,560 square feet.

Addition – An extension or increase in floor area or height of a building or structure.

Adjacent – The condition of being near to or close to but not necessarily having a common dividing line. Two (2) properties which are separated by only a street or alley shall be considered as adjacent to one another.

Adjoining – The condition of being near to or close to but not necessarily having a common dividing line. Two (2) properties which are separated by only a street or alley shall be considered as adjoining one another.

Administrative Decision – Any decision on a development application made by an authorized city employee pursuant to this Ordinance.

Adverse Impact – A negative consequence for the physical, social, or economic environment resulting from an action, use, or development.

Airport Hazard – Any structure or object, man-made and/or natural growth, located on or in the vicinity of an airport; or any use of land near such airport which obstructs the air space required for or is otherwise hazardous to, the flight of aircraft in landing or take-off at such airport.
Aisle – The travel way by which cars enter and depart parking spaces.

Alley – A minor way (public or private) that is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

Allowed Use – A use of land identified by Section 2 as a permitted or conditional use, subject to compliance with all applicable provisions of this Zoning Code.

Alteration – Any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Amendment – A change in wording, context or substance of this Ordinance, or an addition or deletion or a change in the zoning district boundaries or classifications of the Official Zoning Map.

Antenna – Any device on a tower, building or structure that radiates or captures electromagnetic waves for the purpose of communicating information.

Applicant – Any person applying for any permit, approval or decision governed or required by this Ordinance.

Area, Gross – The land area (acres) within the perimeter of a parcel or lot, including all non-dedicated streets, alleys, private roadways and/or alley easements, and canal and/or irrigation easements.

Area, Net – The land area (acres) within the perimeter of a parcel or lot, excluding all dedicated arterial and collector street right-of-ways.

Articulation – The visible expression of architectural elements through form, structure or materials that break up the scale of building planes to achieve visual variation.

Awning – A roof like cover, often of fabric, metal or glass, designed and intended for protection from weather and providing shade, or as decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door or similar.

Architectural Feature – The design and/or construction technique and elements or combination of elements that are the character-defining features of a structure.

Art, Public – Objects such as sculpture, water features or other multidimensional designs that would be viewed by the general public as an attractive amenity in a private development. The objects shall be located in spaces visible and/or accessible to the public in general so as to be enjoyed by the community at large. These objects are not to be identified with a particular business or organization.

Attention Getting Device – A device designed or intended to attract attention by noise and/or a sudden, intermittent or rhythmic movement, physical change or lighting change, such as banners, flags, streamers, balloons, propellers, whirligigs, search lights and flashing lights.

Balloon – A bag, measuring not more than eighteen (18) inches in diameter, made of thin rubber or other light material, usually brightly colored, inflated with air or with some lighter-than-air gas and used with flags and/or banners to attract attention for an event.

Basement – A space having one-half (1/2) or more of its floor to ceiling height below the average level of the adjoining ground and with a floor to ceiling height not less than six and a half (6 ½) feet.

Basin, detention – Storm water storage facility that temporarily stores surface runoff and releases it at a controlled rate through a positive outlet.

Basin, retention – A storm water storage facility that stores surface runoff. Stored water is infiltrated into the subsurface or released to the downstream drainage system or watercourse (via gravity outlet or pump), or evaporated after the storm event.

Berm – An earthen mound, either natural or man-made.

Block – That property abutting one side of a street and lying between the two nearest intersections or intercepting streets on subdivided land.

Board – The City of Somerton Board of Adjustment.

Buffer – Open spaces, landscape areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buildable Area – The portion of the lot which is within the envelope formed by the required setbacks.

Building – Any structure, either temporary or permanent, having a roof supported by columns or walls and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for the purposes of a building.

Building Coverage – The ground floor area used by all principal and accessory buildings on a lot, tract or parcel of land.

Building Façade – An exterior building elevation.

Building Height – The vertical distance of a building measured from the grade adjacent to the building to the highest point of the roof, fascia or parapet.

Building Permit – An official document or certificate issued by the Building Official authorizing the performance of a specified activity.

Bulk Storage – The storage of chemicals, pesticides, herbicides, petroleum products and other such materials in above ground containers for subsequent resale to distributors or retail dealers or outlets, but not the permanent storage or disposal of hazardous waste as defined by A.R.S § 49-901.

Canal – An artificial waterway for transportation or irrigation.

Canopy – A structure made of cloth, metal or other materials with frames affixed to a building or carried by a framework which is supported by the ground.

Cargo Containers – A metal structure specifically constructed for the shipment of goods by ship, rail or truck that is later sold as a place to store goods and materials.

Carport – A roofed structure providing space for the parking or storage of motor vehicles that is entirely open on two (2) or more sides.

Certificate of Occupancy – A document issued by the Zoning Administrator allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes of the City of Somerton. As defined in the current building code adopted by the City.

Channel Letter – Individual letters constructed to be applied singly in the formation of a Building Mounted Sign or a Freestanding Sign. Channel letters may be illuminated or non- illuminated.

Change of Use – Any use which differs from the previous use of a building or land.

Circulation Area – That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (but not the parking spaces themselves) comprise the circulation area.

City – The City of Somerton, Arizona.

Civic Organization – A group of people who join together for the purpose of servicing a public or mutual benefit other than the pursuit or accumulation of profits for its owners or investors.

Clear Zone – The area within a three-thousand (3,000) foot long by three-thousand (3,000) foot wide square measured along the extended main military runway centerline beginning at the end of each runway and measured at right angles to the extended main runway centerline.

Commercial vehicle – Any vehicle currently registered as such with the state Department of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business as opposed to private family or individual use.

Commission – The Planning and Zoning Commission of the City of Somerton.

Common Ownership – Ownership by one (1) or more individuals in any form of ownership.

Comprehensive Sign Plan – A coordinated and detailed plan demonstrating consistency of all sign types, their location, design standards, color/material finishes, lettering and/or graphic style and supporting lighting plan proposed for multi-tenanted buildings or shopping centers.

Concealed/Disguised – Any personal wireless communications device that is hidden or made to appear to be a natural plant or architectural feature.

Conditional Use – A use permitted in a 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 Code.

Condominium – Real estate, a portion of which is designated for separate ownership with the reminder designated for common ownership by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit ownership.

Contiguous – In contact with one or more sides.

Copy – The words, letters, symbols, illustrations or other graphic characters used to convey the message of a sign.

Corral – A fenced area for the confinement of large ranch/farm animals.

Court – Any space other than a yard on the same lot with a building or group of buildings and which is unobstructed and open to the sky from above the floor level of any room having a window or door opening on such court.

Council – The City Council of the City of Somerton.

County – Yuma County, Arizona.

Covered Porch, Front – A one story roofed area attached to a street-fronting building facade that is not devoted to the garage, of which a minimum of two sides shall be at least 50% open and the minimum dimensions shall be 4 feet deep by 8 feet wide.

Cul-de-Sac – The turn-around at the end of a dead end street.

Decibel – A unit for expressing the relative intensity of sounds from zero (0), average least perceptible to one-hundred-thirty (130), average pain level.

Dedication – The designation of land by its owner for any general or public use.

Density – The total number of dwelling units or lots divided by the gross area (acres) unless otherwise stated.

Department – The Community Development Department of the City of Somerton.

Developer – A person, firm, partnership, joint venture, trust, syndicate, association, corporation, limited liability company, or other legal entity who desires to improve or otherwise engage in any development of property within the City.

Development – Any manmade change to improved or unimproved real estate, including but not limited the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance.

Development Agreement – An agreement between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of Arizona Revised Statutes for such development agreements.

Development Plan – A plan submitted to and approved by the City of Somerton pursuant to the City of Somerton Zoning Ordinance. Such plan shall describe with reasonable certainty the density and intensity of use for a specific parcel or parcels of property associated with a Planned Development.

Director – The director of the Community Development Department.

Direct Illumination – An externally mounted light source that is used for illuminating a sign; also referred to as "exterior illumination."

District – A portion the City within which certain uniform regulations and requirements or various combinations of requirements are applied under the provisions of this Code.

Driveway – That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Domestic Animal – An animal which is commonly maintained in residence with humans.

Dwelling – A building or portion thereof designed or used exclusive for residential occupancy as the living quarters for one (1) family.

Dwelling Unit – An enclosed space of one (1) or more rooms providing complete independent living facilities including permanent provisions for living, sleeping, sanitation and kitchen facilities.

Easement – The granting of a use of a specific area of land by the property owner to the public, a corporation or other persons or entity for a specifically designated purpose.

Effective Date – The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Emergency – A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Entry Features – A distinctive object or element located at or near the point at which entrance is made.

Egress – An exit.

Electronic Message Center – A sign that uses computer-generated or electronic components to change advertising copy, messages or color, including signs that flip or rotate.

Elevation –

1. The vertical distance above or below a fixed reference level.

2. A flat scale drawing of the front, rear or side of a building or structure.

Enlargement – An increase in the size of an existing structure.

Erected – Built, constructed, altered, reconstructed, moved upon; any physical operations on premises which required construction, excavation, fill, drainage and the like, shall be considered part of an erection.

Excavation – Removal or recovery by any means whatsoever of soil, rocks, minerals, mineral substances or organic substances other than vegetation from water or land from beneath the land surface whether exposed or submerged.

Existing Grade or Elevation – The vertical location of the ground surface prior to excavating or filling.

Existing Use – The use of a lot or structure at the time of enactment of this Code.

Exterior Wall – Any wall that defines the exterior boundaries of a building or structure.

Façade – The exterior wall of a building exposed to public view or of that wall when viewed by persons not within the building.

Family – A family is:

1. Any number of persons related by blood, marriage or adoption, living together within a single dwelling unit; or

2. A group of not more than five (5) persons, who need not be related, living together within a single dwelling unit.

Fence – An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Finished grade – The final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

Flag – A fabric sheet of square or rectangular or triangular shape which is mounted on a pole. This includes flags of the – United States, State of Arizona, registered corporations and other registered entities, foreign nations, as well as decorative flags, and flags supporting activities of the City or other public facility land use.

Floor Area, Gross – The sum of the gross horizontal areas of several floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings; but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area, Net – The total of all interior useable floor areas of a building measured from the interior face of interior walls, excluding stairwells and elevators shafts, unenclosed porches, public corridors, public toilets, light shafts, equipment rooms and vertical equipment chases.

Floor Area Ratio – The numerical value obtained through dividing the aboveground gross floor area of a building or buildings located on a lot or parcel of land by the total area of such lot or parcel of land.

Force Majeure – An event that results from of the elements of nature, as opposed to an event caused by human behavior.

Front Lit Letter – An internally illuminated individual letter or graphic component of a sign that has a translucent face.

Garage, Private – A building devoted partially or wholly to the parking or temporary storage of a motor vehicle owned by the occupants in the building to which such garage is accessory.

Garage, Side Entry – A garage that does not directly face the street and the entrance is roughly parallel, rather than perpendicular, to the side property line.

Garage Sale – A sale of household items conducted on a residential site and incidental to the principal dwelling.

General Plan - The General Plan of the City of Somerton, and all elements thereof.

Halo Illumination – Sign lighting constructed for wall or freestanding signs that is designed so that the light for the entire sign, or the light for each individual component of the sign, is directed against the surface behind the sign or sign component, producing a halo effect.

Handicapped – A person who: (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance [as defined in Section 102 of the Controlled Substance Act (21 United States Code 802)].

Hardscape – The part of a building's grounds consisting of structures, such as plazas, retaining walls and sidewalks, made with materials such as concrete and sidewalk pavers.

Hazardous materials - Any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing material, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric material sand any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means, or as otherwise defined by law.

Height - When referring to a building, tower, or any other structure, means the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade

High Noise and Accident Potential Zone (HNAPZ) – The area beginning two-hundred (200) feet from the end points of the main military runways and at a width of three-thousand (3,000) feet and symmetrical about a centerline between the runways extending outward to a point of thirty-thousand (30,000) feet from the point of beginning. The outer width is seventeen thousand five hundred (17,500) feet.

Impervious, transparent or non-opaque means any surface, screen, window, wall, or other structural element through which objects can be clearly seen by the human eye.

Ingress – Access or entry.

Irrigation Plan – A plan drawn on a page measuring twenty-four (24) inches by thirty-six (36) inches, prepared to scale, showing the layout and details of an irrigation system, including the type and location of all materials used.

Irrigation System – The combination of elements such as automatic controllers, meters, pressure vacuum breakers, pipes, valves, emitters, bubblers, spray heads, tubing and other materials designed for the purpose of transporting water to landscaping.

Kitchenette - An area used or designed for the preparation of food and containing a sink, refrigerator and an electrical outlet, which may be used for a microwave oven. No 220V outlet for a range or oven is provided.

Landscape Plan – A plan drawn on a page measuring twenty-four (24) inches by thirty-six (36) inches, prepared to scale, showing elements such as trees, shrubs, ground covers, vines, sculpture, walls, lighting, water features, walkways and other organic and inorganic materials.

Landscaping – The combination of elements such as trees, shrubs, ground cover, vines, and other organic and inorganic materials for the express purpose of creating an attractive and pleasing environment. Public art, water features, plazas, patios, decorative courtyards and lighting may also be considered landscape elements.

Landscaping – The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Land Use, Public Facility – Areas used for public purposes including publically owned and operated facilities or those devoted to public use by governmental or non-profit entities, including schools, hospitals, military installations, public operations and maintenance facilities.

Lattice Tower – Any tower that uses three (3) or more poles to form the base and lattice bracing to connect the poles and thereby increase structural support.

Letter Face – The exterior side of an individual letter or individual graphic element.

Lighting, On-Site – Any illumination source or illumination device, except lighting used for signs, located on a lot and visible from outside the building(s) on the lot.

Lighting Plan – A plan drawn on a page measuring twenty-four (24) inches by thirty-six (36) inches, prepared to scale, showing the layout and derails of lighting and photo metrics, including the type and location of all materials used.

Live/Work Units - A residential unit that is also used for commercial purposes for a time, with minimum of 25 percent of the total building area given to the commercial use within the same structure as the residential component.

Logo – A graphic design representing a product, identity or service.

Lot – A single tract or piece of property located in a recorded subdivision having frontage on a publicly dedicated and accepted street or a private road approved by the city that is described and denoted as such. A lot also includes a parcel of land, shown in the records of the Yuma County Assessor's Office, divided to be used separately from other parcels of property by description, as on a recorded survey map or by metes and bounds for purposes of sale, lease or separate use in a legal manner pursuant to all state, county and city requirements for the development and proposed use of that property. This definition is different from the definition in the Subdivision Ordinance.

Lot, Corner – A lot having frontage on two (2) public streets which intersect at a corner of the lot.

Lot Coverage – The percent of the area that is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

Lot Depth – The depth of a lot is the mean distance between its front street line and its rear line.

Lot, Double Frontage – A lot abutting on two or more or less parallel streets.

Lot, Flag - An interior lot in which the buildable area is located to the rear of a lot abutting a street, and which has access to the same street by means of a narrow driveway.

Lot, Interior – Any lot surrounded on three sides by other lots; not a corner lot or a lot with street frontage on both the front and rear of the lot.

Lot Width – The width of a lot is the distance between the two (2) side lines measured from the middle of the lot.

Lot Area – The total area in square feet within the boundary lines of a lot.

Lot Line, Front –

1. In the case of an interior lot fronting on a public street, a line separating the lot from the public street;

2. In the case of an interior lot fronting on a private street, but not a public street, a line separating the lot from the private street;

3. In the case of a corner lot fronting on two (2) public streets, a line separating the shorter street frontage of the lot from a public street;

4. In the case of a corner lot having frontage on one (1) public street and one (1) private street, a line separating the street frontage of the lot from the public street;

5. In the case of a corner lot fronting on two (2) private streets, but not on a public street, a line separating the shorter street frontage of the lot from a private street;

Lot Line, Front, Election for a Corner Lot – In the case of a lot fronting on two (2) public streets, the property owner may elect that the front lot line shall be the line separating the longer street frontage of the lot from a public street. This election shall be in writing and shall be approved by the Zoning Administrator and shall be recorded with the Yuma County Recorders Office.

Lot Line, Rear – A dividing line between two (2) lots or between a lot and an alley or easement, provided it runs parallel to the shorter dimension of said lot. Any bounding line lot, which is not defined as a rear line or street line shall be deemed a sideline.

Lot Line, Side – A dividing line between two (2) lots or between a lot and a street provided it runs parallel to the longer dimensions of said lot.

Maintenance – The repair, painting, trimming, pruning, watering and other on-going activities which are associated with providing an attractive site appearance and safe buildings and structures.

Maintenance, Periodic – The completion of significant activities, carried out on a predetermined schedule, to maintain the condition and operational status of signs.

Multi-Tenanted Building – A building complex or shopping center that contains any number of businesses, greater than one, that share the same site, use common points of ingress, and egress to and from the site.

Natural grade - The undisturbed natural surface of the land, including washes.

Newspaper, general circulation – A newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers, and has been established, printed, and published at regular intervals in the State, County or City.

Occupancy, change in – The discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

Occupant – The person occupying or having custody of a structure or premises as a lessee or other.

Off-site – Not located within the area of the property to be developed.

On-site – Located on the lot that is the subject of discussion.

Off-street – Land which is not within the right-of-way of any street or alley.

Open Space – Any parcel or area of land unimproved or improved and set aside, dedicated, designated or reserved for the public or private use and enjoyment.

Open Space, Common Area – Open space usable by all people within a certain development and such area is owned in common by all property owners in that development.

Open Space, Natural – Open space where the condition of land, vegetation, rocks and other surface features have not been physically disturbed, changed or added to by any action of man or machine.

Open Space, Public – An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency or other public body for recreational or conservational uses.

Open Space, Usable – See Section 4.4.2.C3

Outdoor Sales – The display of products or services that are intended for retail or wholesale purchase not within a completely enclosed building.

Outdoor Storage – The location of any goods, wares, merchandise, commodities, junk, debris or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.

Outside Display – The placement of goods, equipment, merchandise or exhibits at a location visible to the public view, other than within a building.

Outside storage – The storage of goods, equipment or materials outside of a building for any purpose other than outside display.

Owner – A person recorded as such on the records of the County Assessor, or a person who has been granted written authorization by the owner to act on his behalf.

Pan Channel Letter – An individual letter of a sign constructed so that the sides and back of the letter are one unit.

Parking Area – That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Parking Aisles – That portion of the parking area consisting of the driving lanes providing access to the individual parking spaces.

Parking Space, Standard – A portion of the parking area identified for the parking of one (1) vehicle. The minimum dimensions for a parking space are identified in Section 4, Table 4.3-3.

Parking Space, Compact – Any permanently maintained space, having a width of not less than eight feet and a length of not less than 15 feet, so located and arranged as to permit the storage of a passenger automobile of compact size.

Pennant – Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series and designed to move in the wind. Pennants must not exceed 12 inches in any direction.

Permitted use – Any use allowed in a Zoning District and subject to any restrictions applicable to that Zoning District.

Person – Any person, firm, partnership, association, social or fraternal organization, corporation, estates, trust, receiver, syndicated, branch or government or any other group or combination of groups acting as a unit.

Political Campaign Headquarters – The identified address of a candidate, committee or party where the strategy to defeat rival political candidates and organizations for public office is located.

Porch, Front – See Covered Porch, Front.

Premises – Any property or properties developed as a unit, including all building(s), off-street parking, points of access, common area and any other appurtenances, all of which allows the parcel to function as a whole.

Principal (Primary) Use – A use that fulfills a primary or predominant function of an establishment, institution, household, or other entity and occupies at least 70 percent of the gross floor area.

Prohibited Use – A use which is not specifically permitted or analogous to those specifically permitted.

Recreational Vehicles – A vehicular type unit forty (40) feet or less in length and eight (8) feet or less in width, primarily designed as temporary living quarters, recreation, camping or travel use, that either has its own motive power or is mounted on or drawn by another vehicle.

Reverse Pan Channel Letter – An individual letter of a sign constructed of an opaque material so that the sides and front of the letter are one unit.

Right of Way – Right-Of-Way means a public way established or dedicated for public purposes by a duly recorded plat, deed, grant, governmental authority or by operation of the law.

Roof Mounted – Anything affixed to or located on the roof structure of building.

Runway – An artificially surfaced strip of ground that is designed and used at an airport for the landing and takeoff of aircraft.

Setback – A line established by Ordinance or official regulation as specified distance from any lot line where a building or structure may be located upon a tract or lot.

Screening Device – Any structure intended to conceal, fully or partially, an activity or mechanical element from the public view, adjacent uses, properties and/or streets.

Sight Visibility Triangle – The area of visibility on a street corner to allow for safe operations of vehicles, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

Sign – Any visual element, or combination of elements, including words or symbols, designed or placed to attract attention or convey information, including any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place, or building, including graphic devices such as logos, obtrusive colored fascia or architectural elements, banners, balloons, streamers, inflatable structures, exterior merchandise displays, projected picture signs, holographic projection signs and other attention attracting media and devices.

Sign, Abandoned – A sign that is no longer associated with the location, product or activity conducted on the same premises upon which the sign is located.

Sign, Advertising – A temporary or permanent sign which includes any copy and/or graphics relating to any business, service, product, person, organization, place, or building in addition to simple identification.

Sign, A-Frame – A temporary sign, normally supported by its own frame and not affixed to a structure or permanently ground mounted. It is positioned upright in a manner that forms an "A" when in use; also referred to as a "sandwich" or "tent" sign.

Sign, Animated – A permanent sign with actual motion, including light changes or color changes, or the illusion of motion.

Sign, Attached or Wall Mounted – A permanent sign that is directly attached to the façade or face of a building.

Sign, Awning/Canopy – A permanent sign displayed on, or attached flat against, the surface or surfaces of an awning, canopy or any other surface attached to a building that provides shelter.

Sign, Banner – A temporary sign made of fabric, plastic, or other pliable material without a rigid structural support or internal illumination on which advertising copy or graphics may be displayed.

Sign, Billboard – A permanent, off-premise outdoor advertising sign erected, maintained or used for the purpose of commercial or non-commercial messages.

Sign, Building Mounted – Any sign mounted onto the vertical surface of a building; see Sign, Wall.

Sign, Bulletin Board – A permanent sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with the institution and general announcements of events or activities occurring at the institution or similar messages.

Sign, Business – A permanent sign that directs attention to a business or profession or to a commodity or service sold, offered or manufactured or to an entertainment offered on the premises where the sign is located.

Sign, Business Anniversary – A temporary sign indicating that the business displaying the sign is celebrating its annual or multi-annual anniversary of its opening.

Sign, Cabinet – An enclosed frame constructed to hold internal components and covered by a face to hold the advertising sign.

Sign, Canopy – See Sign, Awning/Canopy.

Sign, Changeable Copy – A permanent sign constructed to hold individual letters or individual text sections that are mounted in or on a track system. Changeable Copy Signs are usually used as directory signs.

Sign, Civic Organization Identification – A permanent sign only for civic organizations located in Somerton to convey schedules of events, announcements, or similar messages.

Sign, Construction – A temporary sign erected on the premises where construction is taking place during the period of such construction indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owner, financial supporter, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Development – A permanent sign situated on the subject property indicating the name of a park, complex or center usually located at or near the entry and which may be internally or externally illuminated.

Sign, Directional – A sign, supplying pertinent maneuvering guidance for the purpose of promoting safety and the flow of vehicular or pedestrian traffic (i.e. "one way", entrance", "exit", etc.).

Sign, Directory – A sign listing the names and/or uses, and/or locations of the various tenants or activities within a building, or in a multi-tenant development, or group of buildings. Directory Signs may also be constructed as Changeable Copy Signs.

Sign, Electronic Message Center – A permanent sign that uses computer-generated or electronic components to change advertising copy, messages or color, including signs that flip or rotate.

Sign, Externally Illuminated – A permanent or temporary sign exposed to external artificial lighting (and shielded to prevent light spillage).

Sign, Fascia – A sign that is permanently affixed to the horizontal member or surface at the edge of a projecting roof.

Sign, Flashing – A permanent sign with an intermittent, repetitive or flashing light source.

Sign, Freestanding – A permanent sign that has its own supporting structure independent of the building or business it identifies.

Sign, Fuel Price – A permanently mounted, two (2) component sign displaying business identification and the retail cost of a gallon of gas/diesel on the premises of the retail establishment.

Sign, Future Development – A temporary sign which announces the proposed development of property prior to the issuance of a building permit.

Sign, Garage Sale – A temporary sign indicating that a private residence is holding a sale on its property of any items previously used on the property.

Sign, Gas-Filled – Any sign that uses neon, argon, krypton or any similar gas to illuminate transparent or translucent tubing or other materials, or any use of neon, argon, krypton or any similar gas lighting on or near the exterior of a building or window.

Sign, Going Out of Business – A temporary sign indicating that the business displaying the sign will cease and be discontinued at a specific location and date.

Sign, Ground Mounted – A Freestanding Sign with no visible base.

Sign, Holiday Decoration – A temporary sign in the form of decorations and/or window painting that are clearly incidental to and customarily and commonly associated with any national, state, local or religious holiday.

Sign, Identification – A sign that contains only the name of the business, person, organization, place, or building at that location.

Sign, Ideological – A temporary sign that expresses, conveys, or advocates a non-commercial message.

Sign, Illuminated – A permanent sign, that is lighted, either externally or internally.

Sign, Internally Illuminated – A sign constructed with a light source within the sign structure and positioned behind the face of the sign.

Sign, Legal Non-Conforming – Any permanent sign in existence or under construction, as of the effective date of this Ordinance, which does not conform to the provisions of this Ordinance but which was or is being constructed, erected or maintained in compliance with all previous regulations.

Sign, Mansard – A sign permanently affixed to a wall or surface not more than 20 degrees from vertical at the upper edge of a building and extending parallel with the mansard roof line or parapet upon which the sign is attached. Any sign proposed for a building with a Mansard Roof shall have the top of the sign mounted no higher than the lowest point of any portion of the roofline.

Sign, Menu Board – A permanent sign with a changeable face oriented to the drive-through lane of a business that advertises the menu items or services available from the drive-through window.

Sign, Mobile – See Sign, Portable.

Sign, Monument – A Ground Mounted, Freestanding Sign identifying a multiple- occupancy development such as a shopping center, office building or planned industrial park, which has multiple suites, offices or tenants. A Monument Sign shall be a part of the signage regulated by a Comprehensive Sign Plan.

Sign, Multi-Tenant Building Identification – A permanent sign for a building complex or center that contains any number of businesses, greater than one, that share the same site and use common points of vehicular ingress and egress to and from the site.

Sign, Nameplate – A permanent sign that may include street number and name, business hours, and business logo

Sign, Off-Site/Off-Premise – Any permanent or temporary sign that may display a message, whether commercial or noncommercial, that may not necessarily relate to the premises upon which the sign is located.

Sign, On-Site/On-Premise – Any permanent or temporary sign which pertains to the business operated, activity conducted or products sold or manufactured on the premises upon which the sign is located; or which displays a noncommercial message installed or caused to be installed only by the property owner and/or lessee of the property upon which the sign is located.

Sign, Off-Premise Directional – A temporary, portable sign containing maneuvering guidance to a destination within the City's municipal boundary, which may only be located in specified areas of City road rights-of-way during specified times.

Sign, Open House Directional – A temporary sign with directional arrow, directing pedestrian and/or vehicular travel to the property or premises for sale, lease or rent.

Sign, Parapet – A sign mounted to the face of a building parapet.

Sign, Permanent – Any sign set in the ground with its own foundation or which is painted on or otherwise anchored to a building, wall or other permanent structure and any of which are installed to achieve a lasting and enduring condition and location.

Sign, Pole Mounted – A Freestanding Sign constructed with a support structure that is more than10% of the height of the total sign and less than 90% of the width of the sign. The sign support structure shall not be included in the aggregate sign area computation.

Sign, Political – A temporary sign that identifies a person, expresses a position, conveys a message concerning, or advocates a position on, the candidacy of a person, party or issue on an upcoming ballot.

Sign, Portable – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by persons or wheels; signs converted to A-frames; menu and sandwich board signs; balloons used as signs; umbrellas for advertising; and signs attached to or painted on vehicles.

Sign, Projecting – A permanent sign that extends more than twelve (12) inches from a building wall over a property line or right-of-way line.

Sign, Pylon – See Pole Sign.

Sign, Reader/Sign Board – A permanent, non-electronic sign only for public facility land uses that conveys schedules of events, rules, regulations, announcements, or similar messages.

Sign, Real Estate – A temporary sign, attached to the site, advertising the sale, lease or rental of the property or premises on which it is located.

Sign, Religious Event – A temporary sign to acknowledge a formal gathering, celebration or other expression by a group of people having or showing belief in, and reverence for, a God or deity at a specific location and date.

Sign, Roof – Any sign affixed on, above or over the roof of a building so that it projects above the roofline is **prohibited**. The top of a parapet wall shall be considered the roofline. The vertical portion of a Mansard Roof shall be considered the roofline. The top of the fascia of a hipped roof shall be considered the roofline. Where a parapet wall is combined with a mansard roof, the roofline shall be the top of the parapet.

Sign, Sandwich – See Sign, A-Frame.

Sign, Shared Monument – A monument sign displaying (A) the names of participating businesses within a sign district or (B) the names of businesses on property owned by the holder(s) of a shared monument sign permit.

Sign, Spherical – A permanent sign that is three (3) dimensional and embodies imagery of a symbol (i.e. book, shoe, glasses, etc.) that assists in advertising a downtown business.

Sign, Street Address – A permanent sign located on-site, consisting of numerals and letters identifying a property address.

Sign, Subdivision Identification – A set of two (2) permanent and identical signs that identify the residential subdivision, are attached to a screen wall or landscape planter adjacent to the adjacent public street, and are designed and sited in a manner consistent with the architectural style and landscape theming of the site.

Sign, Temporary – A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs, any sign not permanently embedded in the ground, or signs affixed to a building, wall, fence, or sign structure for a non-permanent time period, are considered temporary signs. A banner, pennant, flag, poster, balloon, construction sign, political sign or an A-frame sign shall be considered a temporary sign.

Sign, Tent – See Sign, A-Frame.

Sign, Transit Bench – A sign painted on or affixed to a bench located at a transit stop.

Sign, Two-Part – A permanent sign composed of two (2) sign panels, at an angle equal to or more than 45 degrees, whose aggregate sign area shall be computed from the total of both panels.

Sign, Under-Canopy – A permanent sign attached to the underside of a canopy, marquee, cantilevered roof or eave or any other surface having an angle plus or minus fifteen (15) degrees from perpendicular to a horizontal overhead structure.

Sign, Wall – A permanent sign which is fastened to any vertical portion of a building; see also Sign, Building Mounted.

Sign, Window – Any permanent sign, pictures, symbols or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is affixed to, or located within any area six (6) feet behind a window pane, positioned to be read from the exterior of a building.

Sign Copy – Any graphic image, symbol, text or numerals that advertise or identify an establishment, product, goods or service.

Sign District – A group of businesses within the downtown, organized for the purpose of designing and installing no more than four (4) shared monument signs to be located within said downtown.

Sign District Agreement – An agreement between prospective sign district members and the downtown property owner(s) in which the shared monument sign will be erected, containing the name of each business and its owner(s) and the business address and telephone number, and evidencing that the sign district members have agreed to the following:

1. The placement of the shared monument sign within the downtown;

2. A shared monument sign meets the requirements of subsection 4.5.4.J;

3. The individual business owners' and property owner's respective responsibilities for maintenance, removal and alteration of the shared monument sign; and

4. The individual business owners' and downtown property owner's responsibilities in the event that the sign district is dissolved.

Sign District Members – The business owners located within an identified sign district.

Sign Panel – The area enclosing the copy and graphic components of a sign.

Sign, Walker – A person, who wears, holds or balances a portable sign.

Sign Face – The area or display surface used for the message.

Signage Area – Includes the entire area of the sign surface and excludes any supporting structure.

Site – The building area leased or owned by or on behalf of any business together with its adjacent privately owned walkway or parking area.

Site Plan – The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot including topography, vegetation, drainage, flood plains, marshes and waterways, open spaces, property lines, walkways, means of ingress and egress, sign locations, off street parking, loading spaces, refuse containers, utility services, landscaping, dimensions, buildings, structures, lighting and screening devices, retention areas, ultimate rights-of-way for adjacent streets and alleys (measured to the center line), and any other information that reasonably may be required in order that an informed decision may be made by the approving authority.

Sight Triangle – A triangular area formed by two (2) intersecting curb lines or property lines and a line connecting them at a point thirty (30) feet from the intersection of the two lines. Also see Visibility Triangle.

Slope – Is the vertical rise in feet measured over a horizontal distance of one hundred (100) feet, expressed as a percentage, measured generally at right angles to natural contour lines, and shall extend across property lines if necessary to obtain the one hundred (100) foot measurement, but shall not extend across significant changes in grade.

Sound Level, Scale – The measurement of sound approximating the auditory sensitivity of the human ear and used to measure the relative noisiness or annoyance of common sound.

Specified Anatomical Area – Areas that depict, describe or relate to:

1. Less than completely and opaquely covered:

   a. Human genitals, pubic region;

   b. Buttocks;

   c. Female breast below a point immediately above the top of the areola; and

d. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities – Activities that depict, describe, or relate to:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse, or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttocks or breasts.

4. Homosexual activities;

5. Bondage, bestiality, etc.

Specialty Water Store – A specialty retail business which consists of no more than one (1) water dispensing unit onsite which sells fresh bulk water to walk-up and drive-up customers from a self-contained, mechanically operated, vending dispenser placed upon a Portland Cement or asphalt slab.

Story – That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. "Story" includes a basement, but not a cellar.

Structure – Anything constructed or erected which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

Street – A right-of-way, other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

Private Street – Real property recorded as improved roadway for pedestrian and motor vehicle traffic, constructed and maintained by private parties.

Centerline – The centerline established by the Public Works Director for any proposed or dedicated public way.

Screening – A wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Section – A section of this Zoning Code, unless some other Code or statute is mentioned.

Swimming Pool – A water-filled enclosure, permanently constructed or portable, that has a depth of eighteen (18) inches or more which is designed, used and maintained for swimming, bathing or similar activities. This category shall include spas and ponds.

Temporary Use or Building – A use or structure permitted under this Code to exist for a limited period of time.

Territory in the Vicinity of a Military Airport – The area five (5) miles to the north, south and west and ten (10) miles to the east of the center of the main runway of a military airport.

Total Aggregate Sign Area – The entire area of the sign surface upon which sign copy and/or imagery may be placed, excluding any supporting structure.

Visibility Triangle – A triangular area formed by two (2) intersecting curb lines or property lines and a line connecting them at a point thirty (30) feet from the intersection of the two lines. Also see Sight Triangle.

Use –The purpose, for which a building is arranged, designed or intended, or for which land or a building is or may be occupied.

1. Principal use means the main use to which the premises are devoted and the main purpose for which the premises exist.

2. Accessory use means a subordinate use to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

Vehicle, inoperative – Any motor vehicle that cannot be operated lawfully on a public street or highway for any reason other than the lack of current vehicle registration, or that cannot be over under its own power.

View fencing (view fence) means fencing that is constructed in such a manner as to achieve 80 percent overall openness.

Visible means capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

Wall means any exterior surface of a building or any part thereof, including windows.

Wheel stop means a physical barrier sufficient in size to prevent the movement of automobiles or other vehicles over or past such barrier.

Yard – A required open space at grade level between a building and the adjoining lot-line, unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward, except as otherwise provided herein.

Yard, Required Front – An open space extending the full width of the lot between the front lot line and the front line of the building projected to the side lines of the lot. A front yard setback is established parallel to the front lot line.

Yard, Required Rear – An open unoccupied space extending the full width of the lot between the rear lot line and the rear line of the building. A rear yard setback is established parallel to the rear lot line.

Yard, Required Side – An open space extending from the required front yard to the required rear yard between a side setback and a side lot line.
Zone – A district classification established by the Zoning Ordinance of the City of Somerton which limits or permits various and specific uses.

Zoning Clearance – The approval by the Zoning Administrator of a plan that is in conformance with the Zoning Ordinance of the City of Somerton.

Zoning District – A designated area in which the same zoning regulations apply through the geographic area.

Zoning Ordinance – The Ordinance that identifies the specific district areas and what is allowed or not allowed to occur in those geographic areas of the City.

APPENDIX A – APROVED PLANT LIST

ACCENT PLANTS*										
Botanical Name	**Common Name**	**General Provisions**	**Retention Basin**	**Medians**	**Gateways**	**Multi-Family**	**Commercial**	**Industrial**	**Residential**	**Parking Lots**
Agave spp.	Century Plant, Agave		x		x		x	x	X	
Aizoaceae spp.	Ice Plant Family				x	x	x	x	x	x
Aloe spp.	Aloe	x		x			x	x	x	
Bulbine frutescens	Bulbine				x	x	x	x	x	
Cactaceae	Cactus Family	x		x	x	x	x	x	x	
Dasylirion spp.	Desert Spoon		x		x	x	x	x	x	x
Fouquieria spp.	Ocotillo	x		x	x		x	x	x	
Hesperaloe spp.	Hesperaloe	x	x	x	x	x	x	x	x	x
Manfreda maculosa	Manfreda	x		x	x	x	x	x	x	
Nolina spp.	Bear-grass	x	x	x	x	x	x	x	x	x
Portulacaria afra	Elephant Foot	x		x	x	x	x	x	x	
Yucca spp.	Yucca	x	x	x	x	x	x	x	x	x

**Accents are equivalent to, and may be used in place of, shrubs when calculating required landscape plants.*

GROUNDCOVERS										
Botanical Name	**Common Name**	**General Provisions**	**Retention Basin**	**Medians**	**Gateways**	**Multi-Family**	**Commercial**	**Industrial**	**Residential**	**Parking Lots**
Grasses*										
Muhlenbergia capillaries	Pink Muhly	x	x	x	x	x	x	x	x	x
Muhlenbergia lindheimeri	Lindheimer Muhly	x	x	x	x	x	x	x	x	x
Muhlenbergia rigens	Deer Grass	x	x	x	x	x	x	x	x	x
Muhlenbergia rigida	Purple Muhly	x	x	x	x	x	x	x	x	x
Nasella tenuissima (Stipa tenuissima)	Mexican Feather Grass	x	x	x	x	x	x	x	x	x
Sporobolus airoides	Alkali Sacaton	x	x	x	x	x	x	x	x	
Sporobolus wrightii	Big Sacaton	x	x	x	x	x	x	x	x	x

GROUNDCOVERS										
Botanical Name	**Common Name**	**General Provisions**	**Retention Basin**	**Medians**	**Gateways**	**Multi-Family**	**Commercial**	**Industrial**	**Residential**	**Parking Lots**
Groundcovers										
Acacia spp.	Acacia	x	x	x	x	x	x	x	x	x
Asparagus densiflorus cv. 'Sprengeri'	Sprenger Asparagus	x			x	x	x	x	x	
Atriplex spp.	Saltbush	x	x	x		x	x	x	x	x
Baccharis pilularis	Coyote Brush		x			x	x	x	x	
Convolvulus mauritanicus	Ground Morning Glory				x	x	x	x	x	
Dalea spp.	Indigo Bush	x	x	x	x	x	x	x	x	x
Verbena peruviana	Verbena Peruvian	x	x	x	x	x	x	x	x	x
Lantana spp.	Trailing Lantana	x		x	x	x	x	x	x	x
Myoporum parvifolium	Myoporum	x	x		x	x	x	x	x	
Oenethera deltoids	Dune Evening Primrose	x	x	x	x	x	x	x	x	
Rosmarinus officinalis cv.'Prostratus'	Prostrate Rosemary	x	x	x	x	x	x	x	x	x
Salvia chamaedryoides	Blue Sage	x		x	x	x	x	x	x	x
Wedelia trilobata	Yellow Dot	x	x	x	x	x	x	x	x	x
Perennial Wildflowers										
Baileya multiradiata	Desert Marigold	x		x	x	x	x	x	x	
Berlandiera lyrata	Chocolate Flower		x		x	x			x	x
Castilleja lanata	Indian Paintbrush	x	x	x	x	x	x	x	x	x
Conoclinium greggii (Eupatorium greggii)	Eupatorium		x		x	x			x	
Eschscholzia mexicana	Mexican Gold Poppy				x	x	x	x	x	
Evolvulus arizonicus	Arizona Blue Eyes	x	x	x	x	x	x	x	x	
Gaura lindheimeri	Desert Orchid				x	x	x	x	x	
Verbena gooddingii	Goodding Verbena		x		x	x	x	x	x	x
Justicia sonorae	Sonoran Justicia				x	x	x	x	x	x
Penstemon spp.	Penstemon	x	x		x	x	x	x	x	
Psilostrophe cooperi	Paperflower				x	x	x	x	x	x
Senna covesii (Cassia covesii)	Desert Senna				x	x	x	x	x	x
Sphaeralcea spp.	Globe-mallow				x	x	x	x	x	x
Tagetes spp.	Marigold	x	x	x	x	x	x	x	x	x
Tetraneuris acaulis (Hymenoxys acaulis)	Angelita Daisy		x		x	x	x	x	x	x
Vines*										
Antigonon leptopus	Coral Vine, Queen's Wreath				x	x	x	x	x	

GROUNDCOVERS

Botanical Name	Common Name	General Provisions	Retention Basin	Medians	Gateways	Multi-Family	Commercial	Industrial	Residential	Parking Lots
Bougainvillea spp.	Bougainvillea		x		x	x	x	x	x	
Callaeum macropterum (Mascagnia macroptera)	Yellow Orchid Vine		x		x	x	x	x	x	
Campsis radicans	Common Trumpet Creeper				x	x	x	x	x	
Hardenbergia comptoniana	Lilac Vine				x	x	x	x	x	
Kennedia nigricans	Black Yellow Vine				x	x	x	x	x	
Macfadyena unguis – cati	Cat's Claw	x				x	x	x	x	
Merremia aurea	Yellow Morning Glory Vine				x	x	x	x	x	
Passiflora foetida	Passion Vine				x	x	x	x	x	
Podranea ricasoliana	Pink Trumpet Vine				x	x	x	x	x	
Rosa banksiae	Lady Bank's Rose				x	x	x	x	x	

**Grasses and vines are equivalent to, and may be used in place of, shrubs when calculating required landscape plants.*

SHRUBS

Botanical Name	Common Name	General Provisions	Retention Basin	Medians	Gateways	Multi-Family	Commercial	Industrial	Residential	Parking
Acacia spp.	Acacia	x		x	x	x	x	x	x	x
Ambrosia deltoidea	Triangleleaf Bursage		x	x		x	x	x	x	x
Anisacanthus spp.	Desert Honeysuckle	x		x	x	x	x	x	x	x
Artemisia spp.	Sagebrush	x		x		x	x	x	x	x
Atriplex canescens	Four-wing Salt Bush	x	x	x	x		x	x	x	x
Atriplex lentiformis	Quail Bush	x		x	x		x	x	x	x
Baccharis spp.	Desert Broom, Coyote Brush	x	x	x			x	x		x
Berberis haematocarpa	Red Barberry	x		x			x	x		
Buddleia marrubifolia	Woolly Butterfly Bush	x		x		x	x	x	x	x
Caesalpinia spp.	Bird-of-Paradise		x		x	x	x		x	
Calliandra californica	Baja Red Fairy Duster		x		x	x	x	x	x	x
Calliandra peninsularis	Fairy Duster				x	x	x		x	x
Celtis pallida	Desert Hackberry		x				x	x	x	
Chrysactinia mexicana	Damianita Daisy	x	x		x	x	x	x	x	
Chrysothamnus nauseosus	Rabbit Brush				x	x	x	x	x	x

SHRUBS										
Botanical Name	**Common Name**	**General Provisions**	**Retention Basin**	**Medians**	**Gateways**	**Multi-Family**	**Commercial**	**Industrial**	**Residential**	**Parking**
Convolvulus cneorum	Bush Morning Glory, Silverbush	x		x		x	x	x	x	x
Cordia parvifolia	Little-leaf Cordia	x	x	x	x	x	x	x	x	x
Dodonaea viscosa	Hopbush	x	x			x	x	x	x	
Encelia spp.	Brittlebush	x	x	x	x	x	x	x	x	x
Eremophila spp.	Poverty Bush	x	x	x	x	x	x	x	x	x
Euphorbia antisyphilitica	Wax Plant, Candelilla	x		x			x	x		
Euphorbia biglandulosa (rigida)	Euphorbia				x	x	x	x	x	x
Fraxinus greggii	Littleleaf Ash		x			x	x	x	x	x
Gossypium harknessii	San Marcos Hibiscus		x		x	x	x		x	
Hyptis emoryi	Desert-lavender	x	x	x			x	x		
Jasminum mesnyi	Primrose Jasmine	x		x	x	x	x	x	x	x
Justicia spp.	Mexican Honeysuckle, Chuparosa		x		x	x	x	x	x	x
Lantana spp.	Lantana	x		x	x	x	x	x	x	x
Larrea tridentata	Creosote Bush	x	x			x	x	x	x	
Leucophyllum spp.	Texas Sage, Texas Ranger	x	x	x	x	x	x	x	x	x
Lycium andersonii	Wolfberry	x	x	x	x	x	x	x	x	
Nerium oleander	Dwarf Oleander						x	x	x	x
Ruellia ssp.	Ruellia	x	x	x	x	x	x	x	x	x
Salvia spp.	Sage				x	x	x	x	x	x
Senna spp. (Cassia spp.)	Cassia	x		x		x	x	x	x	x
Simmondsia chinensis	Jojoba	x	x	x		x	x	x	x	
Tecoma spp.	Tecoma	x	x	x	x	x	x	x	x	x
Tecomaria capensis	Cape Honeysuckle		x		x	x	x	x	x	x
Vauquelinia spp.	Rosewood	x	x	x	x	x	x	x	x	x

TREES										
Botanical Name	**Common Name**	**General Provisions**	**Retention Basin**	**Medians**	**Gateways**	**Multi-Family**	**Commercial**	**Industrial**	**Residential**	**Parking**
Acacia spp.	Acacia, Wattle	x	x	x	x	x	x	x	x	x
Bauhinia mexicana	Orchid Tree					x	x	x	x	
Brachychiton populneus	Bottle Tree	x			x	x	x	x	x	
*Brahea spp.**	Mexican Blue Palm	x	x		x	x	x	x	x	
Caesalpinia cacalaco	Cascalote	x	x		x	x	x	x	x	
Callistemon ssp.	Bottlebrush				x	x		x	x	
Canotia holacantha	Crucifixion Thorn					x	x	x	x	
Celtis reticulata	Western Hackberry		x			x	x	x	x	
Ceratonia siliqua	Carob (female only)	x	x			x	x	x	x	
*Chamaerops humilis**	Mediterranean Fan Palm				x	x	x	x	x	
Chilopsis linearis	Desert-willow		x		x	x	x	x	x	x
Dalbergia sissoo	Sissoo Tree		x		x	x	x	x	x	
Ebenopsis spp. (Pithecellobium spp.)	Ebony		x			x	x	x	x	x
*Eucalyptus spp.**	Eucalyptus	x	x			x	x	x	x	
*Ficus spp.**	Fig	x	x			x	x	x	x	
Fraxinus velutina	Arizona Ash	x	x			x	x	x	x	
Geijera parviflora	Australian-willow					x	x	x	x	
Gleditsia triacanthos	Honey Locust				x	x		x	x	x
Lysiloma spp.	Desert-fern	x		x		x	x	x	x	
Morus alba	White Mulberry (male only)	x	x			x	x	x	x	
Olea europa	Olive (male only)	x	x	x		x	x	x	x	x
Olneya tesota	Ironwood		x		x	x	x	x	x	
Parkinsonia spp. (Cercidium spp.)	Palo Verde	x		x	x	x	x	x	x	x
*Phoenix canariensis**	Canary Island Date Palm		x			x	x	x	x	
*Phoenix dactylifera**	Date Palm				x	x	x	x	x	
Pinus canariensis	Canary Island Pine				x	x	x	x	x	
Pinus halepensis	Aleppo Pine	x	x			x	x	x	x	
Pistache spp.	Pistachio				x	x	x	x	x	
Pittosporum phillyraeoides	Willow Pittosporum	x	x	x		x	x	x	x	x
Populus fremontii	Cottonwood	x	x			x	x	x	x	
Prosopis spp.	Mesquite	x	x		x	x	x	x	x	x

TREES										
Botanical Name	**Common Name**	**General Provisions**	**Retention Basin**	**Medians**	**Gateways**	**Multi-Family**	**Commercial**	**Industrial**	**Residential**	**Parking**
Rhus lancea	African Sumac	x	x		x	x	x	x	x	
Schinus molle	California Pepper Tree					x	x	x	x	x
Sophora secundiflora	Texas Mountain Laurel, Mescal Bean	x		x		x	x	x	x	
Ulmus parvifolia cv.'Sempervirens'	Chinese Evergreen Elm	x		x		x	x	x	x	x
Vitex agnus-castus	Chaste Tree	x		x	x	x	x	x	x	
*Ulmus spp.**	Elm	x	x			x	x	x	x	
*Washingtonia spp.**	Fan Palm				x	x	x	x	x	