

CITY OF SOMERTON

Planning and Zoning Commission Meeting

Regular Meeting

February 22nd 2021

Call to Order:

Chairman Daniel Flores, 6:00PM

Roll Call:

Present: Chairman Flores, Vice Chairman Rice, Commissioner Zendejas, Commissioner Magaña, Commissioner Valenzuela

Absent: Commissioner Galaviz, Commissioner Rangel

Staff Present

Carmen Juarez, Community Development Director
Saul Albor, Planner II

Pledge of Allegiance: Read in Unison

Approval of Minutes: From October 19th 2021 Meeting. Minutes Approved without corrections. Motion to approve minutes.

Motion to Approve by Vice Chair Rice
2nd by Commissioner Valenzuela. Motion Passed 4-0

Call to the Public: No public comments were presented.

PUBLIC HEARING:

ALL ITEMS ARE FOR DISCUSSION AND POSSIBLE ACTION.

- 1. PLN21-00004 Parkview Commerce Center Subdivision Preliminary Plat**
- 2. PLN21-00005 Parkview Commerce Center Subdivision Final Plat**

A concurrent Preliminary and Final plat approval request by the City of Somerton, property owner of APN 195-33-028, a 19.87 acre parcel in the C-2/IIO Zoning District for the proposed Parkview Commerce Center Subdivision; an eight-lot commercial subdivision with lot sizes ranging from .99 acres more or less to 4.74 acres more or less. This project is located outside the MCAS-Yuma High Noise and Accident Potential Zone.

Saul Albor of the Community Development Department presented this item. Mr. Albor delivered his staff report and provided project information to the Planning and Zoning Commission. After concluding presentation of the staff report, Mr. Albor proceeded to present the exhibits. After presenting all the exhibits, Mr. Albor affirmed that staff considered the project compatible with the general plan elements and surrounding areas. Mr. Albor recommended that the planning and zoning commission recommend the City Council approves Preliminary and Final Plat Cases PLN21-0004 and PLN21-00005 subject to the conditions found in Exhibit A.

Vice Chairman Rice raised concern about the a letter of opposition submitted by adjacent landowners who lease their land to area farmers. The letter claims that the Parkview Subdivision represents yet another urban encroachment into farmland and that the City has hastily been pushing to approve this project with the minimum required public notification process. Lastly the letter asks the Commission to table the item to a future date.

Vice Chairman Rice, voiced his support of the opposition and informed staff of his disappointment that a greater amount of public outreach had been not undertaken.

Mr. Albor went back and explained that the notification process had been fully executed as required by the Zoning Ordinance and Arizona Revised Statutes.

Ms. Charlotte Thomas from the public was then recognized by the Commission. Ms. Thomas expressed sharp opposition to the project because it would mean the loss of farmland. Ms. Thomas stated how Somerton was not being faithful to its commitment of Infill growth as previously stated in a previous meeting with local farmers and land owners and that Somerton should not be in the business of developing commercial projects. Ms. Thomas expressed dismay that a greater public outreach had not been carried out by the city.

Ms. Carmen Juarez of the Community Development Department explained that staff had fully followed the required notification process and that the project was fully compatible with the area and general plan. Ms. Juarez added that the project was not a new proposal, in fact the project is 11 years in the making an that the commercial subdivision would bring many much needed amenities that would increase Somerton residents' quality of life. Lastly Ms. Juarez responded to the point made by Ms. Thomas that Somerton was not following through on its commitment to Infill growth by saying that Infill was one of many growth strategies for the future, not the only one.

Mr. Hector Tapia of the Economic Development Department then shared some the potential developments that were in the works for the Parkview Commerce Center. He explained that a Hotel, Retail, Offices, and a large clinic were all lined up immediately.

Mr. Albor concluded the presentation by concurring with Ms. Juarez that while Infill growth was important it should not be our only strategy and that the Parkview Commerce Center would provide the people of Somerton many much needed amenities and services.

Motion: Recommend Approval of PLN19-00013 with Conditions listed in Exhibit A to the Somerton City Council

Moved: Chairman Flores
2nd: Arturo Magana

Yes: Flores, Magana, Zendejas, Valenzuela
No: Rice

Final Vote: 4-1, Motion Carried

Summary of Current Events:

Presented by Carmen Juarez, Community Development Director

Next Meeting:

The next regularly scheduled meeting of the Somerton Planning and Zoning Commission will be held on March 15th, 2021 at 6:00PM.

Adjournment:

Motion: Adjourn Meeting

Moved: Commissioner Zendejas
2nd: Arturo Magana

Yes: Flores, Magana, Zendejas, Valenzuela, Rice

Final Vote: 5-0, Motion Carried

Chairman

Date



AGENDA ITEM REVIEW

Community Development Department

**Staff Report to the City of Somerton
Planning and Zoning Commission**

Zoning Ordinance Text Amendment Case #: PLN21-00013

Hearing Date: May 17, 2021
Project Planner: Saul Albor, Planner II

Project Description: A request by the City of Somerton to amend certain sections of the Somerton Zoning Ordinance related to the following categories. Specific sections to be amended listed below.

1. Marijuana Establishment Regulations

- 3.1.5 M Medical Marijuana Dispensary, Cultivation Site
- 9.3.4 Commercial Use Category Definitions
- Table 2.4 – 1 Table of Uses for Mixed-Use Districts
- Table 2.5 – 1 Table of Uses for Commercial Districts
- Table 2.6 – 1 Table of Uses for Industrial Districts

2. Swimming Pool Barrier Regulations

- 3.2.6 J Swimming Pools

3. Location Requirements for Schools

- 3.1.4 D Schools; public or private, boarding, college or university

PUBLIC NOTICES:

Legal Ad Published: March 29th, 2021
Signs Posted: March 25th, 2021

CITY COUNCIL WORK SESSION:

Somerton City Council Special Meeting: March 30th, 2021

CITIZEN REVIEW MEETING:

Planning and Zoning Commission Work Session: April 5th, 2021

PLN21-000013
City of Somerton Zoning Ordinance Text Amendment
Somerton Planning and Zoning Commission
May 17, 2021

Page 1

AMENDMENT DESCRIPTIONS:

1. Marijuana Establishments:

Last Year, Arizona voters approved Proposition 207 also known as the Safe and Smart Act which officially legalized the use of recreational use of marijuana to adults 21 years of age and older. The legalization of recreational marijuana has sparked massive interest in bringing recreational marijuana dispensaries to Yuma County.

Currently, the City of Somerton does not have recreational marijuana zoning regulations. In order to accommodate the newly passed state legislation allowing recreational marijuana dispensaries, the City of Somerton has been providing pre-development guidance to recreational marijuana proposals with the same restrictions and regulations as medical marijuana dispensaries which were approved by Arizona voters in 2010 by Proposition 203 also known as the Arizona Medical Marijuana Act.

In order to reflect the statewide legalization of recreational marijuana and to provide zoning regulations to potential incoming marijuana establishments, staff is proposing an amendment to Section 3.1.5 M of the Somerton Zoning Ordinance, replacing it in its entirety with an updated new section 3.1.5 M containing guidelines for both Medical and Recreational Marijuana Establishments and Testing Facilities

2. Swimming Pool Barriers:

The City of Somerton currently requires all swimming pools and spas built on or after the effective date of the Somerton Ordinance (April 2nd, 2015) to be equipped with a physical barrier no less than 5' in height separating the swimming pool/spa from public property, adjacent private property, and from any points of egress of dwelling units found on the same premises as the swimming pool and spa.

Typically, the majority of applicants have no objection to providing a physical barrier between the pool and public property or between the pool and adjacent private property. However, staff has repeatedly and increasingly encountered substantial objection from applicants to providing a barrier between the pool and the house/dwelling units found on the same premises.

A frequent complaint is that Somerton does not allow for an alarm system to be installed in lieu of providing a physical barrier. All municipalities in Yuma County including the County itself allow for this substitution, except for the City of Somerton.

In order to offer greater flexibility and to offer city residents the same options available in adjacent municipalities, staff is proposing an amendment to Section 3.2.6 J of the Somerton Zoning Ordinance which would create an exception to this requirement to certain eligible applicants.

3. Location Requirements for Schools:

The City of Somerton Zoning Ordinance currently prohibits K-8 Schools from being directly accessed or from being situated on a road having a classification of Arterial roadway or higher per the adopted Somerton Transportation Master Plan and General Plan.

The Zoning Ordinance also prohibits High Schools and Colleges from being directly accessed or from being situated on a road having a classification of Collector or lower per the Somerton Transportation Master Plan and General Plan.

These restrictions significantly limit the areas where schools can be located based only on one factor, roadway classification. There are many other details to consider when assessing a roadway's ability to handle the traffic generated by a school, details that can only be determined by a complete traffic impact study.

All schools regardless of age category are large, impactful projects which require a traffic impact study to assess the possible impact to the neighborhood in which they are proposed. The traffic impact study is the most comprehensive tool available to determine the impact of a School to the roadway system and should thus be the guiding method to determine possible siting of schools instead of the existing restrictions based on roadway classification.

In order to assure future school siting will be evaluated based on a comprehensive transportation analysis which considers all factors and details in play, staff is proposing an amendment to Section 3.1.4 D of the Somerton Zoning Ordinance striking out sub-sections 1 and 2 as they apply to the siting of schools.

RESULTING ACTION:

After review and recommendation from the Planning and Zoning Commission, Text Amendment Case PLN21-00013 will proceed to the Somerton City Council for final action.

CONDITIONS OF APPROVAL:

The Planning and Zoning Commission may recommend to the City Council to approve the text amendment, recommend to approve the text amendment with conditions or recommend denial of the text amendment. In recommending approval of a rezoning, the Commission can impose, in addition to those standards and requirements expressly specified by the Code, 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. And any other conditions the Planning and Zoning Commission may deem appropriate and necessary to carry out the purpose of the Zoning Ordinance.

Staff does not have any conditions of approval to recommend for this project.

RESPONSES FROM THE PUBLIC AND OTHER AGENCIES:

Request for comments was sent to several agencies, municipalities and utility companies on this request, staff received comments from Yuma County and MCAS.

During the request for comments period associated with this project, staff received no comments

CITIZEN REVIEW:

On April 5th 2021, staff conducted a citizen review meeting during a work session of the Planning and Zoning Commission as required by the Somerton Zoning Ordinance and A.R.S.

Nobody from the public was in attendance.

CITY COUNCIL WORK SESSION:

On March 30th, 2021 the Somerton City Council held a work session to discuss the proposed amendments to the zoning ordinance.

At the meeting, Police Chief Aracely Juarez and Councilmember Miguel Villalpando provided feedback and recommended changes. Staff has incorporated their recommendations into the most recent draft of the text amendment.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission recommend approval of Rezoning Case PLN21-00013

SUGGESTED MOTION:

I move to recommend approval of Text Amendment Case PLN21-00013

EXHIBITS:

- A. Proposed Amendments to Sections related to Marijuana Establishments
- B. Proposed Amendments to Sections related to Swimming Pool Barriers
- C. Proposed Amendments to Sections related to School Locations

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.~~
- ~~e. 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.~~

M. Medical Marijuana and Marijuana Establishments and Testing Facilities

1. Medical Marijuana and Marijuana Use Definitions

Medical Marijuana and Marijuana Establishments shall include the following terms as identified in the ARS 36-2801 and ARS 36-2850;

- a) Non-Profit Medical Marijuana Dispensary - a not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders.
- b) Marijuana Establishment -
 - (i) A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
 - (ii) A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
 - (iii) A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
- c) Dual-Licensee - means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.

2. Siting of Medical Marijuana Dispensaries and Marijuana Establishments having On-Site Cultivation and Manufacturing

Medical Marijuana Dispensaries and Marijuana Establishments having on-site Cultivation and/or Manufacturing of Marijuana as defined in ARS 36-2801 and ARS 36-2850, as well as in the definitions of each respective use listed in Section 3.1.5 M 1 of this ordinance shall only be permitted in the L-I (Light Industrial) and C-2 (General Commercial) Zoning Districts.

3. Siting of Medical Marijuana Dispensaries and Marijuana Establishments having no On-Site Cultivation

Medical Marijuana Dispensaries and Marijuana Establishments having no on-site Cultivation and/or Manufacturing of Marijuana as defined in ARS 36-2801 and ARS 36-2850, as well as in the definitions of each respective use listed in Section 3.1.5 M1 of this ordinance shall be permitted in the L-I (Light Industrial) and C-2 (General Commercial) Zoning Districts and on Main Street fronting properties located in the MSC (Main Street Corridor) Zoning District and/or Infill Incentive Overlay -Entertainment District.

4. **Supplemental Siting Requirements**

a) No Medical Marijuana Dispensary, Marijuana Establishment, or Dual-Licensee shall be located within 300' of the property line of a parcel having a protected use that exists in legal zoning conformance relative to its zoning district. Protected Uses shall include: Residence, Educational Facility, Library, Public Park, Day Care Facility, Worship Assembly Use, or another Non-Profit Medical Marijuana Dispensary, Marijuana Establishment, or Dual-Licensee. Properties located inside the Infill Incentive Overlay – Entertainment District shall be exempt from this requirement. Distance shall be measured from the building housing the Medical Marijuana Dispensary, Marijuana Establishment, or Dual-Licensee to the property boundary of the parcel containing the protected use.

b) Medical Marijuana Dispensaries and Marijuana Establishments having no on-site Cultivation and/or Manufacturing of Marijuana located in the Main Street Corridor and/or Infill Incentive Overlay – Entertainment District shall not be located within 100' of the property line of a restaurant or bar dispensing alcoholic beverages. Distance shall be measured from the building housing the Medical Marijuana Dispensary, Marijuana Establishment, or Dual-Licensee to the property boundary of the parcel containing the protected use.

5. **Medical Marijuana and Marijuana Testing Facility Use Definitions**

Medical Marijuana and Marijuana Testing Facilities shall include the following terms as identified in ARS 36-2801 and ARS 36-2850;

a) Independent third-party laboratory - An entity that has a national or international accreditation and that is certified by the Arizona Department of Health Services to analyze marijuana cultivated for medical use.

b) Marijuana testing facility – The Arizona Department of Health Services or another entity that is licensed by the Arizona Department of Health Services to analyze the potency of marijuana and test marijuana for harmful contaminants.

6. **Siting of Medical Marijuana and Marijuana Testing Facilities**

Medical Marijuana and Marijuana Testing Facilities shall only be permitted in the L-I (Light Industrial) Zoning District.

7. **Supplemental Siting Requirements**

No Medical Marijuana Testing Facility or Marijuana Testing Facility shall be located within 300' of the property line of a parcel having one of the following uses on the premises: Residence, Educational Facility, Library, Public Park, Day Care Facility, Worship Assembly Use, Non-Profit Medical Marijuana Dispensary, Marijuana Establishment, Dual Licensee, or another Medical Marijuana Testing Facility or Marijuana Testing Facility. Distance shall be measured from the building housing the Medical Marijuana or Marijuana Testing Facility to the property boundary of the parcel containing the protected use.

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

SECTION 2 – ZONING DISTRICTS

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
	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
	Catering Service	P	
	Coffee Shops/Cafes	P	
	Commercial Entertainment, Indoor	P	
	Convenience Store	P	3.1.5.G

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
	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	
	Medical Marijuana and Marijuana Establishment	P	3.1.5.M
	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

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	

SECTION 2 – ZONING DISTRICTS

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
	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	
	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

SECTION 2 – ZONING DISTRICTS

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
	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	
	Medical Marijuana and Marijuana Establishment	X	P	3.1.5.M
	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	
	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

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
	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	--
	Front, <i>Residential</i> (feet)	20	30
Setbacks, minimum [2]	Front, <i>Non-Residential</i> (feet)	15	20
	Side, <i>Residential</i> (feet)	25	35

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
	Medical Marijuana and Marijuana Testing Facility	P	X	3.1.5.M
	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,	C	P	

SECTION 2 – ZONING DISTRICTS

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
	Major			
	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	
	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
	Medical Marijuana and Marijuana Establishment	P	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	

SECTION 2 – ZONING DISTRICTS

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
	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	
	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	

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
	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	
	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

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.~~

Medical Marijuana and Marijuana Establishment

Medical Marijuana and Marijuana Establishments shall include the following terms as identified in the ARS 36-2801 and ARS 36-2850;

- a) Non-Profit Medical Marijuana Dispensary - a not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders.
- b) Marijuana Establishment -
 - (i) A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
 - (ii) A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
 - (iii) A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.
- c) Dual-Licensee - means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.

Medical Marijuana and Marijuana Testing Facility

Medical Marijuana and Marijuana Testing Facilities shall include the following terms as identified in ARS 36-2801 and ARS 36-2850;

- a) Independent third-party laboratory - An entity that has a national or international accreditation and that is certified by the Arizona Department of Health Services to analyze marijuana cultivated for medical use.
- b) Marijuana testing facility – The Arizona Department of Health Services or another entity that is licensed by the Arizona Department of Health Services to analyze the potency of marijuana and test marijuana for harmful contaminants.

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.

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.

iv. An approved alarm system, continuously maintained at all points of ingress and egress to the dwelling unit and guest rooms may substitute the barrier requirement from dwelling unit to pool whenever no children under the age of six (6) are permanent occupants of the property. It shall be the owner's responsibility to maintain this alarm system fully functional at all times. This exception does not eliminate the requirement to restrict access to the pool from public or adjacent private property using a permanent fence, wall or barrier.

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.

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



AGENDA ITEM REVIEW

Community Development Department

Staff Report to the
Somerton Planning and Zoning Commission

Rezoning Case #: PLN21-00014

Nomar – Pensco Rezoning

Meeting Date: May 17th 2021
Project Planner: Saul Albor, Planner II

Project Description: A request by Ramon Arias on behalf of Nomar Properties and Pensco Trust for the rezoning of the following properties.

- 1401 N Somerton Avenue: R1-6 (Single Family Res.) TO R-3 (Multi-Family)
- 1415 N Somerton Avenue: R1-6 (Single Family Res.) TO R-3 (Multi-Family)
- 1431 N Somerton Avenue: C-2 (General Commercial) TO R-3 (Multi-Family)
- 1449 N Somerton Avenue: C-2 (General Commercial) TO R-3 (Multi-Family)

These parcels are not located within the High Noise or Accident Potential Zone (HNAAPZ) as that term is defined in A.R.S. § 28-8461.

I. PROJECT DATA

Project Address Location:	Unassigned
Parcel Number:	743-38-147, 743-38-148
Applicant:	Ramon Arias, Nomar Properties
Land Owner:	Nomar Properties, Pensco Trust
Existing Conditions	Vacant
Existing Land Use:	Commercial
Existing Zoning:	Commercial C-2, R1-6
Proposed Changes	
Proposed Land Use:	Commercial
Proposed Zoning:	R-3 (Multi-Family)
Surrounding Zoning and Land Uses:	
North:	Zoning: -- (Yuma County) Land Use: Commercial
South:	Zoning: R1-6 Land Use: HDR
East:	Zoning: Commercial Land Use: C-2

West:	Zoning: R1-6 Land Use: LDR
Land Division Status:	Existing Parcel Record

II. GENERAL PLAN

Land Use Plan	Commercial and HDR
Circulation Element: Principal Arterial Collector Street Local Street Traffic Signal	Main Street Somerton Avenue Somerton Avenue Somerton Avenue and Main Street
Parks and Recreation Element: Nearest Parks: Shared Use Pathway System	Joe Muñoz Park Council Avenue Park Main Street Park Pathways along Somerton Avenue and Jefferson Street

III. SCHOOLS

School District: Elementary Schools: Middle School: High School:	Somerton School District #11 (SSD) Tierra del Sol Elementary Valle Del Encanto Elementary Desert Sonora Elementary Orange Grove Elementary Somerton Middle School Cibola HS/KOFA HS (Yuma Union HSD)
---	--

PUBLIC NOTICES:

Legal Ad Published: May 2nd, 2021
300' Mailout: April 30th, 2021

PARCEL HISTORY AND CASE BACKGROUND:

N/A

STAFF ANALYSIS:

The applicant, Ramon Arias, has not yet conducted the required citizen review / neighborhood meeting required by the rezoning process. Staff is therefore recommending tabling this item to next month's meeting on June 21st to allow Mr. Arias to conduct the neighborhood meeting in a timely manner.

GENERAL PLAN ELEMENTS:

N/A

RESPONSES FROM THE PUBLIC AND OTHER AGENCIES:

N/A

CITIZEN REVIEW PROCESS:

The Zoning Code, Section 6.2.3 requires a Citizen Review Process for requests to change zoning, the purpose of this process is to provide a means for the applicant, surrounding residential neighbors, and registered neighborhood and homeowner's association representatives to review a 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 required Citizen Review Meeting was not conducted by the applicant. The applicant has informed staff that the meeting will held on June 4th. Action on this item may not be taken until all steps including the neighborhood meeting are fulfilled.

STAFF RECOMMENDATION:

1. Staff recommends that the Somerton Planning and Zoning Commission Table Rezoning Case PLN21-00014 to the June 21st Meeting.

SUGGESTED MOTION:

1. I move to Table Rezoning Case PLN21-00014 to a future date to the June 21st Meeting.

EXHIBITS:

- A. Location Map



CITY OF SOMERTON
 COMMUNITY DEVELOPMENT
 143 N STATE AVE
 (928) 722-7399
 SOMERTON, AZ 85350

LOCATION MAP APN 743-38-147, APN 743-38-148, APN 743-38-149 & APN 743-38-151



0 125 250 500
 Page 38 of 38