

# Unified Development Ordinance



Chino Valley







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## **1. Administration and Procedures**

### **1.1 Short Title**

This Ordinance shall be known as “The Unified Development Ordinance of the Town.”

### **1.2 Purpose**

The purposes of this Ordinance are to secure safety from fire, panic, and other dangers; to provide adequate light and air; to lessen congestion in the streets; to prevent the over crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage disposal; schools, parks, and other public requirements; to provide for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of land resources; to allow for the orderly implementation of the General Plan; and to otherwise promote the health, safety, convenience, and general welfare of the citizens of Chino Valley, Arizona.

### **1.3 Interpretations and Application**

In its interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of General Plan as adopted by the Council and for the promotion of the public health, safety and general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or Ordinances, except those specifically repealed by this Ordinance, or with restrictions placed upon property by covenant, deed or other agreement between parties, provided that where this Ordinance imposes a greater restriction on land, buildings, or structures than is imposed or required by such existing provisions of law, Ordinance, contract, or deed, the provisions of this Ordinance shall control.

### **1.4 Planning and Zoning Commission**

#### **1.4.1 Establishment; Composition; Terms of Members; Vacancies; Compensation of Members**

There is hereby established a Planning and Zoning Commission hereinafter called “Commission” of the Town to consist of seven (7) members, each of whom shall be a resident of the Town, to be appointed by Council. The members of the Commission shall serve for three (3) years, except as hereinafter provided. In the event of a death, resignation or removal from the Commission, the Council shall fill the vacancy for the unexpired term. Members of the Commission may be removed by the Council for inefficiency, neglect of duty, excessive absenteeism, or malfeasance in office subsequent to an executive session.



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No executive session shall be held, if the Commissioner in question requests a public hearing. The Council shall file a written statement of the reasons for removal. Two (2) consecutive unexcused absences or a total of three (3) unexcused absences per calendar year from any regular or special meeting shall be grounds for termination at the will and pleasure of the Council subsequent to an executive session or public hearing if requested, and such action shall be final. An excused absence requires the Commissioner to notify the Chair or Vice Chair, directly or indirectly, through the Town Hall or Police Department, of their absence from a meeting no later than twenty-four (24) hours prior to commencement of the regular or special Planning and Zoning meeting, unless an emergency occurs. All other absences shall be deemed unexcused. All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization and ratification by the Commission and approval of such expenditures by Council.

#### 1.4.2 Powers and Duties

It shall be the duty of the Commission to formulate and administer any lawful plan duly adopted by the Council for the present and future growth and development of the Town; to make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the Town and to recommend to the Council revisions in such plans which, in the opinion of the Commission, are for the best interest of the citizens of the Town; to hold public hearings where necessary; to make recommendations to the Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this Ordinance, and to undertake all activities usually associated therewith and commonly known as "Planning and Zoning." The Commission is also authorized to confer with and advise other City, County, Regional, or State Planning Agencies and Commissions. Minutes of the meetings shall be sent to the Council upon approval.

#### 1.4.3 Selection of Officers

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairperson shall have the power to take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

#### 1.4.4 Quorum; Voting

Four (4) members shall constitute a quorum. The affirmative vote a majority of members voting shall be required for passage of any matter before the Commission. A



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member who has, or whose relative has, a pecuniary or proprietary interest, either directly or indirectly, in any decision of the Commission, shall disclose such interest in the official records of the Commission, and shall thereafter refrain from participating in any manner as a member in such decision.

#### 1.4.5 Rules; Regulations; Records; Meetings

The Commission shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the Commission shall be open to the public. The minutes and records of all Commission proceedings shall be kept and filed as public record in the office of the Town Clerk.

### 1.5 Board of Adjustment

#### 1.5.1 Establishment; Composition; Terms of Members; Vacancies; Compensation of Members

There is hereby established a Board of Adjustment of the Town to consist of five (5) members, each of whom shall be appointed by the Chino Valley Town Council. The terms of the members of the Board shall be determined by Council at the time of their appointment. After the initial appointment, all terms shall be for three (3) years. All members shall serve without pay. However, members of the Board may be reimbursed for actual expenses incurred in connection with their duties upon authorization and ratification by the Board and approval of such expenditures by Council.

#### 1.5.2 Powers and Duties

A. It shall be the duty of the Board of Adjustment to:

1. Hear and decide 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 a Unified Development Ordinance and to reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator appealed from, and make such order, requirement, decision or determination as necessary.
2. Hear and decide appeals for a Variance from the terms of this Ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning districts. Any Variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges incon-



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sistent with the limitations upon other properties in the same zoning district in which such property is located.

B. The Board of Adjustment shall not:

1. Make any changes in uses permitted in any zoning classification or zoning district, or make any changes in the terms of this Ordinance, provided the restrictions in this paragraph shall not affect the authority of granting Variance pursuant to this article.
2. Grant a Variance if the special circumstances applicable to the property are self-imposed by the property owner.

### 1.5.3 Application

Applications for a Variance shall be filed on a form provided by the Development Services Department and shall be accompanied by the appropriate fee, together with a Site Plan of the premises and other data required by the Zoning Administrator or his/her designee.

### 1.5.4 Selection of Officers

The officers of the Board of Adjustment shall be a Chairperson and Vice-Chairperson who shall be selected by the Board each year at its first meeting following July 1st.

### 1.5.5 Quorum; Voting

Three (3) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for passage of any matter before the Board. In the event the matter before the Board is an appeal from a ruling by the Zoning Administrator, a tie vote shall result in upholding the original ruling of the Zoning Administrator. A member who has, or whose relative has, a pecuniary or proprietary interest either directly or indirectly, in any decision of the Board, shall disclose such interest in the official records of the Board, and shall thereafter refrain from participating in any manner as a member in such decision.

### 1.5.6 Rules; Regulations; Records; Meetings

The Board shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the Board shall be open to the public. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk.



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## **1.6 Zoning Administrator and Assistant Zoning Administrator**

### **1.6.1 Creation**

There is created the position of Zoning Administrator who may be hired by the Town or appointed by Town Council. The Town Manager or his/her designee shall serve as the Zoning Administrator in the absence of the position being filled. The Zoning Administrator may appoint an Assistant Zoning Administrator with the approval of Town Council. The Assistant Zoning Administrator shall have the same duties and powers of the Zoning Administrator.

### **1.6.2 Powers and Duties**

The Zoning Administrator and Assistant Zoning Administrator shall perform the following functions:

- A. Enforce this Ordinance by ensuring that all activities, construction, and development within the Town are in conformance with the Town zoning regulations.
- B. Administer the Town's Property Maintenance Code, which are included in this Ordinance by reference.
- C. Administer the Town's Development Guidelines (as may be created and adopted by the Town), which are included in this Ordinance by reference.
- D. Accomplish all administrative tasks required by this Ordinance including receiving and processing applications for all persons requesting a rezone, Use Permit, plan review, Zoning Administrator, appeal, or other action of the Commission, Board of Adjustment, or Town Council.
- E. Subject to the policies of the Commission and Town Council, interpret this Ordinance to members of the public, Town departments, and other branches of government.
- F. Serve as planning staff to Council and Commission, and, as necessary, attends meetings of these and other organizations and agencies.

### **1.6.3 Zoning Administrator**

Wherever the term Zoning Administrator appears in the Ordinance, this term is amended to include both the Zoning Administrator and the Assistant Zoning Administrator.



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## 1.7 Site Plan Review Committee

### 1.7.1 Creation, Composition, Meetings

- A. A Site Plan Review Committee (hereinafter "Committee") is created which shall consist of a maximum of nine (9) members, which may include the Town Manager, Development Services Director, Zoning Administrator, Town Engineer, Planner, Economic Development Director, Fire Chief, Police Chief, Park and Recreation Director, and the Public Works Director, or their designees.
- B. When any Committee member has direct pecuniary or proprietary interest in any matter before the Committee, the member shall be excused and refrain from participating in voting on any matters over which the conflict occurs while being considered by the Committee.
- C. Meetings shall be at the call of the Development Services Director, or his/her designee, or on an as-needed basis. Minutes showing the actions of the Committee shall be compiled, distributed to Committee members and a copy shall be kept in the Development Services Department.
- D. The Development Services Director, or his/her designee, shall serve as Chairperson to the Committee.
- E. A person designated by the Development Services Director shall serve as secretary.

### 1.7.2 Intent

The Committee review of development plans and proposals provides guidance and direction to the prospective developer or builder in order to achieve site development that conforms to Chino Valley's General Plan, Town Code and regulations, and its goals for quality development in the community. Site Plan review is intended to promote safe, attractive, harmonious, and compatible development within the Town and is, therefore, considered being in the interest of the public health, safety, and general welfare.

### 1.7.3 Powers, Duties, Jurisdiction

- A. The Committee shall have power to recommend that Council approve, conditionally approve, or disapprove any application for Site Plan review. The applicant shall be responsible for proving that the intent and purpose of this Ordinance and other applicable provisions of the Chino Valley Town Code will be satisfied.



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- B. The Committee, upon hearing an application, may recommend reasonable conditions to carry out the intent of this Ordinance.
  
  - C. Prior to development, construction, remodel, change or alteration of any project subject to Site Plan review, the property owner or designated agent shall secure written approval from the Development Services Director, or his/her designee. Site Plan review is required for Subdivisions, Planned Area Developments (PAD's), multiple-family residential developments, mobile/manufactured home parks, recreational vehicle parks, commercial greenhouses (Amended with Ord. 09-424/ Res. 09-921), commercial buildings over 5,000 sq. ft. in size (either singularly or in combination), industrial buildings/uses, public facility, public and private utility and other uses as specifically identified in this Ordinance (Amended with Ord. 10-729/Res. 10-933 passed on July 22, 2010).

#### 1.7.4 Commission and Council Review and Approval

If the Site Plan Committee determines that the site plan does not meet the requirements of the Town's Ordinances, Codes, Policies and the Design Concepts set forth in Subsection 4.29, or has buildings over 5,000 sq. ft. in size (either singularly or in combination), then the developer shall appear before and present their case to the Commission. The Commission shall forward the case (with its recommendation for approval or denial) and any suggested stipulations and/or changes to the submission to Council. Council shall review the plans and the Council may disapprove of, approve of, modify or add stipulations to the site plan (Amended with Ord. 10-729/Res. 10-933).

#### 1.7.5 Period of Approval (Amended with Ord. 10-729/Res.10-933).

An approved plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall become invalid if a building permit has not been issued in that time. Up to an additional one hundred eighty (180) days may be granted by the Development Services Director or his/her designee, upon written request of the applicant or Council, when Council review and approval is required.

### 1.8 Enforcement

This Ordinance shall be enforced by the Zoning Administrator or his/her designee who shall in no case grant permission for the issuance of any permit for the construction, reconstruction, alteration, demolition, movement, or use of any building, structure, lot, or parcel if the building, structure, lot, or parcel as proposed to be constructed, reconstructed, altered, used, or moved would be in violation of any of the provisions of this Ordinance.



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## 1.9 Review and Approval Processes

There is created as part of this Ordinance, three distinct review processes for developments governed by this Ordinance. These three processes: Site Plan Review, Use Permit Review and PAD Process Review, are intended to give the Town both the flexibility to review a wide range of projects, as well as the authority to require all of the information necessary to carry out a thorough review of the issues presented by various land use development proposals.

### 1.9.1 Site Plan Application, Content and Review

#### 1.9.1.1 Application

- A. The Site Plan Review Committee shall prescribe the form and content of applications and may specify necessary accompanying data in addition to that required by 1.9.1.2. Application shall be filed with the Zoning Administrator or his/her designee.
  
- B. Applications shall be made by the owner of the property or an agent authorized by a letter from all owners of the property.

#### 1.9.1.2 Contents

A Site Plan shall include the following information:

- A. Technical Information: An accurate Site Plan on a minimum eleven by seventeen (11 X 17) inch sheet (or other as determined by the Zoning Administrator) drawn at an appropriate scale showing the boundaries and dimensions of the site; acreage of the site; a north arrow; existing zoning of the site and contiguous property; dimensions and center-lines of all streets; dimension of all alleys and easements bounding or touching the site; dimensions from all street centerlines to existing curb, gutter, sidewalk, water lines, sewer lines and irrigation lines; location, dimensions, direction and bearing of any major physical features such as railroads or drainage ways; and existing topographic contours at intervals of not more than two (2) feet.
  
- B. Development Information: Proposed grading of the site; proposed public dedications, if any, within the site; proposed location, proposed grade, dimensions and use of all buildings, structures and signs to be located on the site.
  
- C. Provisions of Services: Location, quantity and typical stall dimensions of off-street parking and loading facilities; points of ingress to and egress from the site, including width of curb cuts; water, sewer, electric, gas and other public and private utility line sizes and locations; internal circulation; refuse collection areas; fire lanes and fire hydrants; off-site improvements; and street lighting.



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- D. Provision of Amenities: Proposed location of open space and recreational facilities on the site; location and type of landscaping; location and height of screen walls; and location and specifications for any other proposed features of development contributing to the use of the site and to the compatibility of the proposed development with the surrounding area.
  - E. Calculations: As applicable to the proposed development, calculations shall be tabulated on the map for: storm water retention, parking spaces, number of dwelling units, compute density of dwelling units as provided in the Chino Valley General Plan, area of open space, building floor area by category of use and percentage, and area of coverage of the site.

#### 1.9.1.3 Review

After submittal, the Committee shall review the development plan for compliance with the Town's development goals, engineering design standards and other applicable Ordinances. The review procedure is intended to be applied in a flexible manner to allow for creative designs, varying development concepts, locations and innovative response to requirements. In the review, the Committee shall be guided by the following review criteria and principles of development:

- A. The proposed development complies with all provisions of this Ordinance and all other Ordinances, master plans, General Plans, goals, objectives and standards of the Town.
- B. The proposed development does not have any detrimental effect upon the general health, welfare, safety, and convenience of persons residing or working in the neighborhood, and shall not be detrimental or injurious to the neighborhood.
- C. The proposed development promotes a desirable relationship of structures to one another, to open spaces, and to topography both on the site and in the surrounding neighborhood.
- D. Ingress, egress, internal and external traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways, are so designed as to promote safety and convenience and to be consistent with the requirements and intent of the landscaping and buffering requirements of this Ordinance.
- E. Mechanical equipment, appurtenances and utility lines are concealed from view or are otherwise integral to the building and site design.



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- F. If the proposed development is adjacent to residentially zoned property then the following public notices shall occur at least 30 days prior to the issuance of a building permit: (Amended with Ord. 10-729/Res. 10-933).
1. The developer shall place notices on the site which are visible from the public rights-of-way and on each corner of the property stating the intent to develop. Said notice shall be a minimum of 11X17 inch in size; and
  2. The developer shall send out letters to property owners within 300 feet stating the intent to develop the property.
    - a. The Zoning Administrator (ZA) will determine if the boundary of the mail out needs to be extended to a maximum of 1,000 feet using the following criteria:
      - i. The site is greater than one acre
      - ii. The proposed building size is greater than 3,000 sq. ft. either singular or combination.

#### 1.9.2 Amendment

- A. Intent. Regulations set forth in this Ordinance and boundaries of Zoning Districts established by the Town may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town.
- B. Review. Upon receipt of an application for an amendment, including requests for Use Permits and Conditional use permits, the Development Services Director, or his/her designee, shall review the application for completeness and applicability to this Ordinance and the General Plan, comment on the proposal, and shall adhere to the posting and publication requirements required by Arizona law, including compliance with the Citizen Review Process provided in Section 1.9.5, prior to the public hearing before the Planning and Zoning Commission. Requests for amendments or change of zoning shall be considered by the Planning and Zoning Commission for the purpose of making a written recommendation, which shall, after holding a public hearing at which parties of interest and citizens have been heard, include the reasons for such recommendations, to the Mayor and Council. Council may adopt the recommendation of the Commission without holding a second public hearing if there is no objection, request for public hearing, or other protest.
1. Council shall hold a public hearing if requested in writing by the applicant, or by any person appearing in opposition at the Commission hearing, or by any person who has filed a written protest, in accordance with Arizona law.
  2. If an application for amendment is denied by Council, or the application is withdrawn after Commission hearing, the Commission shall not consider an



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application for the same amendment within one (1) year from the date of the original hearing.

- C. Adoption. Adoption of an amendment may be subject to such conditions Council deems applicable to enforce this Ordinance. If one condition is a schedule for development of specific uses for which zoning is requested, and at expiration of that period the property has not been developed according to said schedule, it may be reverted to its former zoning classification by the Council.
- D. Application. An application for an amendment shall be filed and signed by:
1. The owner of the property.
  2. One (1) or more of several joint owners of property whose ownership constitutes a majority interest in the property;
  3. Seventy-five (75) percent, or more, of the owners of property in the area to be affected, when the application affects more than one (1) property; or
  4. An agent of any property owner(s) authorized to sign as above, when the authority of the agent is in writing and filed with the application.
  5. In addition to other requirements that the Town may adopt, any application for amendment shall include a statement of purpose for the amendment, a statement regarding access and utility availability, and a statement demonstrating conformance with the Town's General Plan.
- E. Protests. If the owners of twenty (20) percent or more of the area of the lands included in a proposed Ordinance or zoning map change, or those immediately adjacent in the rear or any side extending one hundred fifty (150) feet therefrom, or those directly opposite extending one hundred fifty (150) feet from the street frontage of opposite lots, file a protest in writing against a proposed Ordinance amendment, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of the Council. If any member of Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths (3/4) of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council).
- F. Annexation. Areas, when annexed to the Town of Chino Valley, shall, until officially zoned by the Council, be considered to be zoned to match comparable County zoning designations as shown on the Official Zoning Map of Yavapai County at the time of annexation. Such County zoning shall apply for not more than six (6) months.



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### 1.9.3 Conditional Use Permits

- A. Conditional Use Permits may be granted only when expressly permitted by this Ordinance, and only after the Commission has made recommendation, and Council has approved the request by motion based upon a finding that the authorizing of the Use Permit:
1. Will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and
  2. That the proposed use is reasonably compatible with uses permitted in the surrounding area. The burden of proof satisfying these requirements rests with the applicant.
- B. Applications for Conditional Use Permit approval shall be filed on a form provided by the Development Services Department and shall be accompanied by the appropriate fee, together with a Site Plan of the premises and other data required by the Zoning Administrator or his/her designee.
- C. The Commission shall conduct a public hearing prior to forwarding its written recommendation to the Council. A notice of the time and place of the public hearing shall be posted on the property at least five (5) days prior to the Commission meeting. A notice of the public hearing shall be published in an official newspaper of general circulation in the Town at least fifteen (15) days prior to the scheduled hearing date. Notice shall be provided by first class mail to all property owners within three hundred (300) feet at least fifteen (15) days prior to the public hearing.
- D. The Commission may recommend and the Council may impose specific conditions or requirements pertaining to the site or operation of the requested use.
1. A Use Permit may be granted for a designated period with a date of expiration stated therein or may be granted for an indefinite period. Should the use not be established as proposed within one (1) year, the Use Permit approval shall become null and void.
  2. Additional conditions that may be considered, include, but are not limited to the following:
    - a. Mitigation of potential impacts on surrounding properties such as, but not limited to, noise, lighting, odor, or placement of trash receptacles.
    - b. Assurance of adequate parking, ingress and egress so as not to increase traffic congestion.



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- c. Hours of operation.
  - d. Maintenance of a positive appearance, with appropriate screening, landscaping and buffering to preserve reasonable use and enjoyment of adjacent properties.
- E. After the hearing, the Commission shall render its decision in the form of a written recommendation to Council. The recommendation shall include the reasons for the recommendation and be transmitted to Council in such form and manner as may be specified by Council.

The Council may adopt the recommendations of Commission without holding a second public hearing if there is no objection, request for public hearing, or protest. The Council shall hold a public hearing if requested in writing by the applicant, or any person who has filed a written protest, or requested by any member of Council. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Commission. In addition, the municipality may give notice of the hearing in such other manner, as it may deem necessary or desirable.

#### 1.9.4 Planned Area Development Overlay District: PAD (Amended with Ord 10-742/Res.10-947)

##### 1.9.4.1. Purpose

The purpose of the planned area development overlay district (pad) is to provide for the orderly development of land consistent with the Unified Development Ordinance of the Town of Chino Valley while permitting maximum flexibility in the design and development of residential, commercial and/or industrial environments of a quality which could not be achieved by traditional lot by lot development under conventional zoning concepts. It is recognized that while the conventional zoning districts and the requirements of those districts set forth in the Unified Development Ordinance of the town are reasonable, there may be circumstances in which it is in the best interests of the town to permit modifications in some of the requirements of the zoning districts where a property owner develops land in the town utilizing unique and/or creative designs and techniques in such a manner as to promote its most appropriate use, economical provision of streets and utilities, to preserve and utilize open space, to offer recreational opportunities close to residential use, to enhance the appearance of neighborhoods, to counteract adverse effects of urbanization and to provide for the unified control of development of land.



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#### 1.9.4.2. Permitted Uses

A. A PAD district may consist of one or more underlying zoning districts as permitted by the Unified Development Ordinance of the town. The uses permitted in the PAD district shall be governed by the permitted uses in the underlying district or combination of underlying districts, as approved by the Council. An “underlying zoning district” shall mean those zoning districts set forth in 3.1 through 3.27 of the Unified Development Ordinance of the town.

B. The PAD district shall comply with the requirements of the underlying zoning district(s) except as otherwise set forth in this article and in the specific Unified Development Ordinance establishing the specific pad district. A pad district may be approved with modifications of the requirements of the underlying zoning district so long as the intent of this Unified Development Ordinance is met and the resulting land use will be of a quality comparable to or exceeding the quality which would otherwise result from use solely of the underlying zoning district(s). A PAD district may allow for onsite density transfer within a residential development, permitting the density regulations of the underlying zoning districts to be applied to the total area of the pad district rather than separately to individual lots or underlying zoning districts.

C. Notwithstanding the above, no modifications of the requirements of the underlying zones with respect to use shall be approved by virtue of approval of the pad application.

D. Applications for changes in the underlying zoning district(s) uses to include, for example, a change from sr-1 to sr-0. 16, which would end up designated sr-0. 16 pad. May be submitted and processed concurrently with an application requesting approval of a planned area development overlay district.

E. There is no minimum size for a planned area development. However, the size of the area included in the pad must be such that it accommodates the requirements of this pad ordinance.

#### 1.9.4.3. Modification of Standards and Procedures

Applications for a PAD overlay zone may include a request to modify the requirements of the underlying zoning district, except as to use, a request for change of use being a separate rezoning request. Modification of the requirements of the underlying zoning district shall be permitted only upon a finding that the proposed land use conforms to the policies, goals and objectives established in the Town of Chino Valley’s General Plan, is consistent with the



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purpose of the PAD and will include all or a majority of the features set forth in this Section 1.9.4.3.:

- A. Landscaping Design Features:
  - 1. Use of native plant materials and those listed in the drought tolerant plant list of the Arizona department of water resources and Prescott Active Management Area.
  - 2. Landscaped entry features.
  - 3. Use of street landscaping such as, but not limited to, landscaped medians and adjacent rights-of-way.
  - 4. Pedestrian way treatment to create an aesthetically pleasing and functional walkway(s).
  - 5. Use of recreational and open space areas.
  - 6. Parking area landscaping.
  - 7. Perimeter landscaping and walls.
- B. Open space requirements:
  - 1. Intent – because the PAD process allows residential densities to be compressed through the use of “onsite density transfer” the open space portion of the development is a critical element in determining the quality of the built environment, any area designated as open space shall be limited, in perpetuity, to use as open space. Therefore, the open space shall be created in accordance with the following standards:
  - 2. A minimum of 20% of the total area to be developed shall be required as open space and 60% of that 20% shall be concentrated into one area, unless it is specifically found by the town that dividing the 60% active open space into two (2) or more areas meets the intent of this Section and is beneficial to the town. This one area (or allowed divided areas) shall be designated as active open space and shall include a significant number of amenities promoting the use thereof, such as, the following:
    - a. Gazebos
    - b. Benches
    - c. Picnic tables
    - d. Slides
    - e. Play apparatus/ jungle gym
    - f. Pedestrian/ bicycle oriented circulation
    - g. Equestrian features
    - h. Basketball, tennis or racquetball courts
    - i. Exercise room
    - j. Clubhouse
    - k. Exercise stations and/or equipment

The type and quantity of improvements, such as those above, which are required, will be based on the proposed size, demographics, and topography of the development.



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The remaining 40% of open space is not required to have any improvements and may be used to preserve natural vegetation.

3. The development will have to make reasonable provision for the:
  - a. Protection of natural resources
    - i. Natural washes
    - ii. Topographic features
    - iii. Preservation of historic sites and structures
  - b. Connectivity to adjacent schools, parks, trails, retail or commercial developments.
  - c. Preservation of wildlife corridors, as the same may hereafter be designated by the Town.
4. Open space requirement for all non-residential planned area developments:
  - a. Commercial - professional and administrative offices, retail services, hotels and resorts, light industrial or employment uses are required to provide landscaped area that exceeds the landscaping requirements of the UDO by 10%.
5. The calculation of open space areas shall not include:
  - a. Drainage areas, ways, ditches, culverts, and other areas used to carry water, parking areas, driveways, dedicated streets, alleys and other public rights-of-ways (drainage area, ways, ditches, culverts, and other areas used to carry water: an area to accommodate the flow of water and is typically lined with a weed barrier fabric and rip-rap. Notwithstanding the foregoing, if the developer proposes to place amenities, such as maintained parks or improvements such as are referenced in 1.9.4.3.b.2., in designated water retention areas or basins, the area may be included in the open space calculation if it is demonstrated that the proposed amenities meet the intent of the active open space requirements.
  - b. Those portions of areas required to be dedicated or set aside for public services or non-recreational structures such as water tanks, hospitals, power substations, fire department buildings and parking lots for the same, but areas will be included where the areas are otherwise expected to meet criteria for open space as provided in this Section 1.9.4.

C. Site Design Features:



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1. Compatibility with natural topographic and environmental characteristics.
  2. Preservation of natural features, such as natural washes and topographic features.
  3. Consideration of a rainwater capture system
  4. Preservation of view shed.
  5. Utilization of sun and wind orientation to maximize energy efficiency.
  6. Circulation pattern consistent with good planning principles and any general plan of the town as it exists now or in the future.
  7. Variation in building setbacks.
  8. Grouping of buildings (cluster, etc.).
  9. Perimeter setbacks.

D. Architectural Design Features:

1. Visual and architectural features compatible with the western/southwestern character of the town.
2. Harmonious use of materials.
3. Variations in dwelling and/or building type.

E. Property Owners or Tenants Association:

Any proposed development containing property to be owned in common by the ultimate property owners or tenants will form a homeowners, property owners or tenants association. Covenants, conditions and restrictions (CC&R's), providing for the ownership and maintenance of such common areas, shall be approved by the Town Attorney prior to approval of the PAD zoning overlay and recorded with the final subdivision plat.

F. Maintenance of open space and common areas:

The home owners via the home owners association for the development is responsible for the maintenance and repairs of the open space and common areas. If the development does not have a home owners association the maintenance of the open space and common areas shall be the responsibility of the property owners. If the areas are not maintained the town shall have the right, but not the duty, to enter the property and maintain areas. The cost of the maintenance shall be the responsibility of the association or property owners and the town will be entitled to reimbursement of its costs from them.

1.9.4.4. PAD Procedures

A. Step 1: Conceptual Master Plan and Underlying Zoning District:

1. An application for PAD approval shall be made on forms provided by the planning department and the applicant shall provide all applicable information. Any concurrent application for rezoning of uses of the lots, shall be made in conformity with relevant provisions of the Unified Development Ordinance of the town and shall be, to the extent possible,



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heard concurrently with the PAD's application to the extent reasonably possible.

2. A conceptual master plan shall be submitted with the PAD and rezoning application including the following documents and information:

- a. A written legal description of the property or properties under application for approval.
- b. A survey map noting the property boundaries and legal description, topography, existing structures, adjacent streets (location, name and width) and significant natural features.
- c. A conceptual plan with notes specifying the intended land uses, types of structures and intensities; primary points of access and major interior street alignments; site perimeter setbacks and typical landscaping and screening treatments.
- d. The survey map and conceptual plan should be combined into one plan and may include other data as requested by the planning department to assure compliance with this article.
- e. A schedule for development of the specific, proposed use or uses for which rezoning is requested. The schedule for development shall include a construction schedule for various phases of the development if construction phases are anticipated.

3. The Planning Commission shall hold a public hearing to consider the proposed PAD application, including the conceptual master plan and any concurrent application for rezoning of the underlying use of a lot as expeditiously as possible after submission of all required documents, plans and fees. In addition to the notice requirements of this Subsection and 1.9.5, applications for a PAD overlay zone which include a request for onsite density transfer shall include in the notice for the public hearing that the applicant is requesting onsite density transfer, the density required by the underlying zoning district, the proposed deviation and the net density requested. Additionally, notice of an application for a PAD overlay zone transfer with a request for onsite density transfer shall be mailed at least fifteen (15) days before the hearing to all property owners within three hundred feet (300') of the site.

4. The Planning Commission may recommend approval or disapproval of the PAD application and master plan or approval subject to specific modifications or conditions. The Planning Commission shall only recommend approval when the Planning Commission finds that the proposed PAD development, with any specified modifications or conditions, satisfies the following findings:

- a. That the requested modifications to the requirements of the Unified Development Ordinance and the underlying zoning



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districts are consistent with the terms of this PAD ordinance and that a higher quality or more appropriate design can be achieved by not requiring strict adherence to the terms and regulations of the Unified Development Ordinance

- b. That strict adherence to the requirements of the Unified Development Ordinance is not required in order to insure the health, safety and welfare of the future occupants of the proposed development.
  - c. That strict adherence to the requirements of the Unified Development Ordinance is not required in order to insure that property values of adjacent properties will not be reduced.
  - d. That the proposed development is consistent with the goals, objectives and policies embodied in the general plan.
5. The Planning Commission may only recommend approval of the PAD application if it is satisfied and makes finding that the development with any modifications specified by the commission meets the requirements of Subsection 1.9.4., that strict compliance with the underlying zoning will not be required to avoid material impairment of adjacent properties.
  6. The Council may conditionally approve or disapprove any application for PAD overlay zoning. The Council may refer the application back to the Planning Commission. A conditional approval may include conditions deemed appropriate by the Council to insure that all required findings as stipulated in paragraph d. Of this Subsection are substantiated. Any approval shall be by ordinance and shall set forth:
    - a. Any schedule for development for the ordinance approving specific use or uses for which the rezoning is being requested;
    - b. Any modifications to the requirements of the underlying zoning district or districts, which may be approved;
    - c. A stipulation that the PAD zoning is conditionally approved subject to the approval of a final site plan within three years of the effective date of the ordinance.
  7. Upon the effective date of the ordinance, the zoning map shall be amended to designate the affected area with a PAD symbol or symbols on the subject property.
- B. Step 2: Final development or site plan: within three years of the effective date of the amendment to provide for PAD overlay zoning, the applicant shall file with the development services department the following documents:



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1. A final development or site plan incorporating a fully dimensioned plan locating all proposed infrastructures, including: streets, structures, parking areas, landscaped areas, walls, sidewalks and other elements of the development or the first phase of the proposed project. Proposed PAD projects may be phased in design and in development so long as those portions to be first developed result in a project that substantially comports with the requirements of this PAD ordinance.
  2. A landscape plan with schematic representation of the location of all plant materials, hardscape, walkways and screening walls; a plant materials schedule indicating plant name (Latin and common), number and sizes used in the plan and on center spacing.
  3. Typical building elevations for all residential units and specific building elevations for any commercial or recreational buildings.
  4. The final development or site plan shall be in substantial conformance with the conceptual master plan and all requirements and conditions adopted by the Council.
  5. The final development or site plan may be submitted separately for each phase of development or as a whole; each submittal shall require a separate public hearing and approval by the Planning Commission and Council prior to the vesting of the zoning or issuance of building permits. When the final development or site plan is submitted in phases, the first phase shall be submitted as indicated above and each subsequent phase within three years of approval of the previous phase.
  6. Where the Planned Area Development overlay district is used to impose special provisions regarding the design and development of a subdivision, the preliminary subdivision plat as described in the town subdivision regulations may constitute the applicant's conceptual master plan. The final subdivision plat as described in said ordinance shall constitute the final site plan, provided, however, that the plat and any additional documentation submitted with such plat shall include all of the elements and data provided for in paragraphs [1-4] of this Subsection.
- C. Changes to the conceptual master plan or final development or site plan/PAD amendment:
1. A request for a PAD amendment shall be reviewed by all affected town staff and agencies. After review, the Zoning Administrator (ZA) will determine if the amendment can be approved administratively. Only minor amendments are allowed to be made administratively and no amendments are allowed which conflict with the requirements of this ordinance or condition placed upon the PAD overlay approval. The following are examples of pad amendments that can be approved administratively:
    - a. Rearrangement of parcels;



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- b. Rearrangement of circulation; and
  - c. Rearrangement of open space.
  - d. Increases in open space.
  - e. Decreases in open space not to exceed [10%] but not decreasing the space below that required by this ordinance or any specific conditions or stipulations imposed by the Council.
  - f. Alterations in landscaping.
  - g. Alterations in amenities in active open space which do not materially impair the use of such space.
2. If the Zoning Administrator determines that the requested amendment exceeds what can be approved administratively, the request shall be reviewed by the Commission and, thereafter by the Town Council.
- D. Method of Withdrawal
1. Any application for a PAD can be withdrawn by the applicant in writing at any time prior to approval by the Town Council.
  2. Refund policy: within fourteen (14) days of the submittal the applicant may receive a maximum of 75% refund. After fourteen (14) days the application fee is non-refundable.
- E. Termination of a PAD Classification
- Within three years of the effective date of the PAD classification the final development plan shall be submitted to the planning commission and Council for approval. When the submittal is phased, each subsequent phase shall be submitted within three (3) years of approval of the previous phase.

The Council may grant one extension of time not exceeding two (2) years for any phase of the development.

If the final development plan or a phase thereof is not submitted within the above mentioned time frames, the Council, pursuant to Arizona Revised Statutes § 9-462.01(e), after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to determine whether there is a good cause, including benefit to the town, from extending compliance for an additional two (2) years, and if there is not, to cause the property to revert to its former non-PAD overlay zoning

#### 1.9.5 Citizen Review Process

Prior to any public hearing, as required under this Ordinance, on any application for any Ordinance that changes any property from one zoning district to another, a use or conditional use permit application that imposes any regulation not previously imposed, or that removes or modifies any such regulation previously imposed, the Zoning Ad-



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administrator, or his/her designee, shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be mailed to all landowners of property within three hundred (300) feet of the property that is subject to a rezone, use or conditional use permit application and to such other persons as the Zoning Administrator, or his/her designee, reasonably determines to be other potentially affected citizens. In determining the number of potentially affected citizens, the Zoning Administrator, or his/her designee, shall review the density and intensity of residential development in the general vicinity, the existing street system, and other factors that may be related to the zoning or Use Permit's impact on the character of the neighborhood.

The written notice shall also include a general explanation of the substance of the proposed rezoning, Use Permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning or Use Permit application before any required public hearing.

The written notice shall be given at least fifteen (15) days before the neighborhood meeting in the following manner:

The notice shall be published once in a newspaper of general circulation published or circulated in the Town.

The notice shall be posted upon the sign required in this Ordinance, unless waived by the Zoning Administrator or his/her designee.

The notice shall be mailed in accordance with the same procedures as required in, and delivered in accordance with the provisions of the Ordinance.

The Zoning Administrator, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or change of zoning and Use Permit proposed by the application. The Zoning Administrator, or his/her designee, shall attend the meeting, but is not required to conduct the meeting. The Zoning Administrator, or his/her designee, shall report the results of the neighborhood meeting to the Commission and Town Council at such time as they take action on the application.

At the discretion of the Zoning Administrator, or his/her designee, an alternative citizen review process may be used that does not involve a neighborhood meeting. The alternative process shall consist, at a minimum, of the following:



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Written notice as described above, except that the notice shall only indicate the name, address and phone number of the member of the planning staff to whom adjacent landowners within three hundred (300) feet or other potentially affected citizen, may contact to express any issues or concerns that the landowner or citizen may have with the proposed rezoning.

A staff report summarizing any issues or concerns expressed by adjacent landowners shall be presented to the Commission and Mayor and Council at such time as they take action on the application.

## **1.10 Violations**

### **1.10.1 General**

The Zoning Administrator/Designee is authorized and directed to enforce all of the provisions of this Ordinance as set forth in this Ordinance.

### **1.10.2 Civil Infractions**

A violation of this Ordinance shall be charged, filed and prosecuted as a civil infraction.

### **1.10.3 Habitual Offender**

Any person who commits a violation of this Ordinance after previously having been found responsible for committing two (2) or more civil infractions of this Ordinance within any thirty-six (36) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a criminal misdemeanor punishable as set forth in this Ordinance. The Town Prosecutor is authorized to file a criminal misdemeanor complaint in the Chino Valley Municipal Court against such habitual offenders who violate this Ordinance. For purposes of calculating the thirty-six (36) month period under this paragraph, the dates of the commission of the offenses are the determining factor.

### **1.10.4 Voluntary Compliance**

Nothing in this Ordinance shall preclude the Zoning Administrator/Designee from seeking voluntary compliance with the provisions of this Ordinance, or from enforcing this Ordinance proactively or reactively, through warnings, notices to comply, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances.



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#### 1.10.5 Right of Entry

The Zoning Administrator/Designee may enter in and upon any premises within the Town at all reasonable times to inspect premises or to perform any duty imposed upon the Zoning Administrator/Designee regarding the enforcement of this Ordinance, provided that if such premises be occupied or enclosed in such a manner that there is an expectation of privacy within such enclosure, he or she shall first present proper credentials and request entry. If entry is denied or cannot be obtained, the Zoning Administrator/Designee shall not enter in or upon such premises without the proper execution of an inspection warrant issued by a court of competent jurisdiction pursuant to A.R.S. §13-3912.

#### 1.10.6 Civil Infraction

Any Responsible Person who violates any provision of this Ordinance is guilty of a civil infraction punishable as set forth in this Ordinance, unless such violation causes such person to meet the definition of a "Habitual Offender" set forth in this Ordinance, in which case the person shall be guilty of a criminal misdemeanor punishable as set forth in this Ordinance. Any continuing violation of this Ordinance may be abated by the Town as set forth in this Ordinance. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the Town for abatement.



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## **1.11 Enforcement and Penalty (Amended with Ord. 07-683/Res. 07-827).**

### **1.11.1 Purpose**

The purposes of this Section are to create a procedure for Ordinance enforcement, including specialized civil citations, and to provide a timely, efficient means to address Ordinance violations.

### **1.11.2 Applicability**

This Chapter provide for consent orders and civil citations, which are in addition to all other legal remedies that may be pursued by the Town of Chino Valley to address violations of this Ordinance. The use of this Chapter neither limits nor precludes the Town of Chino Valley from pursuing any other type of enforcement allowed by law.

### **1.11.3 Enforcement Officers**

The Town Manager or Zoning Administrator shall designate those Town employees who may issue civil citations under this Chapter.

### **1.11.4 Civil Citations, Rules, Contents and Records.**

- A. Procedure: Except as otherwise specifically provided herein, the Rules of Procedure in Civil Traffic Cases shall apply to civil citations, subject to violations hereunder being titled as Civil UDO violations, including said title being deemed substituted where appropriate in said rules and forms.
- B. The civil citation shall include the following to the extent applicable:
  - 1. State the date of the violation or, if the date of the violation is unknown, then the date the violation is identified;
  - 2. State the address or a definite description of where the violation occurred;
  - 3. Notify the Defendant with a written description or Ordinance designation of the violation;
  - 4. State the action required to correct the violation, if applicable;
  - 5. Show the name and signature of the enforcement office;
  - 6. List the phone number of the Chino Valley Municipal Court to contact



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- for questions concerning the hearing process;
  7. Direct the Defendant to correct the violation to the satisfaction of the Zoning Administrator/Designee and/or to appear in Chino Valley Municipal Court, at the time and date specified in the citation;
  8. Notify the Defendant that if the Defendant fails to correct the violation to the satisfaction of the Zoning Administrator/Designee or appear on the date specified in the citation, the Municipal Court shall issue a written decision of default against the Defendant, enforce prior orders and sanctions against Defendants and/or impose a civil penalty as set forth in this Ordinance;
  9. The Defendant shall provide all information as required in accordance to the Office of Court Administrator's policies and procedures.
  10. If applicable and available, the signature of the cited Defendant reflecting that party's receipt of a copy of the citation.
- C. Record of Citations: All citations shall bear sequential "serial number and/or codes" (including letters as a citation issuing department may determine to include) to provide for tracking the citation. The issuing department shall maintain a record of civil citations issued for a period of not to exceed 3 years unless a longer period is required by law.

#### 1.11.5 Civil Citations – Service

The Zoning Administrator/Designee issuing the citation may serve it on the Defendant hand delivering the civil citation to the person accused of violating this Ordinance. The citation may also be served in the same manner as the summons in a civil action by any means allowed by the Arizona Rules of Civil Procedure. In addition a citation may be served by certified or registered mail, return receipt requested.

The citation is deemed served on the date it is hand delivered or, if mailed, on the date it is deposited in the United States mail.

Failure to receive any notice specified in this Ordinance does not affect the validity of the proceedings conducted under this Ordinance.

#### 1.11.6 Civil Citations: Disposition Without Hearing

If the Defendant corrects the violation to the satisfaction of the Zoning Administrator/Designee on or before the court appearance date, no hearing shall be held. If the Defendant fails to correct the violation to the satisfaction of the Zoning Administrator/Designee on or before the court appearance date, and fails to appear in Municipal Court on the date and time set, the Defendant has failed to exhaust administrative



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remedies. The Municipal Court may issue a written decision of default against the Defendant (thus, finding the person responsible), impose a civil penalty as set forth in this Ordinance and may include, if applicable, an order of abatement pursuant to Section 1.11.10. The Municipal Court shall mail a copy of the default decision and notice of the right to set aside the default decision to the Defendant. If a bond or civil penalty for non-appearance and admission of responsibility has been provided in the citation, the civil penalty will be that amount.

#### 1.11.7 Civil Citations: Hearings

A Municipal Court judge or hearing officer shall hear and dispose of civil violations, and make such orders as may be necessary and proper to dispose of such cases. Cases shall be heard without a jury.

The Municipal Court may not grant variances nor modify the provisions of this Ordinance, the Town Code, or the Unified Development Ordinance.

The Municipal Court may continue the date set for the hearing and may continue any hearing, for cause.

If the Defendant appears before the Municipal Court and admits the allegations, the Municipal Court shall issue a decision, finding against the Defendant, may impose a civil penalty and may issue an abatement order.

If the Defendant appears and denies the allegation, the Municipal Court shall set the matter for hearing as soon as possible as the interests of justice will allow, but not more than thirty (30) days from said appearance and denial.

The Arizona Rules of Procedure in Civil Traffic Violation Cases shall be followed by the Municipal Court for civil citations issued pursuant to this Ordinance except where inconsistent with the provisions of this Ordinance or as modified or established for use by the Chino Valley Municipal Court or the Arizona Supreme Court.

The Zoning Administrator/Designee who issued the citation may appear in Municipal Court and be the Town's representative. No person may be examined except by the Court, an attorney for a party, or the Defendant.

#### 1.11.8 Municipal Court Decision

The Municipal Court shall find the Defendant responsible, not responsible or may dismiss the civil citation. If the Defendant is found responsible, the order shall include:

- A. The amount of any civil penalty imposed;



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- B. The date by when the Defendant shall correct the violation (if applicable), which date shall not be less than thirty (30) days after the order and, the Court, in its discretion, may reduce/suspend all or part of the civil penalty upon timely proof of correction of the violation, which shall include an inspection letter/report from a person responsible for Code enforcement for the Town;
  - C. Notice that if the Defendant does not pay the civil penalty or correct the violation within the time ordered, the Town may take any lawful action to collect the civil penalty, including representatives for the Town taking action to impose a lien on the Defendant's land; and
  - D. Notice that if the Defendant fails to correct the violation within the time period ordered by the Court, the Defendant may be cited for the same violation again after the corrective period has expired.

A party aggrieved by the Municipal Court's decision with regards to any civil penalty may appeal to Superior Court pursuant to A.R.S. 12-124. An appeal shall be taken within time set forth in the Rules of Procedure for Civil Traffic Cases.

#### 1.11.9 Collection of Civil Penalties

Civil penalties may be collected in any manner provided by law and, if determined appropriate by the Municipal Court, to include the manner applicable to civil citations.

#### 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. § 9-499.

- A. Court Ordered and Administrative Abatement Authorized. Abatement as defined in this Section may proceed via order of the Municipal Court or determination of the Town's enforcement designee as below defined.
- B. Judicial Abatement. If a properly filed and noticed pleading alleges that an order of abatement is sought; provides with reasonable specificity the hazard to be abated; and provides the estimated cost of removal/abatement of the hazard then, if the Municipal Court determines by an entry of an order that rubbish, trash, weeds or other accumulation of filth, debris or dilapidated structures on a property constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys, the owner, lessee or occupant of the same shall be required to remove or abate the hazard such that it is no longer a hazard. Such an order entered by the court shall include an applicable determination and provide notice as set forth in Section D.1 below and instruct regarding the defendant's appeal rights under Section D.2.a. below. In event a Defendant fails to appear, then, among other relief as may be



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provided in this code, the Court shall order the abatement as sought in the above referenced pleading.

C. Administrative Abatement. If the Zoning Administrator, Town Manager or Enforcement Officer determines that rubbish, trash, weeds or other accumulation of filth, debris or dilapidated structures on a property constitute a hazard to public health and safety from buildings, grounds, lots, contiguous sidewalks, streets and alleys, the owner, lessee or occupant of the same shall be required to remove or abate the hazard such that it is no longer a hazard upon notice as provided in Section D.1. below.

D. Notice Assessment and Appeal.

1. The Municipal Court via its order or the Town via its administrative employees shall provide written notice to the owner, the owner's authorized agent or the owner's statutory agent and to the occupant or lessee. The notice shall describe the hazard to be abated. The notice shall be served either by personal service or by certified mail. If notice is served by certified mail, the notice shall be mailed to the last known address of the owner, the owner's authorized agent or the owner's statutory agent and to the address to which the tax bill for the property was last mailed. The notice shall be given not less than thirty days before the day set for compliance and shall include the legal description of the property and the estimate cost of such removal if performed by the Town if the owner, occupant or lessee does not comply. The owner shall have until the later of thirty days from the date notice is given or such longer period is specified in the notice in which to comply. The Town may record the notice in the Yavapai County Recorders Office. If the notice is recorded and compliance with the notice is subsequently satisfied, the Town shall record a release of the notice.

2. Any person aggrieved by the notice may appeal either or both the notice and the assessment as follows:

a. If the notice was via or pursuant to determination and order of the Municipal Court, the appeal shall be the Superior Court of Yavapai County, Arizona and shall be made pursuant to the Rules of Civil Traffic Procedure, by filing a notice of appeal with the Municipal Court within 14 calendar days of the courts entry of an appealable order or final judgment pursuant to the Rules of Civil Traffic Procedures.

b. If the notice was issued administratively, any person aggrieved by the notice may appeal to the Town Council, except that where the Council has delegated the duty of hearing such appeals to an existing board or a new board appointed by the Council, such appeal will be made to such board. The appeal shall be made by filing a notice of appeal with the Town Clerk within 15 calendar days from the date notice was given by the Town, which notice of appeal shall identify the notice being appealed, the name and mail-



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ing address of the appealing party and the interest of the appealing party in the property. The Town Clerk shall provide written notice to the appealing party of the date and time of the hearing before the Town Council or a board appointed by the Council which is delegated by the authority to hear the appeal at least 10 calendar days prior to the date of the hearing by certified mail to the address the appealing party provides in the notice of appeal and if no address is provided, to the address applicable for the giving of notice under the preceding paragraph.

- E. Any person, firm or corporation that places any rubbish, trash, filth or debris upon any private or public property not owned or under the control of that person, firm or corporation is guilty of a civil violation of this Ordinance as referenced in Section 1.10.2 and, in addition to any fine or penalty which may be imposed for a violation of any provision of this Section, is liable for all costs which may be assessed pursuant to this Section for removing, abating or enjoining the weeds, rubbish, trash, filth, debris or dilapidated structures.
- F. If any person with an interest in the property, including an owner, lienholder, lessee or occupant, after notice as required by this Section 1.11.10 does not remove such rubbish, trash, weeds, filth, debris or dilapidated structures and abate the condition which constitutes a hazard to public health and safety, the Town may remove, abate, enjoin or cause their removal. The Town may utilize Town employees, contractors or other parties allowed by law to remove or abate the trash, weeds, rubbish, filth, debris or dilapidated structures and the costs will be those incurred by the Town for payment of contractors or third parties or the actual costs to the Town for utilizing Town employees, plus the additional actual costs of inspection and incidental costs, including if the Town determines to record an assessment as provided below, the costs of preparing and recording an assessment.
- G. If the Town determines to assess property for the cost of removal, abatement or injunction of such rubbish, trash, weeds, filth, debris or dilapidated structures from any lot or tract of land, and associated legal costs for abatement or injunctions, then the costs shall be assessed on the property from which the rubbish, trash, weeds, filth or dilapidated structures are removed, abated or enjoined. The Town may record the assessment in the Yavapai County Recorder's Office, including the date and amount of the assessment, the legal description of the property and the name of the Town. Any assessment recorded after July 15, 1996 is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy an assessment obtained under the provisions of this Section shall be made upon judgment of foreclosure and order of sale. The Town shall have the right to bring an action to enforce the assessment in the Superior Court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the assessment by such action shall not affect its



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validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings prior to the recording of the assessment.

- H. Assessments imposed against the property are subject to the terms of A.R.S. § 9-499.E.
- I. For purpose of this Section:
  - 1. “Property” includes buildings, grounds, lots and tracts of land.
  - 2. “Structures” includes buildings, improvements and other structures that are constructed or placed on land.

#### 1.11.11 Civil Penalties

Any person who violates any Section of this Ordinance is subject to a civil sanction or penalty and shall be punished by imposition of a civil sanction not to exceed a base of five hundred dollars (\$500.00) plus all applicable surcharges and fees, unless another penalty is specified.

Each day a violation continues shall constitute a separate offense.

Any person who commits a violation of any Section of this Ordinance generally punishable as a civil infraction, having previously been found responsible for committing two (2) or more civil infractions of this Ordinance within any thirty-six (36) month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a class 1 misdemeanor punishable as set forth in Arizona Revised Statutes §13-707, §13-802, §13-902.

A bond schedule/civil penalty schedule may be recommended from time to time by the Zoning Administrator and may be adopted by the Town Council in such amounts and form as it determines.

#### 1.12 Severability

If any part of the “The Unified Development Ordinance of the Town” is found to be invalid or unconstitutional by any Court, such action shall not apply to the Ordinance as a whole, but to that specific part, and it is intended and declared that all parts of the “Unified Development Ordinance of the Town” not expressly declared to be invalid or unconstitutional shall continue in full force and effect notwithstanding so much thereof as may be declared to be invalid or unconstitutional.



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## 2. Definitions

### 2.1 Meanings of Words and Terms

For this Ordinance, certain terms and words are herein defined.

Present tense shall include future tense; singular number shall include plural, and plural shall include singular; "shall" is mandatory and "may" is permissive; "persons" include individuals, partnerships, corporations, clubs or associations; reference to one gender shall include the other.

The following terms may be used interchangeably; lot, parcel, plot, or premises; used, arranged, occupied or maintained; building or structure; sold or dispensed; zone or district.

"Town" shall mean the Town of Chino Valley including the departments and employees of the Town authorized to enforce the regulations set forth in this Ordinance; "Board" shall mean the Board of Adjustment;

"Commission" shall mean the Planning and Zoning Commission; "Council" shall mean the Town Council; Committee shall mean the Site Plan Review Committee.

Defined words appear in bold throughout the text.

**ABUTTING** (See also adjacent/adjoining). The condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only a corner of corners.

**ACCESS**. The place, means, or way by which pedestrians and standard passenger vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by the Ordinance.

**ACCESS DRIVE**. Any vehicular access—by easement, deed, public dedication less than fifty (50) feet in width, or any means other than right-of-way or public street to one or more parcels or lots of land—which exists at the date of the adoption of this Ordinance.

**ACCESS, DIRECT**. A deeded right-of-way providing ingress and egress to a dedicated public street.

**ACCESS STREET OR SERVICE ROAD**: This definition is the same as that for frontage street (Amended with Ord. 07-683/ Res. 07-827).

**ACRE**. An area of land containing 43,560 square feet.



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ADJACENT, ADJOINING. Directly abutting or in the absence of public right-of-way would be directly abutting.

AGRICULTURE. The tilling of the soil, raising of crops, horticulture, viticulture, silviculture; including uses customarily incidental thereto including the raising of animals.

AGRICULTURE BUSINESS. Any business use allowed within the Town limits of Chino Valley, providing the operation of such use has a Chino Valley business license, and/or proof of filing IRS Form "F."

AIRPORT. Any area which is used or is intended to be used primarily for the taking off and landing of aircraft, and any appurtenant areas which are used or intended to be used for airport buildings or facilities including open spaces, taxiways and tie-down areas, hangars, transition and clear zones, and other accessory buildings.

ALLEY. A right-of-way dedicated to public use affording a secondary means of access to abutting property and intended for general traffic circulation.

AMENDMENT. A change in the wording, context, or substance of this Ordinance, or an addition or deletion or a change in the zone district boundaries or classification of the zoning map.

ANIMAL HOSPITAL shall mean a place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use of the facility for Boarding shall be a permitted accessory use and limited to indoor care only. Animal hospital shall mean the same as veterinary clinic.

ANIMATED, SIGN. Any sign or part of a sign which changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.

APPEAL. An action, which permits anyone to arrange for a hearing from other than the individual or group from whose decision the appellant, seeks redress.

ARENA, PRIVATE. An indoor or outdoor facility for activities relating to livestock including, but not limited to, equestrian, cattle etc. for the sole use of the property owner and guests.

ARENA, PUBLIC. An indoor or outdoor facility, whether operated as a for profit or non-profit, for activities relating to livestock including, but not limited to, equestrian, cattle etc. and for the general use and/or attendance by the public.



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**ARTERIAL STREET.** Means a street with the principal function to serve as a part of a major network for the through traffic flow separate from local traffic, to and from areas of principal traffic generation, of adequate design, capacity and construction to provide for the safe and rapid distribution and collection of through traffic and to provide limited ingress and egress to and from collector and local streets. See Section 4.28 for a list of Arterial Streets (Amended with Ord. 08-707/ Res. 08-886).

**ASSISTANT ZONING ADMINISTRATOR.** The Zoning Administrator may appoint an Assistant Zoning Administrator with the approval of Town Council. The Assistant Zoning Administrator shall have the same duties and powers of the Zoning Administrator (Amended with Ord. 10-729/ Res.10-933).

**AUTOMOBILE REPAIR.** All aspects of the repair of motor vehicles including, but not limited to, lubrication, tune-up and preventive.

**AUTOMOBILE SALES, NEW.** A franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles.

**AUTOMOBILE SALES, USED.** An agency selling used motor vehicles not in conjunction with and on the same site as a new motor vehicle franchise and providing services commonly associated with motor vehicle sales.

**AWNING, CANOPY OR MARQUEE, SIGN.** A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by this Ordinance. A marquee is defined as a canopy constructed of rigid materials which projects over an entrance to a building.

**BANNER, SIGN.** A temporary sign of fabric, plastic, paper, or other light pliable material not enclosed in a rigid frame.

**BAR.** An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

**BILLBOARD.** Same as Off-site sign.

**BLOCK.** An area of land that is entirely bound on all sides by streets or the exterior boundaries of a subdivision.

**BOARD OF ADJUSTMENT.** The Town's Board of Adjustment.

**BUILDING, ACCESSORY.** A building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure, or use on the same lot or parcel. The accessory building shall not be permitted prior to the is-



suance of a building permit for the primary residences or commercial building (Amended with Ord. 10-729/ Res. 10-933).

**BUILDING PERMIT.** A permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the Town.

**BUILDING SETBACK.** The minimum distance as prescribed by this Ordinance between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto. (see Yard, Required Front, Required Side and Required Rear)

**BUILDING, ACCESSORY.** A building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure, or use on the same lot or parcel.

**BUILDING, ATTACHED.** A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

**BUILDING, DETACHED.** A building, which is separated from another building or buildings on the same lot.

**BUILDING HEIGHT.** The vertical distance measured from the average grade level to the highest level of the roof surface of flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridges for gable, gambrel, shed or hip roofs. In the event that terrain problems prevent an accurate determination of height, the Zoning Administrator shall rule as to height and appeal from that decision shall be to the Board of Adjustment.



**BUILDING, PRIMARY.** A building or buildings in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the primary building of the lot on which the same is situated.

**BUILDING.** A structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind. This shall not include doghouses, play houses, or similar structures.

**BUSINESS SIGN.** A sign which directs attention to a business or profession conducted on-site or to a commodity or service sold, offered or Manufactured on-site, or to an entertainment offered on-site.



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**CABINET SIGN.** A three-dimensional structure which includes a frame, borders and sign panel face and which may include internal lighting.

**CAMPGROUND.** Any lot, parcel, or tract of land used, designed, maintained, and intended for rent of plots or sites to accommodate temporary camping by the traveling public whether or not a charge is made for the use of the park and its facilities.

**CEMETERY.** Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbaria, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

**CHURCH OR PLACE OF WORSHIP.** Institutions that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**CLINIC.** A place for the provision of health services, not involving overnight housing of patients.

**COLLECTOR STREET.** Means a street, which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development. See Section 4.28 for a list of Collector Streets (Amended with Ord. 08-707/ Res. 08-886).

**COMMERCIAL.** Any activity, which is conducted primarily for compensation or profit.

**COMMERCIAL, GREENHOUSE.** A greenhouse enterprise is a commercial enterprise that grows plants or parts of plants by the application of water to plants that reside within movable containers, raised or lined beds that are disconnected from the lands beneath them and are not defined as irrigated lands as defined in Arizona Revised Statutes. A commercial greenhouse is considered a water intensive enterprise and requires a legally perfected water right that is supported by the Arizona Department of Water Resources (Amended with Ord. 09-424/ Res. 09-921).

**COMMISSION OR PLANNING AND ZONING COMMISSION.** Means the Planning and Zoning Commission of the Town.

**CONCEPTUAL LAND USE PLAN.** A generalized/conceptual plan often referred to as a bubble plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land uses, land-use intensities, and thoroughfare alignment.

**CONSTRUCTION OR DEVELOPMENT SIGN.** A temporary sign, limited to the period of construction, erected on a premises of an existing construction project, and de-



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signating the architect, contractor, designer, engineer, financier, or name and nature of the project.

CONTIGUOUS. In actual contact.

CONVALESCENT HOME. (see Nursing home)

COUNCIL. Chino Valley Town Council.

COUNTY. Yavapai County.

COUNTY HEALTH DEPARTMENT. Shall be construed to mean the department, Board or agency furnishing health services within the incorporated area of the Town.

COVENANTS. A privately prepared recorded document designed to govern the use of parcels within subdivisions.

CUL-DE-SAC. A street having a traffic outlet on one end only and having at the other end facilities for the turning around of vehicular traffic.

DAY CARE. (See School, Nursery)

DEAD END STREET. Means a street having a traffic outlet on one end only.

DEDICATION. A process whereby private land is transferred for public use.

DENSITY TRANSFER, ONSITE. A portion of the density for areas having natural resource lands that remain undeveloped may be transferred to other areas of the development site if clustering concepts are used and the project retains acceptable open space (Amended with Ord. 10-729/ Res.10-933).

DESIGN, SUBDIVISION. Street alignment, grades and widths, alignment and widths of easements and right-of-way for drainage and sanitary sewers and the arrangement and orientation of lots.

DEVELOPMENT MASTER PLAN (DMP). A land-use plan focused on one or more sites within an area that identifies site access and general improvements and is intended to guide a specific development over a number of years, and/or in several phases.

DEVELOPMENT SERVICES DEPARTMENT. The Development Services Department and Planning Department of the Town are synonymous and all such terms shall mean the Development Services Department.



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**DIRECTIONAL SIGN.** A sign containing information for the purpose of directing traffic or pedestrian travel and placed on the property to which or on which the public is directed. No more than twenty-five percent (25%) of the area of a directional sign may be devoted to the display of a business logo or identification on such signs.

**DIRECTORY SIGN.** A sign listing the names, uses, and/or locations of the various businesses or activities conducted within a building or group of buildings, but not for the purpose of advertising products, goods, or services.

**DOUBLE FRONTAGE LOT** means a lot having street frontage on both the front and rear property lines.

**DRIVE-IN THEATER.** An open-air theater where the performance is viewed by all, or part of the audience from a motor vehicles.

**DUPLEX.** A building designed exclusively for occupancy by or occupied by two (2) families living independently of each other.

**DWELLING UNIT.** A room or group of rooms within a dwelling containing one (1) cooking accommodation occupied exclusively by one or more persons living as a single non-profit family housekeeping unit.

**DWELLING, MULTIPLE-FAMILY.** A building designed exclusively for occupancy by or occupied by three (3) or more families living independently of each other.

**DWELLING, SINGLE-FAMILY.** A building designed exclusively for occupancy by or occupied by one (1) family for residential purposes.

**EASEMENT.** A space on a lot or parcel of land reserved or used for location and/or access to utilities, drainage or other physical access purposes.

**EGRESS.** The movement of traffic from abutting properties to streets and the movement from residential streets to collector streets or arterial streets.

**ERECT.** The word “erect” includes built, built upon, added to, altered, constructed, reconstructed, moved upon, or any physical operations on the land required for a building.

**FAMILY.** An individual, or two or more persons related by blood or marriage, or a group of persons not related by blood or marriage living together as single

**FARMING.** (See Agriculture)



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**FEED LOT.** A structure or parcel of land in which livestock, including cattle, horses, goats, swine, sheep, fowl, or any other animals kept for the purpose of feeding or fattening for subsequent sale at market.

**FENCE.** Any device built to enclose a parcel of land, to separate two parcels of land, or to separate a parcel of land into different areas.

**FIGURATIVE SIGN.** A sign that advertises the occupant business through the use of graphic or crafted symbols, such as shoes, keys, glasses, books, etc. Figurative signs may be incorporated into any of the allowable sign types identified in this Ordinance.

**FINAL PLAT.** A map of all or part of a subdivision essentially conforming to an approved preliminary plat, prepared in accordance with the provisions of these regulations.

**FIXED BALLOON.** One or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or Manufactured, or to any entertainment.

**FLOOR AREA, NET USEABLE.** That portion of a building or structure directly used for the purpose of the building. Useable floor area does not include; halls, kitchens, bathrooms, etc.

**FREESTANDING MONUMENT SIGN.** An identification sign on its own self-supporting permanent structure, detached from supportive elements of a building, on a base that has an aggregate width of at least fifty percent (50%) of the width of the sign and with supports that complement the materials and colors used in the architecture on-site. Street address numerals shall be provided on any freestanding monument sign located along the street to which the address numbering applies, in a contrasting color and/or material from the color and material used for the background for the numerals on the sign.

**FRONTAGE STREET.** A street which is nearby and parallel to a major arterial or collector street and provides a means of direct ingress and egress to abutting property and protection from through traffic on such major arterial or collector street (Amended with Ord. 07-683/ Res. 07-827).

**FUTURE RIGHT-OF-WAY.** The right-of-way-needed for the establishment of a planned roadway as designated by Ordinance No. 08-707, specifically in Subsection 4.28 of the UDO (Amended with Ord. 10-729/ Res.10-933).

**GARAGE, PRIVATE.** A building, or portion thereof, used for the shelter or storage of self-propelled vehicles, and owned and operated by the occupants of a main building wherein there is no service or storage for compensation.



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**GARAGE, PUBLIC.** Any building, except one herein defined as a private garage, used for the storage, care, or repair of self-propelled vehicles or where any such vehicles are equipped for operation or kept for hire.

**GENERAL PLAN.** A statement of land development policies, which may include maps, charts, graphs and texts which set forth the objectives, principles and standards for growth and redevelopment of the Town enacted by the Council pursuant to the provisions of Title 9, Article 6, Arizona Revised Statutes.

**GREENHOUSE.** A greenhouse structure, in which temperature and humidity can be controlled for the cultivation or protection of plants (Amended with Ord. 11-738/Res. 11-942).

**GREENHOUSE, COMMERCIAL.** A greenhouse enterprise is a commercial enterprise that grows plants or parts of plants by the application of water to plants that reside within movable containers, raised or lined beds that are disconnected from the lands beneath them and are not defined as irrigated lands as defined in Arizona Revised Statutes. A commercial greenhouse is considered a water intensive enterprise and requires a legally perfected water right that is supported by the Arizona Department of Water Resources (Amended with Ord. 09-424/ Res. 09-921).

**GROUP HOME.** A residential facility for six or more unrelated persons providing living facilities, sleeping rooms, and meals, and which shall have a permit issued by the Yavapai County Health Department as a Boarding home.

**GUESTHOUSE.** Living or sleeping quarters for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. Such quarters shall not be rented and/or otherwise listed for income purposes.

**HOME OCCUPATION.** An occupation, profession, activity, or use which is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**HOSPITAL.** A facility for the reception, care and medical treatment for the sick or injured.

**HOTEL.** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

**HOUSEHOLD PET.** The keeping of "pets" such as dogs and cats are allowed in all zoning districts. This provision also allows for the keeping of indoor birds (such as parrots, parakeets and canaries), fish and other pets which will at all times be kept within a fully enclosed dwelling or accessory building provided there are no odors, noise, in-



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sects, or other nuisances caused by the keeping of such animals which would affect the health and welfare of the occupants of surrounding properties (Amended with Ord. 08-707/ Res. 08-886).

**INTERSECTION.** Means the point of crossing or meeting of two or more streets.

**ILLUMINATED SIGN.** A sign with the surface artificially lighted, either internally or externally.

**IMPROVEMENTS.** Required installations, pursuant to these regulations, including but not limited to, sewer and water facilities, including fire hydrants and manholes, streets, grading, base, paving, curbs, gutters, sidewalks, street name signs, street lights and street trees, bridges, courts, public utilities, drainage, storm water system, survey monuments and markers, lot grading, easements, and traffic control devices, as a condition to approvals under Section 1.9 and Section 5.

**INDUSTRIAL.** The production and/or manufacture of goods.

**INGRESS.** The movement of traffic from streets to abutting properties and the movement from arterial streets or collector streets to residential streets.

**KENNEL, INDOOR.** A facility for the commercial boarding, breeding and training of dogs and/or cats in which all animals are confined indoors.

**KENNEL, INDOOR/OUTDOOR.** A facility for the commercial boarding, breeding, and training of dogs and/or cats in which all animals are confined indoors with the exception of the use of daytime exercise runs.

**KENNEL, OUTDOOR.** A facility for the commercial boarding, breeding and training of dogs and/or cats in which the animals may be worked or housed in outdoor runs.

**LAND SPLIT.** The division of improved or unimproved land whose area is 2½ acres or less, whether immediate or future, into two or three tracts of parcels of land for the purpose of sale or lease (Amended with Ord. 07-683/ Res. 07-827).

**LIGHT MANUFACTURING.** Fabrication and assembly of finished products, or sub-assemblies thereof, so long as the primary use of the property is not the basic processing or compounding of raw materials or food products.

**LIGHTING, CLASS I.** All outdoor lighting used for but not limited to outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important.



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**LIGHTING, CLASS II.** All outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination of the grounds is the primary concern.

**LIGHTING, CLASS III.** Any outdoor lighting used for decorative effects, including but not limited to architectural illumination, flag monument lighting, and illumination of trees, bushes, etc.

**LIGHTING, MULTI-CLASS.** Any outdoor lighting used for more than one purpose, such as security and decoration, when those purposes fall under the definitions for two or more lighting classes as defined for Class I, II & III Lighting above.

**LOCAL STREET.** Means a street, with or without parking facilities used primarily for direct access to and from residential, commercial and industrial areas having major service functions of loading and unloading, and direct access to and from abutting a property, controlled in such a manner as to discourage through traffic and to maintain relatively slow speed (Amended with Ord. 08-707/ Res. 08-886).

**LOT.** A piece or parcel of land legally created, whether by subdivision plat, land split or otherwise, as permitted by law to be used or occupied by one or more structures or uses, including therewith, open spaces, access, area, shape and frontage as required by this Code (Amended with Ord. 07-683/ Res. 07-827).

**LOT AREA.** The horizontal area within the lot lines of a lot.

**LOT COVERAGE.** That portion of a lot or building site, which is occupied by any building or structure, excepting paved areas, walks, and swimming pools.

**LOT DEPTH.** The horizontal length of a straight line connecting the front and rear lot lines along the greatest length.

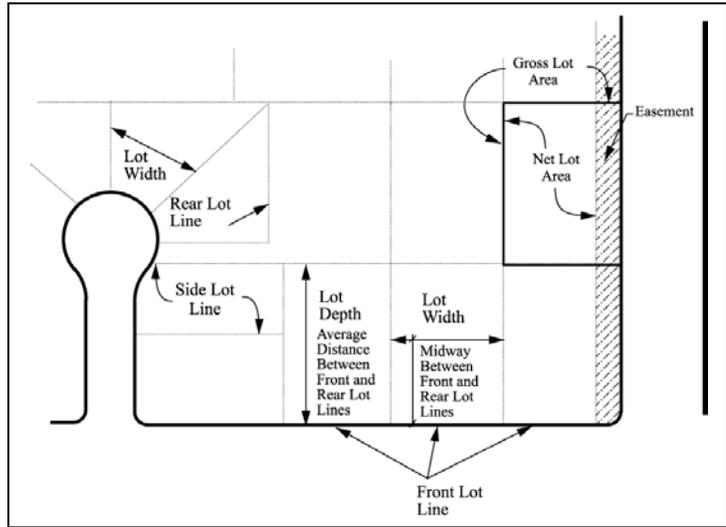
**LOT, FLAG.** A lot as defined and depicted in this Code and created in a land split (Amended with Ord. 07-683/ Res. 07-827).

**LOT FRONTAGE.** The length at the front line of a lot which borders upon a street or public way measured at the wider of said front lot line in accordance with the definition of average lot width but which shall not be less than 25 feet at the front lot line/border with said street or public way (Amended with Ord. 07-683/ Res. 07-827).



**LOT LINE.** The line bounding a lot.

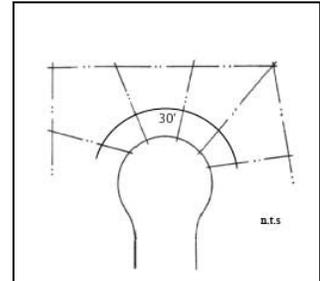
**LOT LINE, FRONT.** In the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, the line separating the narrowest street frontage of the lot from the street. In the case of a lot served by a private driveway, the side of the lot nearest to the street which abuts the driveway.



**LOT LINE, REAR.** A lot line, which is opposite and most distant from the front lot line.

**LOT LINE, SIDE.** Those lot lines connecting the front and rear lines.

**LOT WIDTH, AVERAGE.** The distance between side lot lines measured thirty (30) feet behind the required minimum front yard line parallel to the street or street chord.



**MANUFACTURED HOME.** A movable or portable dwelling of at least 400 square feet of gross living area (based on external dimensions) and twelve (12) feet or more in width; constructed to be towed on its own chassis and designed so as to be installed with or without a permanent foundation; for human occupancy as a residence containing complete toilet, shower and cooking facilities; which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two or more units separately towable which can be joined to form a single unit, and constructed on or after June 15, 1976. Does not include recreational vehicle or travel trailer as defined in this article. The removal of the wheels and running gear shall not change the meaning of this term. The “manufactured home” shall not include “modular home” or “prefabricated home” both of which are considered “single family” or “multiple family” dwellings when constructed to conform with the building Ordinances of the Town.



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**MENU BOARD SIGN.** A sign displaying the bill of fare of a drive-in or drive-thru restaurant.

**MOBILE/MANUFACTURED HOMES.** (See Manufactured homes)

**MOTEL.** A building or group of buildings containing guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of motorists and providing automobile parking space on the premises.

**NON-CONFORMING SIGN.** A sign lawfully erected and maintained prior to the adoption of this Ordinance that does not conform with the requirements of this Ordinance.

**NON-CONFORMING STRUCTURE.** A structure which was lawfully erected prior to the adoption of this Ordinance, or any amendment there to or any annexation to the Town, which does not conform with the standards of lot coverage, yard spaces, height structures, distance between structures or other standards prescribed in the regulations for the district in which the structure is located.

**NON-CONFORMING USE.** A structure or land which was lawfully established and maintained prior to the adoption of this Ordinance, or any amendment thereto or any annexation to the Town, which does not conform to the use regulations for the district in which it is located.

**NON-HOUSEHOLD ANIMALS.** The keeping of non-household animals such as horses, cattle, sheep, goats, swine, or any breed, strain, or crossbreed thereof, bees, poultry and other non-household birds shall be prohibited except in those zoning districts in which they are specifically allowed. A minimum lot size of one acre is required except as approved for project animals (Amended with Ord. 08-707/ Res.08-886).

**NOTICES, PUBLIC.** As required for public notice of zoning change, or proposed subdivision change.

**NUISANCE.** Any thing, condition, or use of property that endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

**NURSERY.** A commercial operation for the growth and sale of plants, storage of equipment for landscaping, and the wholesale or retail sale of commercial gardening supplies.

**NURSING HOME.** A health care institution other than a hospital or personal care home that is licensed by the State Department of Health Services as a skilled nursing facility for two (2) or more unrelated persons.



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**OFFICE.** A room or rooms and accessory facilities for the managing or conducting of a business.

**OFF-SITE SIGN.** A sign that directs attention to a business, commodity, service, entertainment, product or attraction sold, offered, or existing elsewhere than upon the property where the sign is located.

**OFF-STREET PARKING AND LOADING FACILITIES.** A site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, and access drives.

**OPEN HOUSE DIRECTIONAL SIGN.** A sign used to advertise the sale of a house and direct traffic to the house for sale.

**ORDINANCE.** Means the Ordinance, unless the context or commonly understood usage implies otherwise, and shall include “the Ordinance” of “this Ordinance” or “UDO”.

**OUTDOOR STORAGE.** The location of any goods, services, wares, merchandise, commodities, junk, debris, vehicles, or any other item outside of a completely enclosed building for a continuous period longer than seventy-two (72) hours.

**PARAPET SIGN.** A sign attached to that portion of a building’s exterior wall that projects above the plate line of the building.

**PARK.** A public or private parcel of land developed and used for passive or active recreation.

**PARKING AREA.** An area designed and constructed and used exclusively for the parking, storage, and maneuvering of vehicles.

**PERMIT.** A document issued by the Town granting permission to perform an act or service which is regulated by the Town.

**PETITION.** All forms, applications, documents, and papers required by this Ordinance when requesting action by the Commission, Council or any other public body.

**PLANNED AREA DEVELOPMENT (PAD).** “Planned Area Development” is a development approach allowed under the Ordinance and the General Plan in which dwelling units are clustered in order to maximize economy, infrastructure, and open space. For the purposes of this title, “Cluster Zoning” or “Clustering” shall mean the same as a “Planned Area Development”.



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PLAT. means a map of a subdivision and associated required information which provides for changes in land use or ownership or which describes existing uses.

POLITICAL SIGN. A temporary sign that supports any candidate for public office or urges action for or against any other matter of a political nature.

PORTABLE SIGN. A temporary sign not affixed to a structure or ground-mounted on a site.

PRELIMINARY PLAT. A preliminary map including supporting data, indicating a proposed subdivision design and prepared in accordance with these regulations.

PRIVATE DRIVEWAY. A deeded portion of a lot or parcel, which is not less than twenty-five (25) feet in width providing access to the public street system.

PRIVATE STREETS. means a street within a subdivision that has not been dedicated for public use and is reserved for the use of lot owners within the subdivision and their guests and invitees.

PROFESSIONAL OFFICE. Any building, structure, or portion thereof used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist, or other similar professions.

PROJECTING SIGN. A sign attached to a building or other structure and extending in whole or in part not more than twelve inches (12") beyond the building or other structure.

PROPERTY LINE(S). Means those lines defining the boundaries of lots.

PUBLIC BUILDING. Facilities for conducting public business by various public agencies, including all federal, state, County, and Town offices and buildings.

PUBLIC HEARING. Hearings held as required by law.

PUBLIC NUISANCE. Means anything offensive or obnoxious to the health and welfare of the inhabitants of the Town; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

PUBLIC STREET SYSTEM. The system of public streets designated by the Town.

PUBLIC STREET. A right-of-way containing a roadway accepted for maintenance by the Town and part of the public street system.



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**PUBLIC USE ACCESS SYSTEM.** A system being part of the future right-of-way map designating rights-of-way and access ways being used for vehicular access by local residents and which exist as such at the date of the adoption of this amendment.

**PUBLIC USE.** does NOT imply ownership by the Town, but has been used by the public for an undetermined amount of time.

**PUBLIC UTILITY.** Private or public facilities for distribution of various services, such as water, power, gas, communications, etc., to the public.

**PUBLIC WAY.** An easement for ingress, egress and public utilities established by deed or as part of a land split or other legal division of land other than a platted subdivision which: is not less than fifty feet (50') in width; provides permanent legal access from privately owned property or properties to an existing Public Street or a Public Way or a Private Street created in a properly recorded Plat; includes a perpetual easement of not less than 50' in width and along its entire length for public utilities and for general ingress and egress use to the public; and includes a perpetual offer of dedication of such easement to the Town, but which Public Way shall remain private property and the Town will have no duty of maintenance unless and until the Town formally accepts the offer of dedication by Town Council approved Resolution or Ordinance. The area included within a public way shall be included in computing the gross square footage of a contiguous lot where owned by the same person (common ownership) or where the public way was owned by the owner of such lot prior to dedication as accepted by the Town as provided above (Amended with Ord. 07-683/ Res. 07-827).

**PUBLIC.** Ownership is held by the Town.

**QUID PRO QUO.** Something given or received for something else; *also*: a deal arranging a quid pro quo. Pronunciation: \,kwid-,prō-'kwō\ (Amended with Ord. 10-729/ Res. 10-933).

**QUORUM.** A majority of the members of a Committee, Board, Commission, Council or other authorized elected or appointed entity of the Town.

**RADIAL.** A line forming right angles with the tangent of any given arc.

**READER PANEL SIGN.** A sign which identifies a noncommercial institution or organization, on-site, which contains the name of the institution or organization and associated individuals, and general announcements of events or activities at the institution, or similar messages of general public interest and is designed to permit immediate change of copy.



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**REAL ESTATE SIGN.** A sign advertising the sale, lease or rent of the property or building upon which it is located.

**RECORDED PLAT.** A final plat bearing all of the certificates of approval required by these regulations and any other applicable statutes.

**RECREATIONAL FACILITIES.** Includes buildings, structures or areas built or developed for purposes of entertaining, exercising, or observing various activities participated in either actively or passively by individuals or organized groups other than the immediate families of the owners or proprietors and their personal guests; or any such facility which involves twenty-five (25) or more attendees and participants, more often than twice in any one calendar month. This excludes churches and schools.

**RECREATIONAL VEHICLE (RV).** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This includes motor homes, travel trailers, fifth wheel trailers and campers.

**RECREATIONAL VEHICLE PARK.** Facilities for the temporary storage, parking and maneuvering of recreational vehicles (motor homes, travel trailers, campers, etc.) with adequate roads and stall sites, including sanitary and water facilities. Does not constitute a mobile/manufactured home park.

**RESIDENTIAL KIOSK SIGN.** A Town-provided, informational sign indicating direction to multiple residential developments and community facilities.

**RESTAURANT.** An establishment that serves food or beverages. This includes cafes, tearooms, drive-ins and similar establishments.

**RETAIL STORE.** A commercial business for selling goods, services, wares, or merchandise directly to the customer.

**RIGHT-OF-WAY.** means any public or private right-of-way including any area required for public use pursuant to any general or specific plan enacted by the Council pursuant to Title 9, Chapter 4, Article 6, Arizona Revised Statutes.

**ROADWAY.** The actual surface area of any public street, right-of-way, or access way utilized for vehicular travel on any street.

**ROOF SIGN.** A sign erected on, above, or over the roof so that it projects above the highest point of the roofline, parapet, or fascia.



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**SALE, PROPERTY.** Any transfer or conveyance of a lot or parcel of real estate, or an interest therein which is or may become a fee interest (Amended with Ord. 07-683/ Res. 07-827).

**SALVAGE YARD.** Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or machinery, or parts thereof for commercial purposes.

**SCHOOL, ELEMENTARY, JUNIOR HIGH, HIGH SCHOOL.** Public and other non-profit institutions, conducting regular academic instruction at kindergarten, elementary, and secondary levels.

**SCHOOL, NURSERY.** A school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five (5) or more children of elementary school age or younger, other than those residents on the site. Includes day care center.

**SCHOOL, TRADE.** Schools offering instruction in the technical, commercial, or trade skills, such as real estate schools, business colleges, electronics schools, automotive and aircraft technicians' schools, and similar commercial establishments.

**SCREENING FENCE.** A wooden, masonry or slatted chain-link fence, which is at least 90% opaque or is otherwise approved by the Zoning Administrator.

**SERVICE STATION.** An occupancy engaged in the retail sales of gasoline, oil, tires, batteries, and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including: automobile washing, washing, waxing and polishing, tire changing and repairing, but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, testing, adjustment and replacement of motor parts and accessories.

**SHINGLE SIGN.** A sign suspended from, and located entirely under a covered porch, covered walkway, or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.

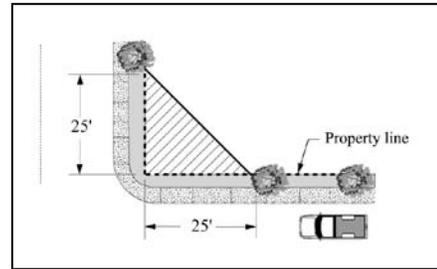
**SHOPPING CENTER.** A group of three (3) or more commercial establishments associated by common agreement or under common ownership, which comprises contiguous land parcel unit with common parking facilities.



**SIDEWALK.** That paved portion of a right-of-way between the curb lines or lateral lines of the street bed and the boundary line of such right-of-way designed and intended for the movement and use of pedestrian traffic.

**SIGN.** Any identification, description, illustration, symbol or device which is affixed directly or indirectly upon a building, vehicle, structure or land and which identifies or directs attention to a product, place, activity, person, institution or business.

**SIGHT VISIBILITY TRIANGLE.** The area of a corner lot bounded by the right-of-way lines and line connecting the two points on the property lines 25 feet from the intersection of the property lines.



**SLAUGHTERHOUSE.** A structure or parcel of land in which livestock, including cattle, horses, goats, swine, sheep, fowl, or any other animals are killed, skinned, gutted, or otherwise prepared for subsequent sale as food. This shall not include retail butcher shops when operated within a completely enclosed building in which no livestock is killed, skinned, or gutted.

**SPECIFIC PLAN.** A detailed element of the General Plan enacted under the provisions of Title 9, Chapter 4, Article 6, Arizona Revised Statutes.

**STABLE, COMMERCIAL.** A structure including, but not limited to a corral or paddock for the keeping of horses for remuneration, hire, or sale.

**STABLE, PRIVATE.** A detached accessory structure including, but not limited to, a corral or paddock for the keeping of one or more horses owned or leased by the occupants of the premises and which are not kept for remuneration or hire.

**STORM SEWER.** A channel or conduit, open or closed, necessary, useful or convenient for the collection and carrying of surface waters to a drainage course.

**STREET.** Any existing or proposed parkway, avenue, boulevard, road, lane, place, bridge, viaduct or easement for public vehicular access or a street shown in a plat heretofore approved pursuant to law or a street in a plat duly filed and recorded in the Yavapai County Recorder's Office. A street includes all land within the street right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges and viaducts (Amended with Ord. 07-683/ Res. 07-827).

**STREET LINES.** The boundary line between street right-of-way and abutting property.



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**STREET, NEW.** Any addition or extension of the Public use access system.

**STRUCTURE.** Anything constructed or erected which requires a fixed location on the ground, including building but not including a fence or wall used as a fence.

**STUB STREET.** means a short dead end street no more than one lot deep in length formed at the boundaries of a subdivision to provide access to abutting property.

**SUBDIVIDER.** A person, firm, corporation, partnership, association, syndicate, trust or other legal entity that files application and initiates proceedings for the subdivision of land in accordance with the provisions of these regulations or any other applicable Ordinance or state statute, except that an individual serving as an agent for such legal entity is not a subdivider.

**SUBDIVISION, MAJOR.** Means improved- or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into more than ten lots, tracts, or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. Subdivision also includes any condominium, cooperative, community apartment, Townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

**SUBDIVISION, MINOR.** Means improved- or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into between four and ten lots, tracts, or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. Subdivision also includes any condominium, cooperative, community apartment, Townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

**SUBDIVISION.** Improved or unimproved land or lands divided for the purpose of financing, sale, or lease, whether immediate or future, into four or more lots, tracts, or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts, or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment,



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Townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

SWIMMING POOL. Any structure, containing or intended to contain water for recreational uses.

TOWN ENGINEER. Means the individual hired by the Town Manager, pursuant to the provisions of Section 9-238, Arizona Revised Statutes, to serve as Town Engineer.

TRADITIONAL DEVELOPMENT. “Traditional Development” shall mean a residential development approach where lots are relatively uniform in size and dispersed consistently throughout the development and streets are generally laid out in a standard grid pattern.

TRAVEL TRAILER. A portable structure, without motive power, with wheels built on a chassis, designed as a temporary dwelling for travel, recreation, and vacation purposes, having a body width not exceeding eight (8) feet.

UNIFIED DEVELOPMENT ORDINANCE. Means that Ordinance enacted by the Council regulating the use of land or structures or both.

USE, ACCESSORY. A subordinate use of a building, other structure or use of land (Amended with Ord. 10-729/ Res.10-933).

1. Accessory uses shall not be established prior to the issuance of a building permit for the primary residence or commercial building; and
2. Which is clearly incidental to the use of the main building, other structure, or use of land; and
3. Which is customarily in connection with the main building, other structure, or use of land; and
4. Which is located on the same zoned lot with the main building, other structure, or use of land.

USE, CONDITIONAL. A use, which is listed as a “Conditional use” in any given zone district. Such use shall require a “Conditional Use Permit” in order to establish within that zone district, and shall be subject to all conditions and requirements imposed by the Commission in connection with the “Conditional Use Permit.”

USE, PERMITTED. A use, which is listed as a “Permitted use” in any given zone district. Such use shall be allowed to establish within that zone district, subject to the specific requirements of this Ordinance.



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**USE, TEMPORARY.** Unless otherwise previously approved by Council, a use that does not exceed fifteen (15) consecutive days.

**USE.** The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered, or enlarged, or for which either a site or structure is or may be occupied and maintained.

**UTILITY AREA.** An area located external to the primary building or use including, but not limited to, refuse containers/dumpsters; storage; display of materials or merchandise; loading or unloading goods, production assembly, and processing or demolition of goods.

**VARIANCE.** A dispensation permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure, or property, which, because of unusual or unique circumstances, is denied by the terms of the Unified Development Ordinance.

**VEHICLE SIGN.** A sign mounted, painted or otherwise placed on a truck, bus, car, boat, trailer or other vehicle or equipment and used in such a manner that the sign is visible from a public street or right-of-way and the primary purpose of such vehicle or equipment is for the display of such signage. The primary purpose of such vehicle or equipment shall be presumed to be for the display of such signage if the vehicle/equipment is not in operating condition, currently registered or licensed to operate on public streets and actively used in the daily function of the business to which the signs relate, or is used primarily as a static display for the display of such signage. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be considered to be vehicle signs.

**WALL SIGN.** A sign fastened to or painted on the exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

**WAREHOUSE.** A building or buildings used for the storage of goods.

**WEED.** An unwanted, useless, troublesome, invasive, or injurious herbaceous or woody plant, excluding flowers and vegetable gardens, grain plots, and pastures used for feed.

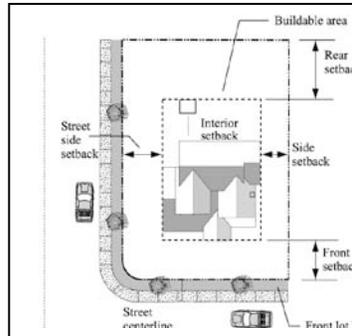
**WHOLESALE.** The sale of goods or materials for the purposes of resale.

**WINDOW SIGN.** Any poster, cut-out letters, painted text or graphic, or other text or visual presentation affixed to the interior or exterior of a window, or placed within six (6) feet behind a window pane, and is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a store window of a merchant.

**YARD.** An open space on a lot required by this Ordinance, which is unoccupied and unobstructed with buildings, structures or portions thereof from the ground upward. Trees,



shrubbery, fences, and non-commercial specific plans as allowed in this Ordinance shall not be considered obstructions.



**YARD, REQUIRED FRONT.** A yard, the width of which is the minimum horizontal distance, between the front lot line and the setback line that is parallel to the front lot line and extends the full width of the lot. Any portion of a private drive which is between the street and the front setback line shall also be considered a required yard for building and storage purposes, but is not used in calculating distances for average lot width or required yards.

**YARD, REQUIRED REAR.** A yard the width of which is the minimum horizontal distance between the rear lot line and the setback line that is parallel to the rear lot line and extends the full width of the lot.

**YARD, REQUIRED SIDE.** A yard the width of which is the minimum horizontal distance between the side lot line and the setback line that is parallel to the side lot line and extends the full length of the lot.

**ZONE.** A district classification established by this Ordinance, which limits or permits various and specific uses.

**ZONING ADMINISTRATOR.** The individual hired by the Town or appointed by the Town Council to enforce this Ordinance, and perform the functions described in Sub-section 1.6.2 Powers and Duties (Amended with Ord. 10-729/ Res.10-933).



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### 3. Zoning Districts

#### 3.1 Establishment of Zoning Districts

In order to carry out the purpose of this Ordinance, the Town is hereby divided into the following zoning districts:

“OS”	Open Space/Resource Conservation
“AR-36”	Agricultural/Residential – 36 Acre Minimum
“AR-5”	Agricultural/Residential – 5 Acre Minimum
“AR-4”	Agricultural/Residential – 4 Acre Minimum
“SR-2.5”	Single Family Residential – 2.5 Acre Minimum
“SR-2”	Single Family Residential – 2 Acre Minimum
“SR-1.6”	Single Family Residential – 1.6 Acre Minimum
“SR-1”	Single Family Residential – 1 Acre Minimum
“SR-0.16”	Single Family Residential – 7,000 Square Foot Minimum lot area (Provided that all lots less than 1 acre in size must be served by a water and sewage disposal system approved by the Town.)
“MR”	Multiple Family Residential
“MHP-4”	Mobile/Manufactured home parks – Residential – 4 Acre Minimum
“CL”	Commercial Light
“CH”	Commercial Heavy
“I”	Industrial

#### 3.2 Locations and Boundaries of Districts

- A. The locations and boundaries of the zoning districts are established as they are shown on the map entitled “The Zoning map of the Town Chino Valley” which is hereby incorporated by reference into this Ordinance.
- B. Where uncertainty exists with respect to the boundaries of any zoning districts as shown on the zoning map, the following rules shall apply:
  1. Where district boundaries are shown as approximately following streets, alleys, or right-of-way lines, such streets, alleys, or rights-of-way lines shall be deemed to be such boundaries.
  2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be deemed to be the boundaries.



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3. Where district boundaries are so indicated that they are approximately parallel to the streets, alleys, or right-of-way lines, such district's boundaries shall be deemed as being parallel hereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.
  4. Where the application of the above rules does not clarify the zone boundary location, then the Board of Adjustment shall determine the location.
- C. Within newly annexed areas, the Town shall initially adopt zoning classifications that permit densities and uses no greater than those permitted by Yavapai County immediately before annexation. Areas, when annexed to the Town, shall, until officially zoned by Council, be considered to be zoned to Town classification closest to that shown on the official zoning map of Yavapai County at the time of annexation. Such County Zoning shall apply for not more than six (6) months. Subsequent changes in zoning of the annexed territory shall be made according to procedures established by this Ordinance.

### **3.3 Zoning Descriptions and Requirements**

This Subsection will describe each of the individual Zoning districts and will contain the following information on each respective Zoning district:

- A. Purpose
- B. Permitted uses
- C. Conditional uses (if applicable)
- D. Property Development Standards



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### 3.4 “OS” – Open Space Resource Conservation

#### 3.4.1 Purpose

The purpose of the (OS) Open Space/Resource Conservation designation is to preserve lands as open space and to promote resource conservation. Lands so designated shall be limited to exclusive use as trail and path systems and other strictly prescribed recreational uses and for the preservation of historical sites, historic agricultural uses and natural plant and animal habitats.

#### 3.4.2 Applicability

The (OS) Open Space/Resource Conservation Designation may be applied where the Town wishes to strictly limit the uses of the land for the preservation of open space and resource conservation.

#### 3.4.3 Permitted Uses

Permitted uses in the OS zone shall be limited strictly to open space uses such as public parks and play areas, trails and paths for non-motorized use, and other recreational or commercial uses which do not adversely impact the preservation of open space and resource conservation, such as:

- A. Agriculture, cultivation and ranching.
- B. Historical sites.
- C. Public parks and play areas.
- D. Horse trails, bike paths, walking trails and other similar non-motorized recreational trails or paths.

#### 3.4.4 Development Standards

No structures, either permanent or temporary, shall be permitted except for accessory buildings that relate directly to the designated open space/resource conservation use (such as restrooms, ramadas, historical buildings), or agricultural use. Such accessory buildings are permitted only subject to plan review by Commission and approval by Council.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the



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Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).



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### 3.5 “AR-36” – Agricultural/Residential (36 Acre Minimum)

#### 3.5.1 Purpose

This district is intended to preserve agricultural land and the agricultural heritage and aesthetic of the area. Land use is composed of farming, agriculture, and the raising of livestock together with a single-family residence and customary accessory uses and buildings.

#### 3.5.2 Permitted Uses

- A. One (1) single-family dwelling as the principal residence on lots of at least 36 acres in size.
- B. One (1) guesthouse, not to exceed 1,200 square feet total under roof, which include patios, porches, carports, garages etc. Such quarters shall not be rented and/or otherwise listed for income purposes.
- C. Farming and agriculture including the keeping of cattle, horses, (swine limited to one (1) per acre), sheep, goats, fowl, but not feedlots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter.
- D. Customary accessory structures such as barns, nurseries, corrals, private arenas, training tracks, coops, non-commercial greenhouses up to 600 sq. ft. (Amended with Ord. 09-424/ Res. 09-921), and storage sheds for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence (Amended with Ord. 10-729/ Res. 10-933).
- E. Home occupations.
- F. Stands for sale of farm produce.
- G. Churches or similar places of worship.
- H. Schools and public/governmental facilities.
- J. Commercial greenhouses. see Subsection 4.30 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/ Res. 09-921).



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### 3.5.3 Conditional Uses (Conditional Use Permit Required)

- A. Privately owned and operated parks and recreation facilities.
- B. Colleges and universities.
- C. Golf, rod and gun, tennis and country clubs.
- D. Rodeos, livestock auctions, fair grounds, riding academies.
- E. Cemeteries.
- F. Public utility buildings, structures, or appurtenances thereto for public service use. Extension of public lines in public or private right-of-way is exempt from this requirement.
- G. Indoor and outdoor kennels.
- H. The operation of feedlots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter.
- I. Outdoor sales and storage of firewood for sale provided a residence has been established.
- J. Feed Stores.
- K. Commercial specific plans and public arenas.
- L. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.
- M. Workers quarters and worker housing.
- N. Residential facilities for the developmentally disabled as described in Section 36-481 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res.10-933).



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### 3.5.4 Property Development Standards

- |  |                  |
|--|------------------|
| A. Minimum lot area:   | 36 acres         |
| B. Minimum Average lot width:  | 200 feet         |
| C. Minimum lot frontage:   | 200 feet         |
| D. Minimum Front Yard setback<br>(Amended with Ord. 08-707/Res. 08-886)  | See Section 4.28 |
| E. Minimum Side Yard setback   | 20 feet          |
| F. Minimum Street Side Yard setback:<br>(Amended with Ord. 08-707/Res. 08-886)   | See Section 4.28 |
| G. Minimum Rear Yard setback:  | 20 feet          |
| H. Maximum Building height   | 35 feet          |
| I. Accessory building shall be setback 10 feet from side and rear property lines and must conform to the front yard and street side yard setback.<br>(Amended with Ord. 10-729/Res.10-933) |                  |
| J. Maximum Lot coverage:   | 50%              |



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### 3.6 “AR-5” – Agricultural/Residential (5 Acre Minimum)

#### 3.6.1 Purpose

This district is intended to promote and preserve low-density single-family residential and agricultural development. Regulations and property development standards are designed to protect the single-family residential and agricultural character of the district and to prohibit all incompatible activities.

#### 3.6.2 Permitted Uses

- A. One (1) single-family dwelling.
- B. One (1) guesthouse, not to exceed 1,200 square feet total under roof, which include patios, porches, carports, garages etc. Such quarters shall not be rented and/or otherwise listed for income purposes.
- C. Farming and agriculture including the keeping of cattle, horses, (swine limited to one (1) per acre), sheep, goats, fowl, but not feedlots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter.
- D. Customary accessory structures such as barns, corrals, private arenas, training tracks, coops, non-commercial greenhouses up to 600 sq. ft. (Amended with Ord. 09-424/ Res. 09-921), and storage sheds for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence (Amended with Ord. 10-729/ Res.10-933).
- E. Home occupations.
- F. Stands for the sale of farm produce when primarily grown on site.
- G. Churches or similar places of worship.
- H. Schools and public/governmental facilities.
- I. Commercial greenhouses may be permitted with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/ Res. 09-921).

#### 3.6.3 Conditional Uses (Conditional Use Permit Required)

- A. Privately owned and operated parks and recreation facilities.



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- B. Colleges and universities.
  - C. Golf, rod and gun, tennis and country clubs.
  - D. Rodeos, livestock auctions, fairgrounds, riding academies.
  - E. Cemeteries.
  - F. Public utility buildings, structures, or appurtenances thereto for public service use. Extension of public lines in public or private right-of-way is exempt from this requirement.
  - G. Indoor and outdoor kennels.
  - H. Outdoor sales and storage of firewood for sale provided a residence has been established.
  - I. Feed Stores.
  - J. Commercial specific plans and public arenas.
  - K. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.
  - L. Stands for the sale of farm produce when not primarily grown on site.
  - M. Workers quarters and worker housing.
  - N. Residential facilities for the developmentally disabled as described in Section 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).

#### 3.6.4 Property Development Standards

- A. Minimum lot area 5 acres
- B. Minimum lot frontage: 200 feet



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|--|------------------|
| C. Minimum Front Yard setback<br>(Amended with Ord. 08-707/Res.08-886)   | See Section 4.28 |
| D. Minimum Interior Side Yard setback  | 20 feet          |
| E. Minimum Street Side Yard setback:<br>(Amended with Ord. 08-707/Res. 08-886)   | See Section 4.28 |
| F. Minimum Rear Yard setback   | 20 feet          |
| G. Maximum Building height   | 35 feet          |
| H. Accessory building shall be setback 10 feet from side and rear property lines<br>and must conform to the front yard and street side yard setback.<br>(Amended with Ord. 10-729/ Res.10-933) |                  |
| I. Maximum Lot coverage  | 50%              |



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### **3.7 “AR-4” – Agricultural/Residential (4 Acre Minimum)**

#### **3.7.1 Purpose**

This district is intended to promote and preserve low-density single-family residential and agricultural development. Regulations and property development standards are designed to protect the single-family residential and agricultural character of the district and to prohibit all incompatible activities.

#### **3.7.2 Permitted Uses**

- A. One (1) single-family dwelling.
- B. One (1) guesthouse, not to exceed 1,200 square feet total under roof, which include patios, porches, carports, garages etc. Such quarters shall not be rented and/or otherwise listed for income purposes.
- C. Farming and agriculture including the keeping of cattle, horses, (swine limited to one (1) per acre), sheep, goats, fowl, but not feedlots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter.
- D. Customary accessory structures such as barns, corrals, private arenas, training tracks, coops non-commercial greenhouses up to 600 sq. ft. (Amended with Ord. 09-424/ Res. 09-921), and storage sheds for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence (Amended with Ord. 10-729/ Res.10-933).
- E. Home occupations.
- F. Stands for the sale of farm produce when primarily grown on site.
- G. Churches or similar places of worship.
- H. Schools and public/governmental facilities.
- I. Commercial greenhouses may be permitted with a minimum of 10 contiguous acres. See Subsection 4.3 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/ Res.09-921).

#### **3.7.3 Conditional Uses (Conditional Use Permit Required)**

- A. Privately owned and operated parks and recreation facilities.



- 
- B. Colleges and universities.
  - C. Golf, rod and gun, tennis and country clubs.
  - D. Rodeos, livestock auctions, fairgrounds, riding academies.
  - E. Cemeteries.
  - F. Public utility buildings, structures, or appurtenances thereto for public service use. Extension of public lines in public or private right-of-way is exempt from this requirement.
  - G. Indoor and outdoor kennels.
  - H. Outdoor sales and storage of firewood for sale provided a residence has been established.
  - I. Feed Stores.
  - J. Commercial specific plans and public arenas.
  - K. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.
  - L. Stands for the sale of farm produce when not primarily grown on site.
  - M. Workers quarters and worker housing.
  - N. Residential facilities for the developmentally disabled as described in Section 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res.10-933).

#### 3.7.4 Property Development Standards

- A. Minimum lot area 4 acres
- B. Minimum lot frontage 200 feet



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- |  |                  |
|--|------------------|
| C. Minimum Front Yard setback<br>(Amended with Ord. 08-707/ Res. 08-886)   | See Section 4.28 |
| D. Minimum Interior Side Yard setback  | 20 feet          |
| E. Minimum Street Side Yard setback:<br>(Amended with Ord. 08-707/ Res. 08-886)  | See Section 4.28 |
| F. Minimum Rear Yard setback   | 20 feet          |
| G. Maximum Building height   | 35 feet          |
| H. Accessory building shall be setback 10 feet from side and rear property lines and must conform to the front yard and street side yard setback.<br>(Amended with Ord. 10-729/ Res. 10-933) |                  |
| I. Maximum Lot coverage  | 50%              |



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### **3.8 “SR-2.5” – Single Family Residential (2.5 Acre Minimum)**

#### **3.8.1 Purpose**

This district is intended to promote and preserve low-density single-family residential development and to serve as a transition to the agricultural (AR) districts. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities.

#### **3.8.2 Permitted Uses**

- A. One (1) single-family dwelling.
- B. One (1) guesthouse, not to exceed 800 square feet total under roof, which include patios, porches, carports, garages etc. Such quarters shall not be rented and/or otherwise listed for income purposes.
- C. Home occupations.
- D. Churches or other similar places of worship.
- E. Customary accessory structures such as barns, corrals, private arenas, training tracks, coops, non-commercial greenhouses up to 600 sq. ft. (Amended with Ord. 09-424/ Res. 09-921), and storage sheds for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence (Amended with Ord. 10-729/ Res. 10-933).
- F. Farming and agriculture including, if primarily non-commercial, the keeping of cattle, horses, (swine limited to one (1) per acre), sheep, goats, fowl, but not feed-lots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter (Amended with Ord. 08-707/ Res. 08-886).
- G. Schools and public/governmental facilities.

#### **3.8.3 Conditional Uses (Conditional Use Permit Required)**

- A. Privately owned and operated parks and recreation facilities.
- B. Temporary home and land sale offices provided they are located within the same subdivision as that land and homes which are offered for sale.



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- C. Public utility buildings, structures, or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
  - D. Mixed Use subdivisions when public water and wastewater is available and when developing under the PAD process guidelines.
  - E. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.
  - F. Residential facilities for the developmentally disabled as described in Section 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).

#### 3.8.4 Property Development Standards

- A. Minimum lot area 2.5 acres
- B. Minimum lot frontage 100 feet
- C. Minimum Front Yard setback See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)
- D. Minimum Side Yard setback 10 feet
- E. Minimum Street Side Yard setback See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)
- F. Minimum Rear Yard setback 20 feet
- G. Maximum Building height 35 feet
- H. Accessory building shall be setback 10 feet from side and rear property lines and must conform to the front yard and street side yard setback.  
(Amended with Ord. 10-729/ Res.10-933)
- I. Maximum Lot coverage 40%



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### 3.9 “SR-2” – Single Family Residential (2 Acre Minimum)

#### 3.9.1 Purpose

This district is intended to promote and preserve low-density single-family residential development and to serve as a transition to the agricultural (AR) districts. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities.

#### 3.9.2 Permitted Uses

- A. One (1) single-family dwelling.
- B. One (1) guesthouse, not to exceed 800 square feet total under roof, which include patios, porches, carports, garages etc. Such quarters shall not be rented and/or otherwise listed for income purposes.
- C. Home occupations.
- D. Churches or other similar places of worship.
- E. Customary accessory structures such as barns, corrals, private arenas, training tracks, coops, non-commercial greenhouses up to 600 sq. ft., and storage sheds for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence (Amended with Ord. 10-729/ Res.10-933).
- F. Farming and agriculture including, if primarily non-commercial, the keeping of cattle, horses, (swine limited to one (1) per acre), sheep, goats, fowl, but not feed-lots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter (Amended with Ord. 08-707/ Res. 08-886)
- G. Schools and public/governmental facilities.

#### 3.9.3 Conditional Uses (Conditional Use Permit Required)

- A. Privately owned and operated parks and recreation facilities.
- B. Temporary home and land sale offices provided they are located within the same subdivision as that land and homes which are offered for sale.



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- C. Public utility buildings, structures, or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
  - D. Mixed Use subdivisions when public water and wastewater is available and when developing under the PAD process guidelines.
  - E. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.
  - F. Residential facilities for the developmentally disabled as described in Section 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).

#### 3.9.4 Property Development Standards

- A. Minimum lot area 2 acres
- B. Minimum lot frontage 100 feet
- C. Minimum Front Yard setback See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)
- D. Minimum Side Yard setback 10 feet
- E. Minimum Street Side Yard setback See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)
- F. Minimum Rear Yard setback 20 feet
- G. Maximum Building height 35 feet
- H. Accessory building shall be setback 10 feet from side and rear property lines and must conform to the front yard and street side yard setback.  
(Amended with Ord. 10-729/ Res.10-933)
- I. Maximum Lot coverage 40%



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### **3.10 “SR-1.6” – Single Family Residential (1.6 Acre Minimum)**

#### **3.10.1 Purpose**

This district is intended to promote and preserve medium-density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities.

#### **3.10.2 Permitted Uses**

- A. One (1) single-family dwelling.
- B. One (1) guesthouse, not to exceed 800 square feet total under roof, which include patios, porches, carports, garages etc. Such quarters shall not be rented and/or otherwise listed for income purposes.
- C. Churches or other similar places of worship.
- D. Home occupations.
- E. Schools and public/governmental facilities.
- F. Customary accessory structures such as barns, corrals, private arenas, training tracks, coops, non-commercial greenhouses up to 600 sq. ft. (Amended with Ord. 09-424/ Res. 09-921), and storage sheds for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence (Amended with Ord. 10-729/ Res. 10-933).
- G. Farming and agriculture including, if primarily non-commercial, the keeping of cattle, horses, (swine limited to one (1) per acre), sheep, goats, fowl, but not feed-lots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter (Amended with Ord. 08-707/ Res. 08-886).

#### **3.10.3 Conditional Uses (Conditional Use Permit Required)**

- A. Privately owned and operated parks and recreation facilities.
- B. Temporary home and land sale offices provided they are located within the same subdivision as that land and homes which are offered for sale.



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- C. Public utility buildings, structures, or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
  - D. Mixed Use subdivisions when public water and wastewater is available and when developing under the PAD process guidelines.
  - E. Residential facilities for the developmentally disabled as described in Section 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.
  - F. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).

#### 3.10.4 Property Development Standards

- A. Minimum lot area: 1.6 acres
- B. Minimum lot frontage 100 feet
- C. Minimum front yard setback: See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)
- D. Minimum side yard setback 10 feet
- E. Minimum street side yard setback See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)
- F. Minimum rear yard setback: 20 feet
- G. Maximum building Height 35 feet
- H. Accessory building shall be setback 10 feet from side and rear property lines and must conform to the front yard and street side yard setback.  
(Amended with Ord. 10-729/ Res. 10-933)
- I. Maximum lot coverage: 50%



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### **3.11 “SR-1” – Single Family Residential (1 Acre Minimum)**

#### **3.11.1 Purpose**

This district is intended to promote and preserve medium-density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities.

#### **3.11.2 Permitted Uses**

- A. One (1) single-family dwelling.
- B. One (1) guesthouse, not to exceed 800 square feet total under roof, which include patios, porches, carports, garages etc. Such quarters shall not be rented and/or otherwise listed for income purposes.
- C. Churches or other similar places of worship.
- D. Home occupations.
- E. Schools and public/governmental facilities.
- F. Customary accessory structures such as barns, corrals, private arenas, training tracks, coops, non-commercial greenhouses up to 600 sq. ft. (Amended with Ord. 09-424/ Res. 09-921), and storage sheds for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence (Amended with Ord. 10-729/ Res.10-933).
- G. Farming and agriculture including, if primarily non-commercial, the keeping of cattle, horses, (swine limited to one (1) per acre), sheep, goats, fowl, but not feed-lots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter (Amended with Ord. 08-707/ Res. 08-886).

#### **3.11.3 Conditional Uses (Conditional Use Permit Required)**

- A. Privately owned and operated parks and recreation facilities.
- B. Temporary home and land sale offices provided they are located within the same subdivision as that land and homes which are offered for sale.



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- C. Public utility buildings, structures, or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
  - D. Mixed Use subdivisions when public water and wastewater is available and when developing under the PAD process guidelines.
  - E. Residential facilities for the developmentally disabled as described in Section 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.
  - F. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).

#### 3.11.4 Property Development Standards

- A. Minimum lot area 1 acre
- B. Minimum lot frontage: 100 feet
- C. Minimum front yard setback See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)
- D. Minimum side yard setback 10 feet
- E. Minimum street side yard setback See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)
- F. Minimum Rear Yard setback 20 feet
- G. Maximum building height 35 feet
- H. Accessory building shall be setback 10 feet from side and rear property lines and must conform to the front yard and street side yard setback.  
(Amended with Ord. 10-729/ Res. 0-933)
- I. Maximum lot coverage 50%



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### **3.12 “SR-0.16”–Single Family Residential (.16 Acre Minimum)**

#### **3.12.1 Purpose**

The purpose of this district is to allow for the regulation, development and redevelopment of existing 7,000 square foot residential lots. It is not the intention of the Town to create any new SR-0.16 zoned property. The Town may consider requests for SR-0.16 – Planned Area Development Overlay zoning.

#### **3.12.2 Permitted Uses**

- A. One (1) single-family dwelling.
- B. Customary accessory building provided such uses are incidental to the principal use. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence (Amended with Ord.10-729/ Res.10-933).
- C. Home occupations.
- D. Churches or similar places or worship.

#### **3.12.3 Conditional Uses (Conditional Use Permit Required)**

- A. Public/governmental facilities.
- B. Privately owned and operated parks and recreation areas and centers.
- C. Temporary home and land sale offices provided they are located within the same subdivision as that land and homes which are offered for sale.
- D. Public utility buildings, structures or appurtenances thereto for public service use. The extension of public service lines in public or private right-of-way is exempt from this requirement.
- E. Residential facilities for the developmentally disabled as described in Section 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.
- F. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.



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Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res.).

### 3.12.4 Property Development Standards

- A. Minimum lot area 7,000 sq. feet  
All lots less than one (1) acre in size must be served by a water and/or sewage disposal system approved by the Town of Chino Valley (Amended with Ord. 10-729/ Res. 10-933).
  
- B. Minimum lot frontage: 50 feet
  
- C. Minimum front yard setback See Section 4.28  
(Amended with Ord.08-707/ Res.08-886)
  
- D. Minimum side yard setback 10 feet
  
- E. Minimum street yard setback See Section 4.28  
(Amended with Ord.08-707/ Res.08-886)
  
- F. Minimum rear yard setback 10 feet
  
- G. Maximum building height 25 feet
  
- H. Accessory building shall be setback 5 feet from side and rear property lines and must conform to the front yard and street side yard setback.  
(Amended with Ord.10-729/ Res.10-933)
  
- I. Maximum lot coverage 50%



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### **3.13 “MR” – Multiple Family Residential (Amended with Ord.10-729/ Res. 10-933)**

#### **3.13.1 Purpose**

This district is intended to fulfill the need for high density multiple family residential development. Regulations and property development standards are designed to allow maximum flexibility and variety in residential development while prohibiting all incompatible activities.

#### **3.13.2 Permitted Uses**

- A. Multiple family dwellings. Each unit shall have minimum of 3,000 sq. ft. of land area.
- B. Customary accessory buildings provided such uses are incidental to the principal use.
- C. Churches or similar places of worship.

#### **3.13.3 Conditional Uses**

- A. Privately owned and operated parks and recreation areas and centers.
- B. Group homes.
- C. Nursing homes and convalescent homes.
- D. Temporary home and land sale offices provided they are located within the same subdivision as that land and homes which are offered for sale.
- E. Public utility buildings, structures, or appurtenances thereto for public or private right-of-way is exempt from this requirement.
- F. Schools.
- G. Residential facilities for the developmentally disabled as described in Section 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the



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Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord.10-729/ Res.10-933).

### 3.13.4 Property Development Standards

- |   |                  |
|---|------------------|
| A. Minimum lot area   | N/A              |
| All lots less than one (1) acre in size must be served by a water and/or sewage disposal system approved by the Town of Chino Valley (Amended with Ord.10-729/ Res.10-933).                 |                  |
| B. Minimum lot frontage   | 75 feet          |
| C. Minimum front yard setback<br>(Amended with Ord. 08-707/ Res.08-886)   | See Section 4.28 |
| D. Minimum side yard setback  | 10 feet          |
| E. Minimum street side setback:<br>(Amended with Ord. 08-707/ Res. 08-886)  | See Section 4.28 |
| F. Minimum rear yard setback  | 20 feet          |
| G. Maximum building height:   | 35 feet          |
| H. Maximum lot coverage   | 40%              |
| I. Accessory building shall be setback 10 feet from side and rear property lines and must conform to the front yard and street side yard setback.<br>(Amended with Ord. 10-729/ Res.10-933) |                  |



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### **3.14 “MHP-4”–Mobile/Manufactured Home Park (4 Acre Minimum)**

#### **3.14.1 Purpose**

This district is intended to fulfill the need for mobile/manufactured home parks. Regulations and property development standards are designed to allow maximum flexibility and variety in residential development while prohibiting all incompatible activities.

#### **3.14.2 Permitted Uses**

- A. Mobile/Manufactured Home parks. Maximum density, six (6) sites per acre.
- B. Customary accessory buildings provided such uses are incidental to the principal use. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence (Amended with Ord. 10-729/ Res. 10-933).
- C. Churches or similar places of worship.

#### **3.14.3 Conditional Uses (Conditional Use Permit Required)**

- A. Privately owned and operated parks and recreation areas and centers.
- B. Group homes.
- C. Nursing homes and convalescent homes.
- D. Temporary home and land sale offices and model homes, provided they are located within the same subdivision as that land and homes which are offered for sale.
- E. Public utility buildings, structures, or appurtenances thereto for public or private right-of-way is exempt from this requirement.
- F. Schools.
- G. Residential facilities for the developmentally disabled as described in Section 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the Department of Economic Security.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Condi-



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tional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).

### 3.14.4 Property Development Standards

- A. Minimum Mobile/Manufactured Home Park size: N/A
- B. Minimum Gross Site Area per Mobile/Manufactured Home: 7260 sq. ft.
- C. Minimum Park Frontage: 100 feet
- D. Minimum Setback of any Building or Mobile/Manufactured Home from any Public Street Property line:  
(Amended with Ord. 08-707/ Res. 08-886) See Section 4.28
  - Between a side and an opposing end: 25 feet
- E. Minimum Setback of any Building or Mobile/Manufactured Home from Mobile/Manufactured Home Park Boundary: 15 feet
- F. Placement of Mobile/Manufactured Home or Building on Individual Building Site:
  - 1. Minimum Setback from Private Access Street: 10 feet
  - 2. Minimum Distance Between Mobile/Manufactured Homes: 25 feet
- G. Minimum Mobile/Manufactured Home Size:
  - Width ----- 12 feet
  - Length ----- 40 feet
- H. Maximum Building Height: 25 feet
- I. Accessory building shall be setback 3 feet from side and rear property lines and must conform to the front yard and street side yard setback.  
(Amended with Ord. 10-729/ Res.10-933)
- J. Driveways and Vehicular Access:
  - 1. Mobile/manufactured home parks shall be located on or have two (2) direct accesses to public street, of which no more than one may be onto Highway 89. No individual mobile/manufactured home space within the mobile/manufactured home park may have direct access to a public street.



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2. Any driveway for access to the Mobile home/Manufactured Home park shall have a minimum width of twenty-four (24) feet, except when a driveway is located between parking spaces; it shall have a minimum width of thirty (30) feet.
  3. All driveways and interior streets shall be surfaced in a manner acceptable to Planning and Zoning.
  4. All plans and traffic engineering shall be subject to approval of Planning and Zoning and shall be based upon the spacing and maneuverability requirements for seventy (70) foot long trailers.
- K. Utilities. Each mobile/manufactured home shall include cooking facilities, toilet facilities, and bathing or shower facilities, and shall be permanently connected to electric power, water supply and sewage disposal. All utility distribution and service lines shall be installed underground.
- L. Skirting. All mobile/manufactured homes shall be skirted with fire resistant material that is not susceptible to rapid weathering.



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### **3.15 “CL” – Commercial Light**

#### 3.15.1 Purpose

This district is intended to provide for neighborhood amenity and some general commercial uses. Land use is composed chiefly of retail and service businesses, offices, and apartments, together with necessary accessory uses.

#### 3.15.2 Permitted Uses

- A. Retail sales establishments.
- B. Laundries limited to machines not exceeding twenty-five (25) pound capacity according to manufacturers rating.
- C. Pet shops within a closed building.
- D. Repair services such as, but no more objectionable or intensive in character than watches, jewelry, shoes, locksmith, and household appliances.
- E. Personal services such as barbers, beauty shops, health clubs, laundries and cleaners.
- F. Restaurants, cafes and coffee shops.
- G. Second-hand stores, pawnshops and used furniture stores.
- H. Governmental services, public utility offices and exchanges, excluding storage or repair services, provided all antennas that extend above the building height shall be by Conditional Use Permit.
- I. Business and professional offices, banks and similar.
- J. Establishments primarily supplemental in character to other permitted principal uses, such as pharmacy, apothecary shop, sales of corrective garments, prosthetic devices and optical goods, and medical and dental laboratories.
- K. Business, trade, dancing, art, music, and other educational facilities.
- L. Gasoline service stations. (Body shops and paint shops are not included.)
- M. Small engine repair and similar shops where all work is done inside enclosed walls of a building.



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- N. Indoor and outdoor sales of nursery stock.
  - O. Public utility buildings, structures, or appurtenances thereto for public service use.
  - P. Hotels and motels.
  - Q. Hospitals and other medical and dental offices and clinics.
  - R. Churches and similar places of worship.
  - S. Radio and television studios and all attached commercial broadcasting and receiving antennas which have a finished height of less than the height of the highest building on the property.
  - T. Indoor commercial recreation establishments, such as bowling alleys, billiard parlors, shooting ranges and skating rinks.
  - U. Indoor theaters, assembly halls, ballrooms and lodges.
  - V. Headquarters buildings or charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
  - W. Customary accessory buildings and structures provided they are incidental to a permitted use. This shall include a single caretaker residence in conjunction within or in the same buildings as a commercial use. Accessory structures shall not be permitted prior to the issuance of a building permit for a commercial building (Amended with Ord. 10-729/ Res. 10-933).
  - X. Mortuaries.
  - Y. Veterinary clinic and Animal hospitals, when in a closed building.
  - Z. Lumber yards and building supplies where all material is stored indoors, or outside storage is less than six (6) feet in height and the outside storage area is surrounded by a six (6) foot high sight-obscuring fence.
  - AA. Outdoor commercial recreation establishments such as miniature golf, ranges, batting cages, and similar uses.
  - AB. Printing and publishing.
  - AC. Farming and agriculture including, if primarily non-commercial, the keeping of cattle, horses, (swine limited to one (1) per acre), sheep, goats, fowl, but



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not feed-lots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter. A minimum lot size of one (1) acre is required (Amended with Ord. 08-707/ Res. 08-886)

AD. Commercial greenhouses may be permitted with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/ Res. 09-921).

### 3.15.3 Conditional Uses (Conditional Use Permit Required)

A. Single-family residences.

B. New and used automobile sales including light truck, and recreational vehicle sales.

C. Commercial broadcasting and receiving antennas that have a finished height higher than the height of the highest building on the parcel.

D. Taxi stands, bus stops, and public parking lots and garages.

E. New and used heavy truck and agricultural equipment sales.

F. Contractor yards and building supplies with outside storage over six feet in height (see Subsection 3.15.5.H) (Amended with Ord. 09-424/ Res.09-921)

G. Campgrounds and recreational vehicle parks with twenty-five units or less.

H. Drive-in theaters.

I. Small engine repair and similar shops where any work is done outside of an enclosed building.

J. Retail Liquefied Petroleum Gas Dispensing Stations on the premises and as an accessory use to an allowed retail commercial use subject to the design requirements of the Arizona State Fire Marshall and the local Fire Marshall having jurisdiction.

K. Apartments. Dwelling unit must be at least 800 sq ft.

L. Mini-storage buildings and storage facilities, including the storage of recreational vehicles, boats and other operable vehicles.

M. Manufactured and Modular Home Sales.



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Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).

#### 3.15.4 Temporary Uses (Temporary use Permit Required)

- A. Temporary carnivals, circuses, revivals, rodeo, swap meets, outdoor retail sales, transient merchants, and similar activities as defined and regulated in Title XI Chapter III of the Town Code.

Applicability. The provisions of this subsection do not apply to garage sales or rummage sales.

- B. Temporary Use Permit. A temporary use Permit shall be obtained from the Zoning Administrator in accordance with the following:

1. The Zoning Administrator shall ensure that health and safety are considered, and shall obtain the approval of the Yavapai County Health Department, the Fire District, and the Police Department prior to issuing the temporary use permit.
2. The Zoning Administrator shall ensure that land area is adequate for the proposed use and consequent parking, and shall ensure that traffic safety is considered.
3. The Zoning Administrator shall require any measures necessary to protect surrounding property.
4. A time limit shall be established for each use conducted under the temporary use permit. Unless otherwise previously approved by Council, the time limit shall not exceed fifteen (15) consecutive days.
5. Permanent structures shall not be permitted under a temporary use permit.

#### 3.15.5 Property Development Standards

- A. Minimum lot area 7,500 square feet.  
All lots less than one (1) acre in size must be served by a water and/or sewage disposal system approved by the Town of Chino Valley (Amended with Ord. 10-729/ Res. 10-933).

- B. Minimum lot frontage 50 feet



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C. Minimum lot width: N/A

D. Minimum Rear and Side-yard building setback  
Interior side and rear lot lines: 10 feet  
Side-yard setbacks that front a street: See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)

Exception: Commercial Subdivisions - During a commercial subdivision plat process, Council may approve lot lines without rear and side-yard setback requirements. Each lot line approved in this manner shall be noted so on the final subdivision plat.

E. Minimum front yard building setbacks: See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)

F. Maximum Building Height: 50 feet

G. Maximum Lot coverage: None

H. Outdoor storage: All outdoor storage shall be screened with a six (6) foot screening fence (Amended with Ord. 10-729/ Res. 10-933).



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### 3.16 “CH” – Commercial Heavy

#### 3.16.1 Purpose

This district is intended to provide for and encourage commercial and light manufacturing facilities that are not appropriately located next to residential zoning.

#### 3.16.2 Permitted Uses

- A. All “Permitted” and “Conditional uses” allowed in the “CL” Zone. With the exception of single-family residences and apartments (Amended with Ord. 10-729/ Res. 10-933).
- B. Wholesale establishments.
- C. Manufacturing.
- D. Bottling and packaging companies.
- E. Warehouses, minimum-storage, transfer and storage facilities including the storage of RV’s, boats, and other operable vehicles.
- F. The sale and storage of products such as firewood, stone products, and agricultural commodities.
- G. Welding Shops.
- H. Underground Liquid Petroleum retail and wholesale distribution facilities subject to the design requirements of the Arizona State Fire Marshall and the local Fire Marshall having jurisdiction.
- I. Commercial outdoor kennels.
- J. Antennas and wireless communication towers.
- K. Farming and agriculture including, if primarily non-commercial, the keeping of cattle, horses, (swine limited to one (1) per acre), sheep, goats, fowl, but not feed-lots, slaughterhouses, fertilizer yards or plants for the reduction of animal matter. A minimum lot size of one (1) are is required (Amended with Ord. 08-707/ Res. 08-886)
- L. Contractors Yards, subject to screening as set forth in subsection 3.16.4. (i) (Amended with Ord. 10-729/ Res. 10-933).



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M. Campgrounds and recreational vehicle parks with twenty-six or more units.

N. Customary accessory buildings and structures provided they are incidental to a permitted use. This shall include a single caretaker residence in conjunction within or in the same buildings as a commercial use (Amended with Ord. 10-729/ Res. 10-933).

The above uses shall not be permitted prior to the issuance of a building permit for the primary commercial building, with the exception of subsection 3.16.2 (i) contractor's yards (Amended with Ord. 10-729/ Res. 10-933).

O. Commercial greenhouses may be permitted with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/ Res. 09-921).

### 3.16.3 Conditional Uses (Conditional Use Permit Required)

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).

### 3.16.4 Property Development Standards

A. Minimum lot area: 7,500 square feet.  
All lots less than one (1) acre in size must be served by a water and/or sewage disposal system approved by the Town of Chino Valley (Amended with Ord. 10-729/ Res. 10-933).

B. Minimum lot frontage 50 feet

C. Minimum lot width 50 feet

D. Minimum rear and side-yard building setback:  
Interior side and rear lot lines: 10 feet  
Side-yard setbacks that front a street: See Section 4.28  
(Amended with Ord. 08-707/ Res. 08-886)

Exception: Commercial Subdivisions - During a commercial subdivision plat process, Council may approve lot lines without rear and side-yard setback re-



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quirements. Each lot line approved in this manner shall be noted so on the final subdivision plat.

- |   |                  |
|---|------------------|
| E. Minimum front yard building setbacks:<br>(Amended with Ord. 08-707/ Res. 08-886) | See Section 4.28 |
| F. Minimum Building Size  | N/A              |
| G. Maximum Building Height  | 50 Feet          |
| H. Maximum Lot coverage   | N/A              |

Providing the parking and loading, landscaping, buffering and screening, and setback requirements are met.

- I. Outdoor storage: All outdoor storage shall be screened with a six (6) foot screening fence (Amended with Ord. 10-729/ Res. 10-933).



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### 3.17 “I” – Industrial

#### 3.17.1 Purpose

This district is intended to provide for and encourage industrial development within the Town, while insuring that such activities will have minimal impacts on the surrounding districts. Residential dwellings are prohibited in the “I” zoning district (Amended with Ord. 10-729/ Res. 10-933).

#### 3.17.2 Permitted Uses

- A. Manufacturing.
- B. Quarries.
- C. Mines and associated batch plants, concrete plants and similar uses.
- D. Feed lots.
- E. Automobile salvage yards.
- F. Commercial outdoor kennels.
- G. Customary accessory buildings and structures provided they are incidental to a permitted use (Amended with Ord.10-729/ Res.10-933).

The above uses shall not be permitted prior to the issuance of a building permit for the primary commercial building (Amended with Ord.10-729/ Res.10-933).

- H. Commercial greenhouses may be permitted with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards (Amended with Ord. 09-424/ Res.09-921).

#### 3.17.3 Conditional Uses

- A. Hot mix.
- B. Heavy manufacturing such as automobile manufacturing plants.
- C. Slaughterhouses.
- D. Refineries.



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- E. Outdoor storage yards and junkyards.
  - F. Batch plants, concrete plants, and similar uses when not associated with an on-site mining operation.
  - G. Vehicle Motor Sports Facilities.
  - H. Airports.

The above uses shall not be permitted prior to the issuance of a building permit for the primary commercial building (Amended with Ord. 10-729/ Res. 10-933).

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a Conditional Use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustments (Amended with Ord. 10-729/ Res. 10-933).

#### 3.17.4 Property Development Standards

- A. Minimum lot area 1 acre
- B. Minimum lot frontage 100 feet
- C. Minimum average lot width 100 feet
- D. Minimum Setbacks:
  - From any lot lines 50 feet  
(Amended with Ord. 08-707/ Res. 08-886)
- E. Minimum building setback from any street; a minimum Setback of 50 feet or the requirements in section 4.28 whichever is greater (Amended with Ord. 08-707/ Res. 08-886).
- F. Minimum Building Size None
- G. Maximum Building Height 35 feet
- H. Maximum Lot coverage None
- I. All outdoor storage shall be screened with a six (6) foot screening fence.



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### **3.18 “PL” – Public Land Designation (Amended with Resolution 10-947)**

#### 3.18.1 Purpose

The principal purpose of the (PL) public land designation is to allow those government uses which are necessary to serve the public in particular locations of the town and to distinguish them from private uses.

#### 3.18.2 Permitted Uses

- A. Public safety and law enforcement facilities.
- B. Public facilities such as hospitals, libraries, museums and similar public facilities.
- C. Public schools and playgrounds.
- D. Governmental office buildings and grounds, including service and maintenance facilities.
- E. Public recreational facilities and convention center.
- F. Community parks, recreational facilities, open space and fine arts center
- G. Colleges and universities.
- H. Other uses approved by the town council.

#### 3.18.3 Conditional Uses (conditional use permit required)

- A. Public water production and storage facilities, public sewage treatment plants, public facilities for the collection, transfer and disposal of solid wastes.

#### 3.18.4 Property Development Standards

- A. Minimum lot area: None

All uses approved for occupancy that are developed on lots less than one (1) acre in size must be served by a water and/or sewage disposal system approved by the Town of Chino Valley



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|--|---------|
| B. Minimum lot frontage:   | None    |
| C. Minimum average lot width:  | None    |
| D. Minimum setbacks:   |         |
| From any lot zoned residential   | 50 feet |
| Minimum building setback from any street; see section 4.28                                     |         |
| E. Minimum building size:  | None    |
| F. Maximum building height:  | 35 feet |
| G. Maximum lot coverage:   | None    |
| H. Outdoor storage: all outdoor storage shall be screened with a six (6) foot screening fence. |         |



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## **4. GENERAL REGULATIONS**

### **4.1 General Provisions**

### **4.2 Permitted uses**

- A. Those uses listed as “Permitted uses” shall be allowed to establish within any zone district in which they are listed, subject to the specific requirements of this Ordinance. All other uses shall be prohibited except as otherwise provided in this Ordinance.
- B. Conditional uses. Those uses listed as “Conditional uses” shall require a “Conditional Use Permit” in order to establish within the zone district in which they are listed, and shall be subject to all conditions and requirements imposed by the Commission or Council in connection with the “Conditional Use Permit.”
- C. Accessory uses. A use defined in Section 2.

### **4.3 Non-Conforming Lots of Record**

Notwithstanding any other provisions of this Ordinance, a building may be constructed on any legal lot of record existing before the adoption of this amendment in any zone in which such buildings were permitted immediately prior to the adoption thereof, even though such lot fails to meet the area, width, and public street abutment requirements within the zone upon the adoption hereof, providing:

- A. Such construction conforms to any lot coverage and yard requirements of the zone; and
- B. Any existing frontage on an access way which is part of the Public use access system is dedicated to the public according to Section 4.23.

### **4.4 Re-Dividing of Lots**

- A. No lot or parcel shall be divided to create a lot or parcel not in conformance with these regulations. No lot shall be divided in any manner other than through subdivision procedures as specified by the Subdivision and Land split Regulations of the Town.
- B. All proposed subdivisions of land and land splits shall be submitted for review and approval, prior to transfer, sale, lease, or subdivision recordation, to the Development Services Director. Any parcel subdivision and/or land split, recorded or unrecorded with the Town, which is reviewed and considered by the



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Zoning Administrator to be in violation of the Town Code, Subdivision and land split definitions and/or related Unified Development Ordinance regulations and/or Arizona Revised Statute shall be submitted in written notice of evidence to the Town Attorney and/or the Arizona Department of Real Estate Commissioner for legal inquiry and determinations as provided by Section 1.6 and Section 1.8 of this Ordinance and ARS.

- C. Land surveys of land parcels and lots within the Town boundaries shall comply with ARS governing the filing and recording of land surveys establishing points and property lines.
- D. Owner(s) of land who desire to subdivide land, the whole or part of which is in an area within three (3) miles of the Town corporate limits, for the purpose of selling, shall first give written notice to the Town of his intention to subdivide the land. Notice shall name and describe the land so that it may be identified upon the ground, and shall submit to the Town a tentative plat of the land showing the manner in which he/she desires to subdivide the land. Such submittal shall conform to all requirements of ARS 9-474.

#### **4.5 Yard, Lot Shape and Area Requirements**

- A. Application. No building shall be erected, nor shall any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the yard, lot, area, and building location regulations hereinafter designated for the zone in which such building or open space is located, except as otherwise specifically provided.
- B. Yards. Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc., and accessory structures as allowed in this Ordinance shall not be considered obstructions. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space, for a building on any other lot.
- C. Projections over and into required yards.
  - 1. Awnings, open fire escape balconies, fire escape stairs, window-type refrigeration units, suspended or roof evaporative coolers, and similar features, may project not more than five (5) feet over any required yard, provided that they shall be no closer than ten (10) feet from any lot line.



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2. Architectural details such as canopies, cornices, and eaves may project not more than two (2) feet over any required yard, provided that they shall be no closer than ten (10) feet from any lot line.
  3. Sills, leaders, belt courses and similar ornamental features may project not more than six (6) inches over or into any required yard.
  4. Awnings and canopies which are part of the gas station pump island may project into the required front yard but no closer than ten (10) feet from the property line.
- D. Patios and steps. Unroofed terraces, patios, steps or similar features not over three (3) feet in height above grade, may project into any required yard, provided that they shall be no closer than ten (10) feet from any lot line.
- E. Accessory buildings (attached). A private automobile garage, carport or accessory building having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot, and area requirements.
- F. Accessory buildings (detached) and swimming pools. Any detached accessory building or swimming pool in any zone shall not be located in the required front yard, shall be at least eight (8) feet from the main structure, shall be at least ten (10) feet from the rear and interior side lot lines (unless allowed closer elsewhere in this Ordinance), and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.
- G. Solar unit and dish antennas. Solar heating, solar cooling units, satellite dish antennas, (Amended with Ord. 09-424/ Res. 09-921). and associated apparatus notwithstanding any other provisions of this Ordinance shall not be located in any required front yard, but may be located in a required rear or side yard provided that such apparatus does not cover more than thirty (30) percent of that side yard and shall be no closer than ten (10) feet to any lot line.
- H. Service station pumps. No automobile service station pump shall be located closer than twelve (12) feet to a street property line.
- I. Domestic liquid petroleum gas tanks shall not be placed in required front yards or street side yards.
- J. Notwithstanding other provisions of this Code to the contrary, flag shaped or panhandle lots ("flag lots") as depicted in the diagram below may be created by land split in any zone if all of the following requirements are met (Amended with Ord. 07-683/ Res. 07-827):
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1. The lot has at least 50 feet of frontage on a dedicated public street, a private street established in a final plat or a public way and, unless the flag pole/panhandle is a public way, which frontage and flagpole/panhandle may serve as access only to the subject lot or parcel via the end of the flag pole or panhandle farthest from the main body of the lot;
  2. The entire flagpole/panhandle portion of the lot shall be at least 50 feet in width;
  3. There shall be a minimum separation between the edges of flagpoles/panhandles that equals or exceeds the minimum lot width for the respective zone in which the property is located.
  4. The length of the flagpole or panhandle shall not exceed 330 feet as measured from the right of way line or street chord upon which the flagpole/panhandle fronts on a public street or final platted private street or Public Way to the front line of the body of the lot; and
  5. The flag pole or pan handle portion of a flag lot shall be included in calculating gross square footage of a lot where the flagpole/panhandle is contiguous to the lot in question and is owned by the owner of the lot in question or was owned by the owner of the lot in question at the time the flagpole/panhandle or portion thereof was accepted for ownership by the Town pursuant to a dedication made by the owner in order to create, using all or part of the flagpole/panhandle and, if applicable, other property, a Public Street.
  6. Existing lots, which would otherwise meet the definition of a flag lot but for the width or length of the flagpole/panhandle used as access to the lot shall be considered non-conforming flag lots.

#### **4.6 Building and Height Requirements**

- A. Application. No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.
- B. Exceptions. Height regulations established elsewhere in this Ordinance shall not apply:
  1. In any district. To church spires, belfries, cupolas, windmills, wind chargers, and domes not for human occupancy, monuments, water towers, flagpoles, and light poles, provided, however, that any structure exempted in this sub-



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section shall be set back a minimum of one hundred percent (100%) of its height from all property lines.

2. In industrial districts. To chimneys, smokestacks, derricks, conveyors, grain elevators, or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted, provided however, that any structure exempted in this subsection shall be set back a minimum of one hundred percent (100%) of its height from all property lines.

#### **4.7 Height Limitations on Corner Lots**

Within a sight visibility triangle formed by the street front and side lot lines and a line connecting these lot lines at points measured along these lot lines a distance of twenty-five (25) feet from their intersection, no fixtures, construction, hedges, shrubbery and other planting shall obstruct the view of intersecting streets to a degree greater than 50% visibility. In no event shall an obstruction exist which creates a hazard to passing motorists.

#### **4.8 Walls and Fences**

- A. Height. No wall or fence shall be more than six (6) feet in height provided that fences exceeding the above heights may be allowed when a Conditional Use Permit has been secured for such purposes. When deciding on a Conditional Use Permit request, the Commission shall ensure that fences shall not cause a visibility hazard or nuisance.
- B. Materials and design. Fences and walls in all Zoning districts shall be constructed of wood, woven wire, masonry, iron or steel of conventional design. Fences or walls of other than specified material, or other than conventional design shall be allowed only by Conditional Use Permit.
- C. Electrical fences. Electrical fences shall be allowed only in those zone districts where the keeping of livestock is allowed and shall be clearly posted on all property corners and no more than 200 feet apart on all lot lines where such fences are erected.
- D. Swimming pools. All swimming pools shall be enclosed by a solid wall, wood, or chain link fence not less than five (5) feet and no more than six (6) feet in height so as to prevent uninvited access.
- E. Fees. No fee shall be charged for Conditional Use Permits concerning fences.



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#### **4.9 Outdoor storage**

- A. No travel trailer, motor home, recreational vehicle or boat stored on residentially zoned parcels or lots shall be utilized for residential purposes, nor shall they be made suitable for on-site occupancy unless permitted in the specific zoning regulation. Evidence of an on-site residency shall consist of at least three (3) of the following conditions:
1. Connection to a source of power.
  2. Connection to a source of water.
  3. Connection to sewer or septic system.
  4. Raising or leveling by means of jacks, stands or blocks.
  5. Having a mailbox.
  6. Having any attached or adjacent structure or improvement, which enhances on-site livability and/or decreases the mobility of the vehicle.
  7. Removal of wheels, axles or hitches on a vehicle normally fitted with wheels, axles and/or hitches. All vehicles shall be kept in reasonable repair and neatly arranged to resemble a parked position.
- B. Commercial, manufacturing and industrial zone. Outdoor storage of objects and materials shall be permitted as accessory use when a primary use has been established in commercial, manufacturing and industrial zones, providing the following conditions are met:
1. All outdoor storage must be stored at least thirty-five (35) feet from the edge of the pavement or other prepared street, that the property fronts on subject to:
    - a. Storage may not occur within ten (10) feet from any other street or property line.
    - b. Any material or objects stored within the required front or street side yard shall not exceed eight (8) feet in height.
  2. Flammables stored outdoors must be a minimum of ten (10) feet from any property line or such storage must be previously approved by the local fire department.



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3. No travel trailer, motor home, recreational vehicle or boat stored on commercial, manufacturing or industrial zoned parcels or lots shall be made suitable for on-site occupancy unless permitted in the specific zoning regulation. Evidence of an on-site residency shall consist of at least three of the following conditions:
    - a. Connection to a source of power.
    - b. Connection to a source of water.
    - c. Connection to sewer or septic or sewer system.
    - d. Raising or leveling by means of jacks, stands or blocks.
    - e. Having a mailbox.
    - f. Having any attached or adjacent structure or improvement, which enhances on-site livability and/or decreases the mobility of the vehicle.
    - g. Removal of wheels, axles or hitches on a vehicle normally fitted with wheels, axles and/or hitches.
  4. All outdoor storage shall be arranged in a neat and orderly manner or screened from the view of neighboring properties.

#### **4.10 Temporary Housing**

- A. Temporary construction office or security personnel housing. A temporary structure, mobile/manufactured home, or trailer may be allowed in any zone to conduct business or provide housing for security personnel during the construction of a permanent building when a valid building permit is in effect; however, such temporary structures, mobile/manufactured homes, or trailers shall also require an additional permit. Such structure, mobile/manufactured home, or trailer shall be removed immediately after completion and occupancy of the building, but in no event longer than one year.
- B. Temporary housing in cases of medical hardship. A trailer/RV may be allowed in a residential zone for a temporary specific duration when application for a special permit is obtained through the Zoning Administrator, provided:
  1. Property Owner or representative shall provide a letter of request, a physician's statement verifying the existence of a medical condition which requires temporary full-time care, proof of property ownership, relationship and names of persons to occupy the temporary dwelling and a sketch plan



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of property showing existing home with proposed structure, access, parking and distances from property lines and other structures.

2. Permit shall be issued for a 90-day term.
3. At no time shall a permit exceed 180 days.
4. Property shall be posted for five (5) days prior to issuance of a permit to allow neighbors the opportunity to object or, in lieu of posting, applicant shall submit approvals signed by all residents within (300) three hundred feet of subject property.
5. All connections and hook-ups shall meet Health Department and building Ordinance requirements. A plan for septic disposal shall be submitted.
6. Trailer/RV shall be removed within 14 days after the intended purpose no longer exists or after the permit has expired.
7. Occupancy of trailer/RV shall consist of caregivers only, with no more than two (2) occupants.
8. All Property setback requirements for each residential zoning district shall be complied with.
9. The Public Works Department or the Planning & Zoning Department may require additional conditions as deemed necessary to protect surrounding properties from adverse effects.
10. In the event a written protest is submitted, the applicant may appeal to the Board of Adjustment for a hearing.

#### **4.11 Home Occupations**

Home occupations shall be permitted in all residential zones and shall not alter the residential character of the property and buildings thereon. A Home occupation is that accessory use of the dwelling or outbuilding on a residential lot that shall constitute either entirely or partly the livelihood of a person living in the dwelling. A Home occupation shall be subject to the following provisions:

- A. There shall be no employees of the home occupation other than members of the household working on-site; however, there shall be no restriction on the number of employees working off-site.



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- B. Traffic that is related to the Home occupation may be permitted from 7:00 a.m. to 10:00 p.m. and shall be what is reasonable and customary to the neighborhood. The Home occupation business owner shall provide adequate off-street parking.
  - C. Signs, displays or any other exterior indications of the Home occupation shall be subject to the applicable provisions of Section 4.21 Signs.
  - D. The maximum percentage of the gross floor area of the dwelling that shall be used for all home occupation activities on any one property, excluding parking of vehicles, shall not exceed twenty-five (25) percent.
  - E. Outdoor storage shall not display or create any external evidence of the operation of the home occupation.
  - F. No home occupation shall emit noticeable odor, dust, gas, noise, vibration, smoke, toxic material or fumes, heat, or glare beyond any boundary of the lot on which the home occupation is conducted.
  - G. A home occupation shall not include, but exclusion shall not be limited to, the following uses: Barber Shops and Beauty Parlors, Commercial Specific plans, Veterinary clinic, On-site Dog Grooming, Real Estate Offices, Restaurants, Animal Hospitals and Commercial Kennels, Retail Shops, Automobile Repair Shops, Wholesale and Storage of Building Material. A Home occupation may include, but is not limited, to the following uses, provided the uses are not otherwise in violation of the Home occupation regulations: Catalog/mail order sales, Contractor Office, Bookkeeping, Off-site Yard Service, Handyman or similar services, Video Productions, Consulting, Off-site Dog Grooming. Retail sales incidental to the Home occupation are permitted on site.
  - H. Other similar Home occupations may be permitted by the Zoning Administrator providing such Home occupations meet all the requirements of this subsection and providing a determination is made by the Zoning Administrator that: (a) the proposed use in no way diminishes the use and enjoyment of adjacent conforming properties (b) the proposed use will not alter the residential character of the subject property; and (c) the proposed use will not adversely affect the public health, safety or welfare.
  - I. Prior to issuance of a Town Business License, the applicant for a Business License must complete and sign a home occupation form acknowledging receipt of a copy of Section 4.11 of the Unified Development Ordinance and compliance therewith as well as proof of compliance with all State and local business license and transaction privilege tax requirements.



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- J. Failure to comply fully with the above conditions of the home occupation regulations shall cause revocation of the home occupation privilege and the Town Business License. Any appeal shall be pursuant to the Town Code.

#### **4.12 Garage Sales, Swap Meets and Outdoor Sales**

- A. All swap meets and outdoor sales shall be permitted only in commercial and industrial zoned districts subject to business licensing as outlined in the Business License provisions of the Town Code.
- B. Garage sales shall require a business license as required by the Business License provisions of the Town Code; however, all other requirements of this subsection and any business license fee shall be waived provided such sales occur no more often than two weekends in a 90-day period.

#### **4.13 Temporary Festivals, Circuses, Carnivals, Celebrations, Fiestas, Rallies, Dances, Revival Meetings and Similar Activities**

All temporary festivals, circuses, carnivals, celebrations, fiestas, rallies, dances, revival meetings, and other similar activities shall be permitted only in commercial and industrial zones subject to the restrictions and license procedures as outlined in the Town Code.

#### **4.14 Public Service Facilities**

A Conditional Use Permit shall be required by all Public Service Companies in order to establish or substantially expand utility buildings, structures, or appurtenances thereto, in any zoning district. Extension of public service lines in public or private right-of-way is exempt from these requirements.

#### **4.15 Structure Near Airplane Runways or Landing Strips**

No building or structure, or any portion thereof, which exceeds a height of twenty (20) feet shall be erected or structurally altered within five hundred (500) feet of the projected center line of an existing or proposed runway or landing strip for a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip. No building or structure, or any portion thereof, shall be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one (1) foot vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended center line of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement, or, if runway pavement is not provided, one hundred (100) feet beyond and at the same elevation as the end of the landing strip.



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#### **4.16 Schools**

Public and parochial schools and institutions of higher education and private educational institutions, excluding business, technical and trade schools, are permitted in each district subject to the following standards:

- A. A lot of twenty thousand (20,000) square feet shall be required for the first twenty (20) students. An additional ten thousand (10,000) square feet shall be required for each additional twenty (20) students.
- B. The lot shall have at least one hundred (100) feet of frontage on a major street or, with Use Permit approval, on a collector street.
- C. A Use Permit shall be required if periods of instruction are prior to 6:00 a.m. or after the hour of 10:00 p.m.
- D. A Site Plan in conformance with Section 1.9 shall be required of any school located in a residential district. Fund raising events located on the same lot or contiguous lots shall be permitted subject to the requirements of the Town Code and Ordinances.

#### **4.17 Prohibited Uses**

In all zoned districts, chemicals manufacturing, incineration, and/or reduction of garbage, sewage and nuclear waste dumping is prohibited.

#### **4.18 Fees**

Fees required by this Ordinance shall be established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk.

Return of any portion of a fee or any waiver of fees must be approved by the Council unless the change or amendment is initiated by the Council or the Commission or when the petitioner is the Town, County, State or Federal Government.

In no case shall any error by the Clerk in computing or collecting the amount of fee(s) specified under this Ordinance prevent the Town from collecting the correct amount from any person required to pay the fee(s).

#### **4.19 Campgrounds**

- A. Campgrounds shall only be permitted within a Commercial Zoning district, and shall require a Conditional Use Permit in the commercial light zoning district



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(Amended with Resolution 10-947) accordance with the provisions of this Ordinance.

B. All campgrounds shall comply with the following guidelines: (Amended with Ordinance 10-742)

1. Site specifications.

a. Sites must be clearly defined, well drained, and reasonably level.

b. Each tent site must be no less than nine hundred (900) square feet in area.

c. Each recreational vehicle site must be no less than one thousand two hundred (1,200) square feet in area, and shall be designated to allow a minimum of fifteen (15) feet between adjoining recreational vehicles.

2. Office and registration facilities. Each campground must provide an adequate and easily identifiable office or registration area. Registration facilities must be located so as not to interfere with the normal flow of traffic in and out of the campground.

3. Restroom facilities. Each campground must conform to State and Federal Guidelines and must have the following facilities as a minimum:

a. One (1) toilet for each ten (10) camping sites, or fraction thereof, excluding sites with sewer hookups used for self-contained recreational vehicles. There shall be a minimum of one (1) toilet provided for each men's and women's restroom regardless of number of campsites. Urinals may be provided for fifty percent (50%) of the toilet requirement of the men's restroom. Toilets shall be partitioned for occupant privacy.

b. One (1) hot water shower shall be provided for each ten (10) camping sites or fraction thereof. There shall be a minimum of one (1) shower for each men and women's restroom regardless of the number of campsites. Showers shall be partitioned for occupant privacy.

c. One (1) sink with hot water shall be provided for each ten (10) camping sites or fraction thereof. There shall be a minimum of one (1) sink for each men's and women's restroom regardless of the number of campsites.

d. Each restroom shall contain shelf space and/or hooks adequate for toilet articles and towels, a good, well lighted mirror directly above each sink,



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an electric outlet convenient to the sink, ample general illumination, wastebaskets, and windows and doors designed for complete privacy.

- e. Maintenance. Campgrounds must be well maintained in all areas. This includes the grounds, restroom facilities, buildings and any recreational areas and equipment.

## **4.20 Non-conforming Uses and Structures**

### **4.20.1 Purpose**

The purpose of this subsection is to regulate the use, maintenance, alteration, repair, extension and restoration of buildings and land which lawfully existed at the time of adoption of this Ordinance, but which do not conform to the regulations for the district in which they are located.

### **4.20.2 Continued Use**

- A. The lawful use of land, building or structure existing at the time of the passage of this Ordinance, although such does not conform to the provisions hereof for the land, may be continued, but if such non-conforming use is discontinued or inactive for a period of six (6) months it shall be considered abandoned, and future use of the land or structure shall be in conformity with the provisions of this Ordinance. An applicant whose use has been discontinued or inactive for a period of six (6) months may request one (1) additional six (6) month extension. The Zoning Administrator may approve/disapprove the extension administratively or refer the request to Council for their consideration. Any decision of the Zoning Administrator regarding an extension may be appealed to Council.
- B. Nothing in this article shall prevent the reconstruction, repairing, or rebuilding of a non-conforming structure or part thereof rendered necessary by normal wear and tear, deterioration, or depreciation.
- C. Nothing in this Ordinance shall be interpreted as authorization for approval of the continuance of the use of a building or premises in violation of regulations in effect at the time of the effective date of this Ordinance.
- D. Nothing in this Ordinance shall prevent requiring the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by a proper authority.
- E. Nothing in this Ordinance shall require any change in plans, construction, or designated use of a building or lot for which a building permit or other official permit has been issued prior to the enactment or amendment of this Ordinance, provided the construction or use shall be diligently pursued within six (6) months of the date of this Ordinance, and the building or use is completed and



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used according to such plans as filed within one (1) year from the date of adoption or subsequent amendment of this Ordinance.

- F. A non-conforming building or portion thereof which was specifically designed or is demonstrably intended by the nature of its arrangement and construction to be used in any way which would be non-conforming under this Ordinance, but was not so used at the time this Ordinance became effective, may, if not altered or repaired as prohibited elsewhere in this Ordinance, be occupied or used for the purpose for which it was designed, arranged, or intended provided such building is so used within six (6) months after the effective date of this Ordinance. Otherwise the use of such building shall conform to the provisions of this Ordinance.
- G. Once a non-conforming use has been voluntarily discontinued or promised to be discontinued and filed in writing with the Zoning Administrator in order to secure a rezoning, Conditional Use Permit, or other approval, such non-conforming use, upon receipt of the requested approval, shall not be allowed to continue and shall conform to all provisions of this Ordinance except as specified in the approval.

#### 4.20.3 Reconstruction

- A. Where any non-conforming use or structure in existence at the effective date of this Ordinance, which does not conform to the district in which located, that shall be destroyed to extent of fifty (50) percent of its value, then, without further action by Council, the building or land shall, from date of destruction, be subject to this Ordinance.
- B. Nothing in this Ordinance shall be interpreted as authorization for continuance of the use of a building or land in violation of zoning regulations in effect prior to adoption of this Ordinance.
- C. Nothing in this Ordinance shall be interpreted to require any changes in:
  - 1. An existing building;
  - 2. A building for which a building permit has been issued and construction has been diligently pursued within six (6) months of date of the permit, and the entire building was completed within one year from date of this Ordinance.

#### 4.20.4 Expansion of a Non-conforming Use

No non-conforming building, use of building or use of land shall be expanded in any way that enlarges or reinforces the non-conformity.



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## 4.21 Sign Regulations

### 4.21.1 Purpose

The purpose of this Ordinance is to establish comprehensive provisions that will promote public welfare and safety by safe placement and installation of appropriate signage; establish reasonable regulations to promote economic vitality for local businesses and services; and enhance the visual environment of the Town.

### 4.21.2 Intent

The intent of these provisions is to maximize establishment identification; balance sign function with the community's aesthetic standards, avoid over-proliferation of signs and maintain a high quality of signs throughout the Town.

### 4.21.3 General Sign Regulations

The regulations, requirements, and provisions set forth in this Ordinance shall apply to all signs erected, placed, or constructed within the Town.

- A. Sign permits shall be required for all signs except those signs specified in Section 4.21.10 below. The Zoning Administrator, or his/her designee, shall issue a sign permit only if the proposed sign, construction, alteration, re-erection, maintenance and location of the sign comply with these regulations.
- B. All signs shall be structurally designed, constructed, erected, and maintained in accordance with all applicable provisions and requirements of the Town Codes and Ordinances.
- C. Signs shall not be located in a manner that interferes with pedestrian or vehicular travel, poses a hazard to either pedestrians or vehicles, or within the specified "sight visibility triangle" as defined in the Section 4.7 of this Ordinance and further described in the Engineering Design Standards.

Signs shall be located a minimum of five feet (5') from property lines.

- D. Signs shall not be located within, on or projecting over any public street, right-of-way, or other public property, except for Town-approved residential kiosk sign structures, bus bay signs, shingle signs and projecting signs as permitted by this Ordinance. The Town may install signs on its own property to identify public buildings and uses, and to provide necessary traffic control.



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- E. All signs and sign structures, conforming and non-conforming, shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create visual blight as determined by the Zoning Administrator or his/her designee.
  - F. The source of the sign's illumination, except neon illumination, shall not be visible from any street, sidewalk, or adjacent property and the face of the sign (with the exception of lettering and logos) shall be opaque. This shall not preclude the use of neon sign elements within the commercial zoning districts, which are subject to staff review and approval through the Site Plan Review process.
  - G. Signage within an approved PAD may deviate from the requirements of this Ordinance provided the PAD has an approved comprehensive sign package and all proposed signage within the PAD is in compliance with that comprehensive sign package.
  - H. Signs and/or banners should not be placed in such a manner that they obstruct Town required informational, traffic, or safety signs.
  - I. Where there is conflict between these regulations and other Town regulations, the more restrictive shall apply.

#### 4.21.4 Sign Area

Sign Area is defined and shall be measured as follows.

- A. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as that area within the outside dimensions of the background panel or surface. The base of a freestanding monument sign shall not be calculated as sign area unless the base contains signage (see definition of a sign).

Sign copy mounted as individual letters and/or graphics against a wall or parapet 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 a sum of the smallest rectangles that will enclose each word and each graphic in the total sign copy.

- B. Multi-face signs shall be measured as follows:

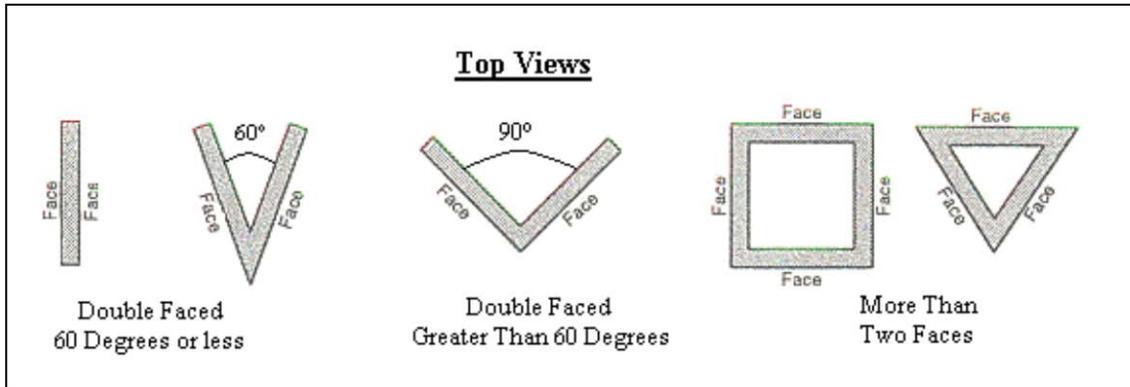
1. A two (2) faced sign shall be considered as one sign when determining the sign area, provided both faces are parallel and the distance between faces does not exceed four foot (4') or the interior angle between the two (2) sign faces is sixty degrees (60°) or less. If the interior angle is greater than sixty



degrees (60°), the sign area shall be the sum of the area of the two (2) faces.

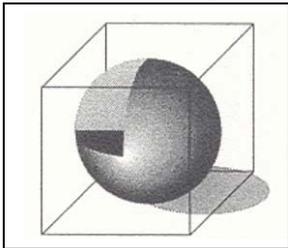
2. Where a sign has three (3) or more faces: the area of the sign shall be calculated as fifty percent (50%) of the sum of the area of all faces.

### Multi-Face Signs



3. Where a sign is a spherical, free form, sculptural, figurative or other non-planar sign, the sign area shall be fifty (50%) percent of the sum of the area of the sides of the smallest polygon that will encompass the sign structure.

### Non-Planar Signs



- C. The aggregate sign area of all signs on a lot or parcel shall be the sum of the areas of all the signs except the area for the following:

Directional signs, assisting in the flow of traffic, which do not exceed an area of six square feet (6 sq. ft.) or a height of three feet (3') and may include a maximum of twenty-five percent (25%) of the sign area devoted to the display of a business logo or identification.

Street address wall signs, which do not exceed an area of six square feet (6 sq. ft.).

Signs necessary for safety, which do not exceed an area of six square feet (6 sq. ft.) or height of three feet (3').



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One sign per lot, parcel or business which does not exceed an area of three square feet (3 sq. ft.) and is located near the entrance to such lot, parcel or business for the purpose of aiding pedestrian traffic.

#### 4.21.5 Sign Height

Sign height is defined and shall be measured as follows.

- A. Freestanding signs shall be measured as the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the nearest adjacent roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
- B. Wall or parapet-mounted sign height shall be measured as the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

#### 4.21.6 Permitted Permanent Signs

- A. "Agricultural and Residential Districts": For all signs within "Agricultural and Residential Districts" (OS, AR-36, AR-4, SR-2, SR-1, SR-0.16, MR-1, and MHP-4) the following shall apply:
  - 1. Wall sign: May or may not be illuminated with a maximum height of ten feet (10') except where specifically noted.
    - a. Single Residence Uses: One or more identification signs may be permitted. Signs may include only the name of the residence or occupant, and the street address. Street address signs shall not exceed a total aggregate area of three square feet (3 sq. ft.). Within the "OS", "AR-36" and "AR-4" zoning districts a total aggregate area of eight square feet (8 sq. ft.) may be permitted.
    - b. Multiple Residence Uses (includes apartments, condominiums, Townhouses, a manufactured home park, recreational vehicle park, or similar such use): One or more identification sign per unit, not to exceed a total aggregate area of three square feet (3 sq. ft.), may be permitted. The maximum height of any identification sign, for multi-story buildings, shall be six feet (6') from the story floor level. The sign may include only the name of the residence or occupant, and the street address or unit number. Building number or letter signs for multiple building developments



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shall be in compliance with Fire Department requirements and shall not be counted as part of the aggregate sign area.

- c. Non-Residential Uses: (such as but not limited to churches, schools, group homes, farms, but not intended for home occupations). One or more identification sign per lot or parcel, not to exceed a total aggregate area of sixteen square feet (16 sq. ft.), may be permitted unless deviations are approved through a Conditional use permit. The sign may include the name and/or logo of the facility, organization or development and the street address.
2. Freestanding monument Sign: May or may not be illuminated with a maximum height of six feet (6').
    - a. Multiple Residence Uses (includes apartments, condominiums, Townhouses, a manufactured home park, recreational vehicle park, or similar such use). A maximum of two (2) freestanding monument signs with an aggregate area of thirty-two square feet (32 sq. ft.) may be permitted. The maximum height shall be six feet (6'). Signs should be located near the main entrance(s) and may include the name and/or logo of the development and shall include the street address. Street address numerals shall be provided on any freestanding monument sign located along the street to which the address numbering applies, in a contrasting color and/or material from the color and material used for the background for the numerals on the sign.
    - b. Non-Residential Uses (such as but not limited to churches, schools, group homes, farms, but not intended for home occupations): One (1) freestanding monument sign per lot, not exceeding thirty-two square feet (32 sq. ft.) in area nor a height of six feet (6'), may be permitted. The sign may include the name and/or logo of the facility, organization or development and shall include the street address.
  3. Directional Signs:

Such signs are permitted for Multiple Residence Uses and Non-Residential Uses and shall not exceed an area of six square feet (6 sq. ft.) or a height of three feet (3'). These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and may include a maximum of twenty-five percent (25%) of the sign area devoted to the display of a business logo or identification. They shall not be located within the sight visibility triangle as described in Section 4.6, of any driveway. The use, number and location of such signs must be approved through the Site Plan Review process and comply with the requirements of this Ordinance.



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#### 4. Directory signs:

Such signs may be used for Multiple Residence Uses and Non-Residential Uses when required to identify the location of various buildings, offices or businesses within a complex. The use, number and location of such signs must be approved through the Site Plan Review process and comply with the requirements of this Ordinance. Each sign may be illuminated and have a maximum area of eighteen square feet (18 sq. ft.) and a maximum height of six feet (6'). These signs shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.

##### a. Total Signage:

- i. Single Residence Uses: A maximum aggregate area of three square feet (3 sq. ft.) per lot or parcel may be permitted.
- ii. Multiple Residence Uses (includes apartments, condominiums, Townhouses, a manufactured home park, recreational vehicle park, or similar such use): One (1) wall sign per individual unit or dwelling, not to exceed three square feet (3 sq. ft.), may be permitted.
- iii. A maximum of two (2) freestanding monument signs per development, with a total aggregate area of thirty-two square feet (32 sq. ft.), may be permitted.
- iv. Freestanding directional signs may be permitted through the Site Plan Review process.

Non-Residential Uses (such as but not limited to churches, schools, group homes, farms, but not intended for home occupations): A maximum of two (2) signs per lot or parcel may be permitted with the total aggregate sign area not to exceed forty-eight square feet (48 sq. ft.).

Freestanding directory signs may be permitted through the Site Plan Review process.

#### 5. Reader panel signs:

- a. Elementary and secondary schools may also have, in addition to above (5.Total Signage. (c), one (1) freestanding reader panel sign with an area not exceeding thirty-two square feet (32 sq. ft.) and a height not greater than fourteen feet (14').



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- b. Churches may use up to one-half ( $\frac{1}{2}$ ) of the allowed freestanding sign area for a reader panel.
- B. "Non-Agricultural and Residential": Signs within "Non-Agricultural and Residential Districts" (CL, CH, I, PL and OS) shall comply with the following applicable restrictions. Additionally, any complex of three (3) or more businesses shall be required to submit a comprehensive sign package to be reviewed and recommended by the Commission and approved by Council.
1. Wall signage: May or may not be illuminated.
    - a. Wall signs pertaining to any one (1) business within a complex, on a separate parcel or lot, or on a freestanding PAD shall be permitted on the exterior walls of the space occupied by the business in accordance with the following guidelines:
      - b. A wall sign may be permitted on the front building elevation and shall have a maximum area not to exceed one square foot (1 sq. ft.) for each linear foot of the building wall upon which the sign is displayed.
      - c. Wall signs may be permitted on each of its other exterior walls and shall have a maximum area not to exceed one-half ( $\frac{1}{2}$ ) square foot for each linear foot of the building frontage upon which each sign is displayed.
      - d. Under no circumstances may any business have an aggregate area for all wall signs exceeding two hundred square feet (200 sq. ft.), unless as otherwise approved with a comprehensive sign plan.
      - e. Signage shall not extend horizontally a distance greater than eighty percent (80%) of the width of the building wall on which it is displayed.
  2. Freestanding monument Signage: May or may not be illuminated.
    - a. One (1) freestanding monument sign for identification purposes shall be permitted per business, except as otherwise allowed.
    - b. Any freestanding sign shall not exceed eight feet (8') in height.
    - c. For a single tenant building the sign shall not exceed thirty-two square feet (32 sq. ft.) in area and may include the name and/or logo of the business and shall include the address.



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- d. For a single building development with multiple tenants the sign shall not exceed forty-eight square feet (48 sq. ft.) in area and may include the name and/or logo of the businesses and shall include the address.
  - e. For multiple building developments or commercial centers one (1) sign may be permitted for every three hundred thirty feet (330') of street frontage for the entire development with a maximum of two (2) signs per street frontage if applicable. The individual buildings within the development and/or the PAD sites within the commercial center shall not be considered as separate developments for signage purposes. The minimum distance between two signs on the same street frontage shall be three hundred thirty feet (330'). Each sign may be a maximum of forty-eight square feet (48 sq. ft.) in area and may be either a freestanding center identification sign or a multi-tenant identification sign.

3. Directional Signs:

Such signs shall not exceed an area of six square feet (6 sq. ft.) or a height of three feet (3'). These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and may include a maximum of twenty-five percent (25%) of the sign area devoted to the display of a business logo or identification. They shall not be located within the sight visibility triangle as described in Section 4.7, of any driveway. The use, number and location of such signs must be approved through the Site Plan Review process and comply with all other Ordinance requirements.

4. Directory signs:

Such signs may be used when required to identify the location of various buildings, offices or businesses within the complex. The use, number and location of such signs must be approved through the Site Plan review process and comply with all other Ordinance requirements. Each sign may be illuminated and have a maximum area of eighteen square feet (18 sq. ft.) and a maximum height of six feet (6'). These signs shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.

5. Drive-thru Restaurant Menu Boards:

- a. Each drive-thru restaurant may be permitted one (1) preview menu Board and one (1) ordering menu Board. These signs may be freestanding or wall-mounted and shall be located a minimum of forty-five feet (45') from the street property line and the front of the Board(s) shall not be visible from the public street. The maximum aggregate area for both



signs shall not exceed fifty square feet (50 sq. ft.) or a maximum height of eight feet (8') per sign. These signs shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.

- b. Freestanding menu Boards shall have a monument base of masonry construction and shall have a landscape area at the base of the sign equal to at least two square feet (2 sq. ft.) for each square foot of sign area.

6. Window signage:

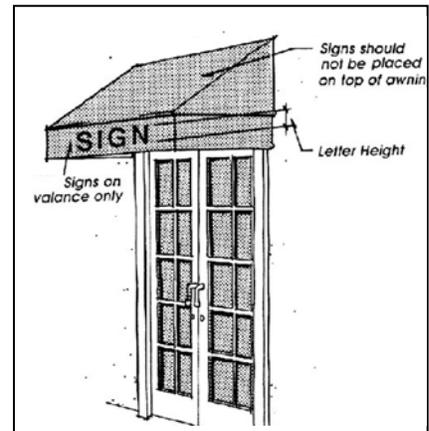
The total aggregate area of all window signs shall not exceed twenty-five percent (25%) of the total area of the windows through which they are visible.



7. Awning Signs:

A maximum of twenty-five percent (25%) of the front face area of the awning may be used for signage.

Awning signs may identify the name of the business. Logos may be used but not in such a way where it is the predominant element of the awning sign. Such signs shall not include any additional advertising copy.



8. Shingle signs and projecting signs:

- a. One (1) shingle sign or projecting sign that is designed and oriented primarily for the aid of pedestrians may be allowed per business and shall be located immediately adjacent to the business it identifies.

- b. Shingle signs and projecting signs shall have an eight-foot (8') minimum clearance between the bottom of the sign and the sidewalk.

- c. Shingle signs shall have a maximum area of three square feet (3 sq. ft.).

9. Projecting signs for each ground floor business on a street shall not exceed one square foot (1 sq. ft.) for each linear street frontage of the business, up to a maximum of fifteen square feet (15 sq. ft.).



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May identify the name and/or logo of the business, and such signs shall not include any additional advertising copy.

A wall or parapet sign is not permitted if a projecting sign is used to identify the business.

#### 10. Parapet Signs:

Parapet signs shall not project above the top of the building parapet.

- a. A maximum of twenty-five percent (25%) of the front face area of the parapet may be used for signage.
- b. Parapet signs may identify the name of the business. Logos may be used but not in such a way where it is the predominant element of the parapet sign. Such signs shall not include any additional advertising copy.

#### 11. Total Signage:

- a. The total maximum aggregate signage, inclusive of wall, freestanding monument, window, awning, shingle, projecting, or parapet signs, shall not exceed two hundred thirty-two square feet (232 sq. ft.) for a single-tenant development.
- b. The total maximum aggregate signage, inclusive of wall, freestanding monument, window, awning, shingle, projecting, or parapet signs, shall not exceed two hundred forty-eight square feet (248 sq. ft.) for a multi-tenant development.
- c. The freestanding monument sign(s) for multi-tenant, multi-building, or shopping center developments shall not be counted towards the individual businesses' or anchor tenant's allowed signage provided that the name of the businesses or anchor tenant is not part of the center identification name on the freestanding sign.
- d. In addition to above, drive-thru restaurants may be permitted one (1) freestanding or wall-mounted preview menu Board and one (1) ordering menu Board with a maximum aggregate area of fifty square feet (50 sq. ft.) for both signs.
- e. Freestanding directory signs may be permitted through the Site Plan Review process.



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- f. In addition to above (Total Signage), multiple building developments or commercial centers may be permitted additional freestanding center or multi-tenant identification signs with a maximum area of forty-eight square feet (48 sq. ft.) each in accordance with the provisions outlined in this Ordinance.
  - g. The provisions above shall apply unless such guidelines are addressed in an approved comprehensive sign plan.

12. Reader panel signs:

Theaters, municipal uses, commercial uses, religious and academic institutions, or quasi-government organizations may also have, in addition to above (Total Signage), one (1) freestanding reader panel sign not to exceed twenty-four square feet (24 sq. ft.) in area and six feet (6') in height approved as a Conditional use.

4.21.7 Temporary Signs

A. Banners, Pennants and Displays for Grand Openings and Special Events:

1. All businesses shall be permitted to display Grand Opening signs at the time of original opening or when reopened by a new owner or lessee for a maximum period of thirty (30) days. Approval of the time and location of display shall be obtained from the Development Services Director or his/her designee, on forms provided by the Town's Development Services Department.
2. Such signs may be allowed on-site, in commercial or industrial districts or public or institutional property. In residential districts, such signs may only be permitted for multiple residence uses and non-residential uses.
3. Banners, pennants, and other displays for special events may be allowed for a maximum period of ten (10) consecutive days on each occasion, with the exception of grand opening or reopening signs and such signs shall be reviewed on a case-by-case basis. Approval of the time and location of display shall be obtained from the Development Services Director or his/her designee, on forms provided by the Town's Development Services Department.
4. No pennant, banner or display shall be placed on or above the roof of any building.
5. A minimum of thirty (30) days shall pass between each such display.



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6. For special events, the maximum banner size shall be forty-eight square feet (48 sq. ft.), unless otherwise reviewed and approved, and shall be limited to one (1) per street frontage of the business. Application for and approval of the time and location of display shall be obtained from the Zoning Administrator, or his/her designee, on forms provided by the Town's Development Services Department.
  7. Banners and pennants shall be displayed on the building or within the parking area, perimeter landscape, or some other area of the development, as reviewed and approved by the Development Services Director or his/her designee.

#### B. Off-site Directional Signs

1. A sign plan shall be required in conjunction with the Special Event Permit or Temporary use Permit. The sign plan shall show the proposed location, placement, and size of all off-site directional signs.
2. Signs may be placed twenty-four (24) hours in advance of the event and shall be removed within twenty-four (24) hours after the conclusion of the event.
3. Signs shall not be placed or located within the public rights-of-way.
4. Prior to installation, approval shall be obtained from the owner of the property on which off-site directional signs will be placed.
5. Banners shall be made of cloth, nylon, or similar material.
6. Banners may be hung from streetlights that are specifically designed to accommodate banners and which advertise a Town-authorized special event or a community wide event or a community message but not for individual businesses.
7. Approval of the time and location of the banners shall be obtained from the Development Services Director, or his/her designee, and the Public Works Director, or his/her designee on forms provided by the Town's Development Services Department.

#### C. Political signs:

1. Signs pertaining to an election shall not be displayed earlier than sixty (60) days prior to an election and shall be removed within ten (10) days after the specific election to which they refer. The Town may impose a bond re-



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quirement for political signage to help insure the prompt removal of all political signage as required by this Ordinance.

2. Signs shall not be placed in any portion of the public right-of-way.

Prior to installation, approval shall be obtained from the owner of the property on which political signs will be placed.

D. Real estate signs:

Signs advertising the sale, lease or renting of a building, suite, dwelling or lot shall conform to the following regulations and are exempt from the total aggregate sign area.

1. In residential zoning districts one (1) non-illuminated sign, located on the subject property, shall be permitted. The sign shall not exceed six square feet (6 sq. ft.) in area or five feet (5') in height. Parcels or lots of five (5) or more acres shall be permitted one (1) sign with a maximum area of thirty-two square feet (32 sq. ft.) and a maximum height of eight feet (8') per street frontage.
2. For vacant property in commercial and industrial zoning districts one (1), non-illuminated sign, shall be permitted which shall not exceed thirty-two square feet (32 sq. ft.) in area nor eight feet (8') in height.
3. For developed property within the commercial and industrial zoning districts one (1) non-illuminated sign, pertaining only to the building upon which displayed shall be permitted. Such sign shall have a maximum area of twelve square feet (12 sq. ft.) and a maximum height of six feet (6').
4. A maximum of four (4) open house directional signs, including any such sign on the property of the home for sale, may be posted for each home provided they are not placed or located upon Town sidewalks or within the public rights-of-way. Each sign shall have a maximum height of three feet (3'). The signs may be posted only when a sales person is on duty at the home and for no longer than nine (9) hours during any twenty-four (24) hour period.

E. Construction or Development Signs:

1. One such sign may be posted on the lot or parcel where the construction or repair will be conducted. The sign shall have a maximum area of thirty-two square feet (32 sq. ft.) and a maximum height of eight feet (8').



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2. If construction plans have not been submitted to the Development Services Department for the parcel or lot within one hundred twenty (120) days after issuance of the construction or development sign permit, the sign shall be removed and will not be approved for replacement until after a building permit has been issued by the Town for the project.
  3. In all cases, such signs shall be removed within ten (10) days following the issuance of a certificate of occupancy for the project.

#### 4.21.8 Subdivision Signs

The following signs may be permissible after administrative review and approval by the Development Services Director or his/her designee.

##### A. Permanent Subdivision Entry / Identification Signs:

1. A wall sign or monument sign may be permitted at the entryway(s) of a subdivision. The signage shall be integrated to complement the streetscape and landscaping frontages. A maximum aggregate area of twenty-four square feet (24 sq. ft.) per subdivision or parcel/unit may be permitted.
2. The maximum height of any subdivision entry/identification sign shall be six feet (6'). The sign may include only the name of the development and the street address.

##### B. Temporary subdivision advertising and directional signs:

1. On-site sign: During the construction phase, each subdivision shall have one sign located at the subdivision (on-site) advertising the subdivision. Such sign shall have a maximum area of ninety-six square feet (96 sq. ft.) and may be single or double faced with a maximum height of thirteen feet (13') and boxed edges. The sign shall not be located within one hundred feet (100') of any property line of an existing residence. The sign must be removed when ninety-five percent (95%) of the lots within the subdivision are sold and/or the on-site sales office(s) closes. Additional on-site subdivision advertising and directional signs may be permitted in a PAD District if prior approval by the Commission and Town Council is obtained.
2. Residential kiosk Signs: Sign panels on a Town-approved kiosk structure may be authorized for the purpose of providing directional information to community facilities and residential developments, including manufactured home parks and apartment developments, which are offering the first time sale and/or lease of single-family subdivisions, multiple-family condominiums, or apartments that are located within the Town limits. Sign panels



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may be single or double-faced. Maximum sign height for a single sign structure (kiosk) shall be eight feet (8').

3. Sign panels shall be located on designated Town kiosk structures within the public right-of-way, or, upon finding that such location will not permit adequate directional information, kiosk structures may be approved on private property with the written permission of the property owner. Such permission shall include the consent of the property owners to allow the Town, in the event of non-compliance, to enter the property and remove the sign. A kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted to and approved by the Development Services Director, or his/her designee, prior to the acceptance of a sign permit application.
4. Each temporary real estate directional sign panel may contain only the name of the subdivision or builder or new multiple-family development, the corporate logo, and a directional arrow. Community directional sign panels (Town Hall, library, medical facilities, parks, historic sites, etc.) may also be allowed on kiosk structures.
5. No temporary real estate kiosk sign shall be placed within three hundred feet (300') of another except when they are across the street from one another.
6. Directional sign panels shall conform to colors and design standards approved by the Development Services Director, or his/her designee.
7. Any sign panel approved for a particular development project within the Town shall not be changed to another project without prior approval of the Development Services Director or his/her designee.
8. Flags: Subdivision identification flags may be placed on, or behind, the property line of the subdivision. No more than six (6) such flags may be placed at any one subdivision. The flags shall have a maximum area of twelve square feet (12 sq. ft.), shall contain no lettering and may not be maintained higher than twenty-five feet (25') above the adjoining ground, and must be on an approved engineered footing. The flags must be removed when ninety-five percent (95%) of the lots in the subdivision are sold and/or the on-site sales office closes.
9. PAD directional signs:

A maximum number of three (3) homebuilder or marketing directional signs may be permitted within an approved PAD. Each sign shall have a maximum height of three feet (3') and six square feet (6 sq. ft.) in area.



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#### 4.21.9 Submittal and Permit Requirements

Sign permit approval is required for constructing or altering any non-exempt sign. A sign permit application shall be made in writing on forms provided by the Development Services Department. Depending on the sign and location, a building permit may also be required.

The following information will be required on all sign permit applications:

- A. Business owner's name, address and telephone number.
- B. Sign contractor's name, address and telephone number.
- C. Inventory of all existing signs on the property showing the type, dimensions, and location of each sign.
- D. Fully dimensioned plans and elevations showing the dimensions, design copy, and location of each proposed sign in relation to the property line(s) and public right-of-way.
- E. Plans indicating the scope and structural detail of the work to be done; including details of all connections, supports, footings, and materials to be used.
- F. Required information for an electrical permit for all signage illumination. Please contact the Building Safety Division for specific requirements and/or additional information.
- G. Comprehensive sign packages, if required by this Ordinance, shall provide information regarding the color(s), material, type, and letter samples that are for all tenant signage, freestanding center identification signage, directional signs, window signs and any other information deemed necessary by the Town to adequately review the comprehensive sign package.
- H. A "Planned Area Development" (PAD) must submit a comprehensive sign package and may, through the comprehensive sign package, request deviations from this Ordinance only if the deviations are reviewed and recommended by Commission and approved by Council.
- I. Two (2) copies of all information listed above shall be submitted with the application for each sign; one (1) copy being returned to the applicant at the time the Permit is issued.
- J. Before issuing any Sign Permit required by this Ordinance, the Town shall collect a fee in accordance with a fee schedule established by Council. If work, for which a permit is required by this Ordinance, is started before a permit has



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been issued, the fees specified above shall be doubled. The payment of such double fee shall not relieve any persons from complying fully with the requirements of this Ordinance in the execution of the work or from any penalties prescribed herein.

#### 4.21.10 Exceptions

- A. Permits Not Required: Sign permits are not required for the following signs provided that such signs are subject to all other provisions of this Ordinance. Note: Electric permit required for all exterior electric signs.
- B. Standard sign maintenance.
- C. Relocation as required by the Town.
- D. Garage sale signs not exceeding six square feet (6 sq. ft.). Such signs shall not be up longer than three (3) days. Signs may not be located upon Town sidewalks or within the public rights-of-way.
- E. Political signs.
- F. Messages painted directly on or adhesive vinyl film affixed to, the exterior surface of existing mineral glass windows; except that the aggregate square footage of such signs shall be calculated as window signage.
- G. Flags, pennants or insignia of any nation, state, County, Town, or other political unit, or any church or religious organization.
- H. Tablets, grave markers, headstones, statuary or remembrances of persons or events noncommercial in nature.
- I. Works of fine art, historic or cultural artifacts when not displayed in conjunction with a commercial enterprise that may derive direct commercial gain from such display.
- J. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.
- K. Temporary signs less than thirty (30) days for events of a general Town, civic or public benefit.
- L. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.



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- M. The placement and maintenance of official traffic, fire and police signs, signals and devices and markings of the State of Arizona and the Town or other authorized public agency, and the posting of public notices as required by law.
  - N. Non-illuminated directional or informational signs of a non-commercial public or quasi-public nature, including street, building or suite numbers which do not exceed six square feet (6 sq. ft.).
  - O. Signs displayed during recognized holidays, as identification of temporary sales areas for trees and similar holiday items in conjunction with an approved permit should one be required. Such signs shall be excepted only when displayed within thirty (30) days of the recognized holiday.
  - P. Signs displayed within the interior of a building.
  - Q. Identification signs for individual residences.
  - R. On-site directional and similar informational signs provided such signs are utilized only when necessary for traffic directional or similar informational purposes and do not display corporate colors, logos or other commercial messages. Such signs shall be wall mounted or, if detached, shall not exceed a height of three feet (3').

#### 4.21.11 Prohibited Signs

Any sign not specifically listed as permitted by this Ordinance is prohibited, including, but not limited to the following:

- A. Bill Boards are prohibited in the Town.
- B. Vehicle signs or signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes.
- C. Signs attached to any utility pole, or structure, streetlight, traffic signal, tree, fence, fire hydrant, bridge, park bench or other location on public property unless otherwise specifically allowed in this article.
- D. The use of pennants, banners, fixed balloons, and similar displays except as permitted elsewhere in this article.
- E. Off-site signs, unless otherwise permitted by this Ordinance, more specifically signs that direct attention to a business, commodity, service or entertainment



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conducted, sold or offered at a location other than the premises on which the sign is located.

- F. Signs that are animated or audible, or rotate or have intermittent or flashing illumination or emit audible sound or visible matter; except time and/or temperature units or to drive-up menu boards, except as otherwise approved through the Conditional Use Permit processes, in a comprehensive sign plan.
- G. Roof signs.
- H. Signs displayed in a manner or location that prevent free ingress and egress from a door, window or other exit.
- I. Portable signs and/or temporary signs that advertise a business, commodity, service, entertainment, product or attraction.
- J. Signs displayed in a location prohibited by this Ordinance.
- K. Weekend directional signs.
- L. Projecting signs unless mounted entirely under an awning or roof hanging and designed primarily for the aid of pedestrian traffic. Such signs shall not interfere with the pedestrian traffic.
- M. Awning mounted signs, unless painted directly on the face of the awning.

#### 4.21.12 Non-conforming and Unsafe Signs

##### A. Legal Non-conforming signs:

1. Legal non-conforming sign(s) shall mean a sign that lawfully exists at the time of the enactment of this Ordinance that does not conform to the regulations as specified in this Ordinance.
2. A legal non-conforming sign may continue to be utilized in perpetuity only in the manner and to the extent that it existed at the time of the adoption of this Ordinance or any amendment thereto.
3. A legal non-conforming sign may not be altered in any manner not in conformance with this Ordinance. This does not apply to reasonable repair and maintenance of the sign or to a change of copy provided that by changing the copy structural alterations are not required.



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4. Any construction permit which invokes Certificate of Occupancy requirements shall specify and require that any non-conforming sign located within the boundaries of the development site, and within the limits of the applicant's control, authorized by the permit shall be brought into conformance with the provisions of this Ordinance, provided that if the non-conforming sign is a type of sign that is prohibited under this Ordinance, it shall be removed.
  5. Legal non-conforming signs that are located on a parcel of property which is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal non-conforming status of that sign provided that the non-conforming sign:
    - a. Is not increased in area or height to exceed the limits of the district in which it is located;
    - b. Remains structurally unchanged except for reasonable repairs or alterations;
    - c. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and
    - d. Is relocated in a manner so as to comply with all applicable safety requirements.
    - e. After relocation pursuant to this subsection, the legal non-conforming sign shall be subject to all provisions of this subsection in its new location.

#### B. Signs Rendered Non-conforming

Except as provided in this subsection, a non-conforming sign may continue in the manner and to the extent that it existed at the time of the Ordinance adoption, amendment or annexation that rendered the sign non-conforming. This subsection shall not prohibit reasonable repairs and alterations to non-conforming signs.

1. A sign approved by Zoning Administrator or comprehensive sign plan before the effective date of this Ordinance (date) shall not be considered non-conforming and shall not be subject to the regulations set forth in this subsection.
2. A non-conforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this Ordinance.



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3. If the structure of a non-conforming sign is changed, the height and area of the sign shall not be increased to exceed the height and area limits of the site on which it is located. If the sign exceeds the site's height and/or area limitations, the excess height and/or area shall be reduced a minimum of fifty percent (50%). Two such reductions shall be permitted; after the third structural change, the sign shall conform to current standards. Nothing in this subsection shall require a non-conforming sign to be reduced to a height or area less than that allowed on the site.
  4. If a non-conforming sign is located on a parcel that is experiencing development for which Site Plan Review is required, the height and area of the sign shall not be increased to exceed the height and area limitations of the site. If the sign exceeds the site's height and/or area limitations, the excess height and/or area shall be reduced a minimum of fifty percent (50%). Two such reductions shall be permitted; after the third structural change, the sign shall conform to current standards. Nothing in this subsection shall require a non-conforming sign to be reduced to a height or area less than that allowed on the site.
- C. Site Plan and/or Design Review required by one of the following types of development shall not cause reduction in a sign's non-conforming height and/or area:
1. An addition of less than two thousand square feet (2,000 sq. ft.) when the addition is less than fifty percent (50%) of the size of the usable space of the site which is the subject of review. A series of additions, which total more than fifty percent (50%) of the usable space of the site shall require reduction of nonconformities. Usable space shall not include areas such as restrooms and storage rooms.
  2. An addition of more than two thousand square feet (2,000 sq. ft.) when the addition is less than ten percent (10%) of the size of the usable space of the site which is the subject of review. A series of additions, which total more than ten percent (10%) of the usable space of the site shall require reduction of nonconformities. Usable space shall not include areas such as restrooms and storage rooms.
  3. A modification required by federal, state or local regulations or programs.
  4. Any non-conforming sign shall be removed or rebuilt in full conformity to the terms of this Ordinance if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty percent (50%) or more of the cost of replacement of such sign.



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D. Signs For a Legal Non-conforming Use:

1. New or additional signs for a non-conforming use shall not be permitted.
2. A non-conforming sign for a non-conforming use which ceases to be used for a period of six (6) months or is suspended by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.
3. Signs Rendered Discontinued: Sign structures which remain vacant, unoccupied, and devoid of any message for a period of six (6) months, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued.
4. A sign whose use has been discontinued is prohibited and shall be removed by the owner of the sign or owner of the premises. Removal shall occur by no later than six (6) months after such use has been discontinued.
5. The owner/operator of a discontinued business shall cover the sign copy used to advertise the business.

E. Unsafe signs:

If the Zoning Administrator, or his/her designee, determines any sign or sign structure to be in an unsafe condition, he shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.

If the correction has not been made within forty-eight (48) hours, the Zoning Administrator, or his/her designee, may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.



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## 4.22 Off-Street Parking and Loading

Parking and loading regulations are established to provide standards to accommodate the vehicular storage and delivery access needs of the various land uses permitted by this Ordinance. It is the intent of this Ordinance to require the minimum number of on-site parking and loading space with maneuvering areas, driveways and surface materials for the efficient movement of vehicular traffic.

### 4.22.1 General Parking Regulations

Permitted land uses are required to provide for and maintain adequate parking to prevent traffic congestion and unsightly vehicular storage.

Regulations pertaining to required parking spaces and access thereto in the Town are established.

### 4.22.2 Off-street parking Spaces

Paved and drained space shall be provided.

- A. For all uses except single-family residential uses, vehicular parking for a standard vehicle shall be in the form of a rectangle not less than ten (10) feet by twenty (20) feet, excluding driveways or aisles, with access to a public thoroughfare. Drive aisles/ Backup areas shall be a minimum of 24 feet in width (Amended with Ord. 08-707/ Res. 08-886)
  - 1. All such spaces shall be connected with a public or private street by an improved driveway not less than twenty (20) feet in length.
  - 2. Off-street parking spaces for single-family detached residences may also be connected with a public street by an alley.
- B. Boat or recreation vehicle space. Spaces shall be provided in the form of a rectangle not less than ten (10) feet by twenty-four (24) feet, or larger as may be required to accommodate the unit, subject to the screening requirements of this Ordinance, or otherwise designated through Site Plan Review or Zoning approval.

### 4.22.3 Access (Amended with Ord. 08-707/ Res. 08-886)

An improved private access way shall be provided between a public or private street and parking areas, garages, carports and/or R.V. parking space.



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- A. Driveways. Driveway spacing - no access driveway shall be located closer than one hundred (100) feet for a collector and arterial street intersection.

No access driveway shall be located closer than fifty (50) feet from a local street intersection.

Commercial and industrial driveways shall have a minimum separation of two hundred (200) feet centerline to centerline (shared driveways and cross access are encouraged).

A reduction in spacing may be granted by the town engineer.

- B. Front yard. - Any vehicle that is not otherwise prohibited by the provisions of this Ordinance from being parked in the front yard of a single-family or two-family residence lot may be parked upon a driveway.

#### 4.22.4 Parking Design Standards

Parking areas, required herein, shall be provided, improved and maintained in accord with the following specifications.

##### Parking Standards Pertaining to All Districts

- A. Permits (Amended with Ord. 08-707/ Res. 08-886 passed on 10/23/08).

No building permit shall be issued until the applicant has presented satisfactory evidence to the Zoning Administrator, or his/her designee, that he owns or has otherwise available for their use, sufficient property to provide required parking.

- B. General Requirements for All Spaces (Amended with Ord. 08-707/ Res. 08-886 passed on 10/23/08).
1. All vehicular egress from parking lots to public right-of-way shall be by forward motion only, except in the case of single-family and two-family residences fronting on a local street or a primary or secondary collector street.
  2. New construction and conversion of a residence to a commercial use: Subject to the provisions contained in this subsection (B), all required parking and loading spaces, maneuvering areas, driveways, and fire lanes shall be paved with asphaltic concrete over an a.b. base, concrete or masonry to a thickness and structure that will support the type and intensity of vehicular traffic generated by the proposed use. As the requirements may vary the



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paving cross section will require approval by the town engineer. The town engineer may also approve alternative surfacing such as “chip seal”.

3. Additions to existing structures: whenever an addition to an existing structure is proposed that enlarges the existing structure by 50% or more then the above requirements in number 2 shall apply.
4. Change of use in an existing commercial building: the applicant shall provide a site plan indicating that the parking area is of sufficient size and adequate dimension to provide any additional parking that the new use may be required to provide in accordance with the requirements of this code. Whenever a change of use occurs the owner is encouraged to provide a dust free surface such as decomposed granite over the entire area that is dedicated to the required parking and maneuvering area and driveways.
5. Site development: when a site is to be developed for a commercial purpose allowed by the Unified Development Ordinance that does not include a building, the primary traffic lanes and any required parking area shall be surfaced in a manner and extent that is approved by the town engineer.
6. All areas of the parking lot must be at least ten (10) feet from front property lines and five (5) feet from rear and side property lines.
7. Tandem arrangement of required parking spaces is prohibited, except for handicapped parking spaces (Amended with Ord. 09-424/ Res. 09-921), and as otherwise permitted by this Ordinance.
8. Permanent use of off-street parking areas for other than approved uses shall constitute a violation of this Ordinance. Should the owner or occupants of a building change the use of the building and thus increase the requirement for off-street parking, it shall constitute a violation of this Ordinance, until the parking requirements have been complied with.

#### 4.22.5 Parking Standards for Non-Residential or Mixed Uses

In case of mixed uses, the total requirements for off-street parking space shall be the sum of the requirements of the various uses computed separately.

##### A. Maintenance.

It shall be the joint and separate responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, access ways, striping, landscaping, and required fences or screening.



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## B. Parking area Improvements.

For multiple-family residential, commercial, industrial and PAD districts, the following shall apply:

1. Parking areas shall be screened from street view and residential development by a berm and/or wall (minimum of three (3) foot in height), with landscaping.
2. Except where a wall is required, a minimum six (6) inch high curb or permanently attached or affixed bumper guard shall be constructed so that no part of a vehicle extends beyond the property line.

## C. Access.

Off-street parking space shall be connected with a public street by a paved driveway that affords safe and reasonably convenient ingress and egress. The minimum width of driveways shall be forty (40) feet if ingress and egress are the same. If ingress and egress are by separate drives, then the minimum width of each drive shall be twenty (20) feet.

## D. Parking Space Location.

All required parking spaces for non-residential or mixed uses shall be located on the lot upon which the use is located or on an adjacent lot. Required parking spaces for multiple-family, commercial or industrial use may be located on an adjacent lot in another district (other than in a single-family residential district).

## E. Joint Use Parking for PAD.

If an applicant for a mixed use PAD can demonstrate through a parking study supplied by the applicant and approved by the Development Services Director, or his/her designee, that the peak parking demand for the mixed uses will be less than the sum of the parking spaces required for each use served, a reduction in spaces may be allowed.

1. The approved joint use parking plan shall specify the typical hours of operation with anticipated periods of greatest parking demand for all uses within the development; and shall indicate the number, location and convenience of pedestrian access of all spaces available to serve each use.



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2. The joint use parking plan shall remain on file with the Development Services Department for the purpose of monitoring the continuing adequacy of available parking.
  3. At the time of joint use parking plan approval, or at any subsequent time when uses, intensities of use or hours of operation, may be expanded or otherwise change, or upon findings that the parking facilities are inadequate, the Development Services Director, or his/her designee, may require additional site area to be provided, and as necessary improved, to supply additional parking facilities.

#### 4.22.6 Parking Standards for Residential Uses

No part of any vehicle parked in the front yard of a single-family or two-family residence lot shall extend over the public right-of-way or sidewalk, pavement edge, or street curb where no sidewalk exists; nor shall any such vehicle be parked within the area formed by a ten-foot by ten-foot (10 x 10) triangle as measured from the point of intersection of the back of the sidewalk, or street curb where no sidewalk exists, and a side property line extended to the back of the sidewalk, or street curb where no sidewalk exists, when such side property line is within five (5) feet of a driveway or an improved parking surface located on an adjacent lot.

#### 4.22.7 Parking Space Allocation Requirements

Requirements and directions for the allocation of parking spaces in all Districts are described for various land uses.

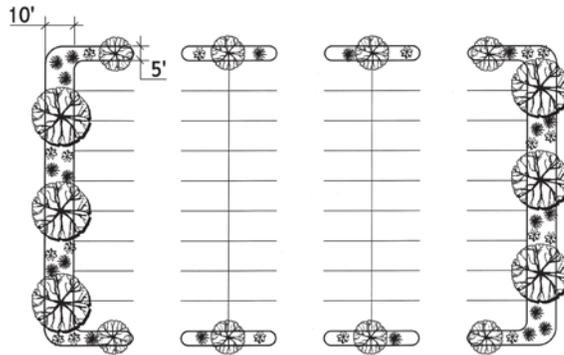
#### 4.22.8 Determination of Required Spaces

Calculations to determine the required number of parking spaces, and the design of the space shall consider:

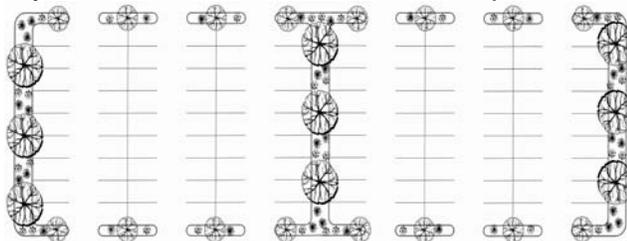
- A. Minimum standards for parking space allocation shall be subject to the requirements of this Ordinance.
- B. The maximum number of parking spaces provided shall not exceed the minimum number of spaces and an additional twenty (20) percent of parking spaces, except as otherwise provided in this Ordinance.
- C. Parking lots shall be designed with a clear hierarchy of circulation with major access drives providing access from the major street, major circulation drives forming circulation through the parking area, and parking aisles whose purpose is to provide access to parking spaces.



- D. Reciprocal access between adjacent commercial developments is required.
- E. Large parking lots shall be divided into a series of smaller lots of approximately one hundred-fifty (150) spaces each, using raised landscape island(s) at least ten (10) feet in width, and at least 500 square feet in total area, located along the sides of the parking areas to separate large parking areas. Walkways should be considered as part of these landscape areas. Raised landscape strips at least five (5) feet wide and at least ninety-five (95) square feet in total area, should be located on the ends of parking rows, extending the full length of parking spaces. Additional landscape islands should be considered in the interior of the individual parking areas to provide shade and break up large expanses of parking area. As part of Site Plan review, the Site Plan Review Committee shall review parking lot and landscape layouts to determine if they are in keeping with the requirements of this Ordinance.



- F. Parking areas may be combined and share the required landscape buffers.



- G. Parking lots shall be separated from the sides of buildings by a raised walkway (with a minimum width of six (6) feet).
- H. Alternative Design Standards: To provide flexibility in design and development of projects, alternative design standards are provided. The total number of parking spaces may be increased by ten (10) percent, above the maximum, however in no case may the total number of parking spaces be increased by more than forty (40) percent above the base maximum allowed (Amended with Ord.10-729/ Res. 10-933).

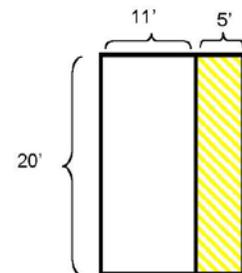


- I. In the case of fractional results in calculating parking requirements, the required number shall be rounded up to the nearest whole number if the fraction is 0.5 or greater.
- J. All uses not specifically designated, or similar to a specified use, shall have parking space requirements determined by the Zoning Administrator. (Amended with Ord. 09-424/Res.09-921).
- K. Handicapped Parking Spaces: In multiple-family, commercial (excluding health care uses), and industrial districts, handicapped parking spaces shall be provided at the ratio of one space for the 1<sup>st</sup> 20 parking spaces provides, and one (1) space every twenty five (25) thereafter.
- L. Handicapped parking spaces ratio for health care uses shall be as following:
 

1-10 spaces	Require 1 HC space
11-20 spaces	Require 2 HC spaces
21-30 spaces	Require 3 HC spaces
31-50 spaces	Require 4 HC spaces
51-75 spaces	Require 5 HC spaces
1 HC space	Each 25 thereafter

 (Amended with Ord. 09-424/ Res. 09-921)
- M. Handicapped parking spaces shall use the “universal parking space” dimensions for all new handicapped spaces within the Town.

Dimensions: 11x20 with a 5 foot aisle. This size will accommodate both cars and vans. (Amended with Ord. 09-424/ Res. 09-921)



USE	MINIMUM STANDARDS
<u>Residential:</u>	
Single residences, duplexes, detached dwellings	2 spaces per dwelling unit.
Mobile/manufactured home	1 space per unit.
<u>Multiple residence, apartments:</u>	
Efficiencies, studios	1 space per dwelling unit
One-two bedroom unit	1.5 spaces per dwelling unit
Two + bedroom units	2 spaces per dwelling unit
All apartment developments with 5 or more	1 space per 10 dwelling units



units shall also provide guest parking and recreational vehicle parking Condominium, Townhomes	2 spaces per unit plus 1 guest space for each additional and one (1) recreational vehicle space for each 10 units
Boarding house or similar facility	1 space per each 2 guest rooms plus 2 spaces for the dwelling unit
<u>Public Assembly and Schools:</u>	
Churches and clubs, lodges and fraternal buildings, assembly halls, funeral homes, community centers, libraries, auditoriums and theaters	1 space for each 75 sq. ft. of net useable floor area used for public assembly
Schools, kindergarten through ninth grade	1 space per 375 sq.ft net useable floor area
High schools, academies, colleges, universities, trade or vocational schools	1 space per 200 sq.ft net useable floor area
<u>Health Care:</u>	
Medical or dental offices and out-patient	1 space per 150 sq.ft. net useable floor area clinics
Hospitals and nursing and convalescent homes	1 space per 400 sq.ft. net useable floor area
Day care center/nurseries	1 space per 375 sq.ft. net useable floor area, but not less than 5
<u>Retail and Other Commercial Developments:</u>	
Retail and Other Commercial Developments	1 space per 300 sq.ft. net useable floor area
<u>Independent Commercial Buildings and Uses</u>	
General offices/retail and services	1 space per 300 sq.ft. net useable floor area
General automobile repair - garage, service station, car wash and drive-through lubrication shops	1 space per 300 sq.ft. net useable floor area, including service bays, wash tunnels and retail areas
Hotel and Motel	1 space per room or suite or rooms plus 1 space for each 25 rooms for truck trailers and recreational vehicles, such space is to be 10 X 75 feet



Mini Storage Buildings (Amended with Ord. 10-729/ Res. 10-933).	5% of the number of units
Restaurant, Bar	1 space per 50 sq.ft. net useable floor area and outdoor seating area
Outdoor sales and service areas (car lots, plant nurseries, building supplies, and the like)	1 space per 375 sq.ft. net useable floor area, of sales and service building, but not less than 4 spaces per use
<u>Recreation:</u>	
Bowling Alleys	5 spaces per lane plus ancillary use requirements
Theaters	1 space for every 3 patron seats
Golf course	1 space per 2 practice tees in driving range plus 4 spaces per green plus ancillary use requirements
Miniature Golf, amusement parks and water slides	1 space per 500 sq.ft. outside recreation area
Health spas/clubs, gyms & tennis, handball, racquetball courts/clubs	1 space per 100 sq.ft. net useable floor area, excluding courts, which require 2 spaces per court
Skating rinks, dance halls	1 space per 75 sq.ft. net useable floor area used for recreational activities and ancillary use requirements
<u>Industrial Buildings and Uses:</u>	
Industrial Buildings and Uses	2 spaces for every 3 employees on the shift with the greatest number of employees
<u>Independent Industrial Buildings and Uses:</u>	
Warehouses	1 space per 900 sq.ft. net useable floor area
Manufacturing	1 space per 600 sq.ft. net useable floor area
Commercial Greenhouses	1 space per 900 sq.ft net usable floor area (Amended with Ord. 09-424/ Res. 09-921).



#### 4.22.9 Off-Street Loading

Commercial and industrial uses requiring delivery shall observe minimum loading space accommodation.

#### 4.22.10 Spaces Required

Every hotel, restaurant, department store, freight terminal, or railroad yard, hospital or sanitarium, industrial plant, manufacturing establishments, retail establishment, storage warehouse or wholesale establishment, and all other structures devoted to similar mercantile or industrial pursuits, which has an aggregate gross floor area of 15,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the Table below:

Loading Space Requirements	
Square feet of Aggregate Gross Floor area Devoted to Such Use	Required No. of Berths
Building greater than 15,000 sq. ft. up to & including 40,000 sq.ft.	1
40,001 sq.ft. up to & including 100,000 sq.ft.	2
100,001 sq.ft. up to & including 160,000 sq.ft.	3
160,001 sq.ft. up to & including 240,000 sq.ft.	4
240,001 sq.ft. up to & including 320,000 sq.ft.	5
320,001 sq.ft. up to & including 400,000 sq.ft.	6
400,001 sq.ft. up to & including 499,000 sq.ft.	7
for each additional 100,000 sq.ft.	1 additional

Any office building 100,000 sq.ft. or larger shall have at least one (1) off-street loading berth.

#### 4.22.11 Standards for Off-Street Loading Facilities

All off-street loading facilities shall conform to the following standards:

##### A. Dimensions.

Unless otherwise specified in these zoning regulations, berths required shall be at least forty-five (45) feet in length and all loading berths shall be at least twelve (12) feet in width and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

##### B. Locations.



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Such space may occupy all or any part of any required yard space, except front and side yards, and shall not be located closer than fifty (50) feet to any lot in any residential zone unless separated from such zone by a screening wall with a height of eight (8) feet, a twenty foot landscape buffer with at least 50% of the view obscured by evergreen plant material, or a combination of the above as approved by the Zoning Administrator or the Commission.

1. Sufficient room for turning and maneuvering vehicles shall be provided on the site so that vehicles shall cross a property line only by driving forward. Driving over curbs or pavement rails is prohibited.
2. Each loading berth shall be accessible from a street or alley or from an aisle or drive connecting with a street or alley, without traversing a residential district.
3. Off-street loading facilities for a single use shall not be considered as providing required off-street loading facilities for any other use.
  - a. If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this Ordinance for each use.
  - b. If more than one use is located on a site and the gross floor area of each use is less than the minimum for which loading berths are required but the aggregate gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.

#### C. Improvement Standards

The loading area, aisles, and access drives shall be paved and maintained so as to provide a durable, dustless surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties, streets, or alleys.

1. Bumper rails shall be provided, and maintained in a useable condition, at locations where needed for safety or to protect property.
2. The loading area is to be illuminated and lighting shall be deflected away from abutting residential site so as not to cause glare.

#### D. Compliance

1. Off-street loading facilities shall be located on the same site with the use for which the berths are required.



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2. At the time of initial occupancy, major alterations or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided by the owner a report of off-street loading berth requirements. The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement.
  3. Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facility.
  4. No regular automobile repair work or servicing of vehicles shall be conducted in a loading area.



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#### **4.23 Public Street System and Public Use Access System**

##### **A. Purpose**

The purpose of this subsection is to regulate the dedication and classification of public streets, rights-of-way and access ways, and to ensure the orderly growth of the Public street system of Chino Valley.

##### **B. Street Classification**

All streets within the corporate limits of the Town are designated as arterial, collector, or residential streets.

##### **1. Street classifications.**

- a. Arterial streets shall generally carry through traffic and, unless part of the state highway system, shall be the responsibility of the Town to maintain.
- b. Collector streets shall generally carry traffic from residential neighborhoods to arterial streets or major destination points such as industrial or commercial centers. Except as required by a subdivision plat, collector streets shall be the responsibility of the Town to maintain.
- c. Residential streets shall carry traffic from residential lots to collector streets. The Town bears no responsibility to construct residential streets, or maintain such streets unless they have been built to Town standards and formally accepted for maintenance.

##### **2. Street classification amendment procedure.**

- a. All petitions for street classification amendment shall be presented to the Zoning Administrator and Road Department Supervisor for their evaluation and recommendation.
- b. The recommendations of the Zoning Administrator and Road Department Supervisor, together with the petition, shall be forwarded to the Planning and Zoning Commission. Thereafter, the procedures set forth in the Chino Valley Unified Development Ordinance shall be followed.

##### **3. No new residential street shall be added to the Public street system except as governed by the Subdivision Ordinance of the Town.**



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C. Inclusion in the Public Use Access System for pre-existing access ways and inclusion in the Public Street System

Any person may petition for inclusion of a pre-existing access way into the Public use access system. Any person may also petition for inclusion of a right-of-way or non-conforming right-of-way into the Public street system. The Council or Commission may petition for inclusion of a new collector or arterial street into the Public street system.

D. Inclusion in the Public Street System for new collector or arterial streets.

The Council or Commission may petition for inclusion of a new collector or arterial street into the Public Street System. The procedure for such an amendment is set forth in Section 4.23.B.2 of this Ordinance.

E. Right-of-way Dedication

1. Right-of-way dedications as required by this Ordinance, or otherwise offered to or solicited by the Town, are for the purpose of acquiring full public ownership for the Public street system. Recording of such right-of-way dedications in no way implies acceptance of any roadway for maintenance.
2. All right-of-way dedications shall be offered to the Zoning Administrator on forms specified by the Town.
3. The dedication shall be placed on the Town Council agenda within fifteen (15) working days of the application, accompanied by the recommendations of the Zoning Administrator and Road Department Supervisor.
4. Upon a favorable vote of the Town Council, the roadway, along with all dedications recorded according to this Ordinance, shall be accepted by resolution for maintenance as a public street. The acceptance of the dedicated right-of-way shall be accomplished by the appropriate legal party signing the recording of the required document.
5. In no case shall right-of-way or public street of the public use access system, as required by this UDO, be considered as creating non-conforming lots or prevent such lots from legally being split as otherwise governed in this UDO due to loss of area as a result of such requirements (Amended with Ord. 10-729/ Res. 10-933).

F. Applications for Maintenance

1. Upon construction of a roadway on any residential right-of-way to Town standards as specified in the Town Code. Whether by improvement district



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or through subdivision regulations, the governing body of the improvement district or developer for the subdivision may apply to the Town for acceptance of the roadway for maintenance and the acceptance of the dedicated right-of-way.

2. All such applications for maintenance shall be filed with the Zoning Administrator on forms specified by the Town and accompanied by a filing fee.
3. The application shall be placed on the Town Council agenda within fifteen (15) working days of the application, accompanied by the recommendations of the Zoning Administrator and Road Department Supervisor.
4. Upon favorable vote of the Town Council, the roadway, along with all dedications recorded according to this Ordinance, shall be accepted by resolution for maintenance as a public street. The acceptance of the dedicated right-of-way shall be accomplished by the appropriate legal party signing the recording of the required document.
5. No street shall be accepted for maintenance that does not have a minimum of fifty (50) feet of dedicated right-of-way unless the Zoning Administrator has made a finding that the right-of-way should be declared non-conforming.

#### G. Non-conforming Right-of-way

1. The Zoning Administrator may determine from time to time the infeasibility of requiring full dedications as required under this Ordinance, due to pre-existing structures or other improvements such as wells, fences, or landscaping.
2. In such a case the Zoning Administrator may determine a lesser right-of-way requirement, although in no case less than thirty-five (35) feet, and declare the right-of-way non-conforming.
3. The Zoning Administrator shall make no such determination without a written recommendation from the Road Department Supervisor.
4. Any appeals of the Zoning Administrator's decision shall be governed by Section 5.5.2.

#### H. Future Right-of-way

Town Council shall adopt a map of future rights-of-way desired by the Town. This map shall depict the roads which are not dedicated rights-of-way and which are commonly used for access to lots or subdivisions, as well as dedicat-



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ed rights-of-way not accepted for maintenance. These are known as the Public use access system. The map shall also show additions to the rights-of-way the Town currently owns which may be needed for future street/widening or other purposes. The Future right-of-way Map shall be used to implement this Ordinance.

#### I. Public Use Access System

The map adopted by the Town shall depict the Public use access system of the Town as of the effective date of the adoption of this amendment.

1. The Public use access system designates all existing right-of-way being used for vehicular access by local residents but which do not conform to all the public street requirements including, but not limited to, conformance with this Ordinance.
2. The Public use access system includes all existing access ways being used for vehicular access by local residents but which do not conform to all the public street requirements including, but not limited to, lack of right-of-way and conformance with this Ordinance.
3. It is the intent of this Ordinance to perfect the Public use access system and ensure the future development of a Public street system.
4. The Public use access system is part of the Future right-of-way System. The Town does not represent the streets of this system as necessarily public or accepted for maintenance at the date of this amendment, but recognizes that they exist as vehicular access for general public use.



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## 4.24 Outdoor Lighting

### 4.24.1 Intent and Purpose

It is the intent of these regulations to encourage lighting practices and systems which will: minimize light pollution, glare, light trespass; conserve energy and resources while maintaining night time safety, utility, security, and productivity; and curtail the degradation of the night time visual environment.

### 4.24.2 Applicability

- A. New Uses, Buildings and Additions: All proposed new land uses, developments, buildings, structures, or building additions of twenty-five (25) percent or more in terms of additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, either with a single addition or cumulative additions subsequent to the effective date of this Ordinance, shall meet the requirements herein for the entire property. This includes additions, which increase the total number of required parking spaces by twenty-five (25) percent or more. For all building additions of less than twenty-five (25) percent cumulative, the applicant shall only have to meet the requirements of this Ordinance for any new outdoor lighting provided.
- B. Change of Use/Intensity: Except as provided in Paragraph C below, whenever the use of any existing building, structure, or premises is changed to a new use, or the intensity of use is increased through the incorporation of additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, and which change of use or intensification of use creates a need for an increase in the total number of parking spaces of twenty-five (25) percent or more, either with a single change or cumulative changes subsequent to the effective date of this Ordinance, then all outdoor lighting facilities shall meet the requirements herein for the entire property, to the maximum extent possible as determined by the Zoning Administrator. For changes of use or intensity which require an increase in parking of less than twenty-five (25) percent cumulative, the applicant shall only have to meet the requirements of this Ordinance for any new outdoor lighting provided.
- C. Non-conforming Uses, Structures or Lots: Whenever a non-conforming use, structure or lot is abandoned for a period of six (6) months and then changed to a new use according to the requirements of this Ordinance, then any existing outdoor lighting shall be reviewed and brought into compliance as necessary for the entire building, structure or premises, to the maximum extent possible as determined by the Zoning Administrator.



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#### 4.24.3 Approved Materials, Methods of Construction, Installation and Operation

- A. Preferred Source - Low-pressure Sodium (LPS) lamps are the preferred illumination source throughout the Town; their use is to be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property.
- B. The provisions of this Ordinance are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved by the Zoning Administrator. The Zoning Administrator may approve any such proposed alternate provided he/she finds that it:
  - 1. Provides at least approximate equivalence to the applicable specific requirements of this Ordinance; and
  - 2. Is otherwise satisfactory and complies with the intent of this Ordinance.

#### 4.24.4 General Requirements

- A. Outdoor floodlighting by flood light projection above the horizontal plane is prohibited.
- B. All light fixtures that are required to be shielded shall be installed in such a manner that the shielding is effective.
- C. All light fixtures, except streetlights, shall be located, aimed, or shielded so as to minimize stray light trespassing across property boundaries.
- D. The installation, sale, offering for sale, lease, or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting is prohibited.
- E. Search lights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel or at their direction or for meteorological data gathering purposes.
- F. Class I lighting may continue only until 9:00 p.m. or for as long as the area is in active use.
- G. Illumination for outdoor recreation facilities must conform to the shielding requirements of Table 4.24A below, except when such shielding would interfere with the intended activity.  
For such facilities, partially shielded luminaries are permitted. Examples of activities where partially shielded luminaries are permitted include, but are not li-



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mitted to, baseball, softball, and football. Specifically, tennis, volleyball, racquetball and handball courts, and swimming pools must utilize fully shielded luminaries. Where fully shielded luminaries are required, the light fixtures must also conform to the requirements of Paragraph C. above regarding light trespass.

- H. Multi-class lighting must either conform to the lamp-type and shielding requirements of the most strict Class, as shown in Table 4.24A, or conform to the time limitations of the least strict Class.
- I. External illumination for signs shall conform to the provisions of these regulations.
- J. On projects where an engineer or architect is required, the developer shall verify in writing to the Development Services department that all outdoor lighting was installed in accordance with the approved plans.
- K. Outdoor Light Output, Total. The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high pressure sodium), the initial output, as defined by the manufacturer, is the value to be considered. For determining compliance with this Ordinance, the light emitted from outdoor light fixtures is to be included in the total output as follows:
  - 1. Outdoor light fixtures installed on poles (such as parking lot luminaries) and light fixtures installed on the sides of the buildings or other structures, when not shielded from above by the structure itself as defined in Paragraphs 2 and 3 below, are to be included in the total outdoor light output by simply adding the lumen outputs of the lamps used.
  - 2. Outdoor light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminaries is located at least five (5) feet, but less than ten (10) feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.
  - 3. Outdoor light fixtures located under the canopy and ten (10) or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.
- L. Service station canopy lighting. In addition to the calculations for paragraph K.2 and K.3 above, the following requirements apply to service station canopies:



1. All luminaries mounted on the under surface of service station canopies shall be fully shielded and utilize flat glass or flat plastic (acrylic or polycarbonate) covers.
2. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed forth (40) lumens per square foot of canopy. All lighting mounted under the canopy, including but not limited to luminaries mounted on the lower surface of the canopy and auxiliary lighting within signage or panels over the pumps, is to be included toward the total.

M. Neon lighting is permitted, so long as lumen calculations from such lighting are included in the total lumen calculations for the site, required by this subsection. Lumens are calculated on a per foot basis, rather than per "fixture". Such lighting shall also be subject to the shielding requirements of Section, unless exempted by Table 4.24A below.

TABLE 4.24A LAMP SOURCE AND SHIELDING STANDARDS		
Fixture/Lamp Type	Shielded	Filtered
Low Pressure Sodium	Partially	None
High Pressure Sodium	Fully	None
Metal Halide	Fully	Yes
Fluorescent	Fully	Yes
Quartz	Fully	None
Incandescent 100W of greater per fixture	Fully	None
Incandescent less than 100W	None	None
Mercury Vapor	Fully	Yes
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon or Krypton	None	None
Other Sources	As approved by the Zoning Administrator	

N. Total outdoor light output (excluding street lights used for illumination of public rights-of-way) of any development project shall not exceed 100,000 lumens per net acre, averaged over the entire project. Furthermore, no more than 5,500 lumens per net acre may be accounted for by lamps in unshielded or partially-shielded fixtures permitted in Table 4.24A, except that lamp(s) emitting no more than 4,720 lumens per single-family dwelling unit or duplex dwelling unit for residential outdoor lighting purposes are exempt from the shielding requirements of Table 4.24A, though they must conform to all other applicable restrictions.



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Single-family attached units (e.g. Townhouses), and multiple-family residential units are limited to 2360 lumens of unshielded lights per unit.

- O. Outdoor recreational facilities are not subject to the lumens per net acre limit set, however, no such facility shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.
- P. Outdoor internally-illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not white, cream, off-white, or yellow) background and lighter letters and symbols. Lamps used for internal illumination of such signs shall not be included in the lumens per net acre limit set in this subsection. Such signs shall be turned off at 11:00 p.m. or when the business closes, whichever is later.
- Q. Airport Lighting: Airport lighting, which is required for the safe and efficient movement of aircraft during flight, take off, landing, and taxiing is exempt from the provisions of this Ordinance. Lighting used for illumination of aircraft loading, unloading, and servicing areas is exempt from the lumens per acre limits, although it must conform to all other requirements of this Ordinance. All other outdoor lighting at airport facilities shall comply with the provisions of this Ordinance.

#### 4.24.5 Application Requirements

- A. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a Site Plan or Conditional Use Permit, or subdivision approval by the Town, including all Town projects, the applicant shall, as part of the application, submit sufficient information to enable the Zoning Administrator to determine whether the proposed lighting will comply with this Ordinance.
- B. The application shall include the following:
  - 1. A Site Plan indicating the proposed location of all outdoor lighting fixtures and signs;
  - 2. A photometric analysis of the proposed lighting;
  - 3. A description of each illuminating device, fixture, lamp, support, and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types, and lumen outputs;



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4. Photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of light emissions for the proposed luminaries(s);
  5. Such other information as the Zoning Administrator may determine is necessary to ensure compliance with this Ordinance.

B. If the Zoning Administrator determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved.

#### 4.24.6 Temporary Lighting Permits

A. The Zoning Administrator may grant a permit for temporary lighting, as defined herein, if he/she finds the following:

1. The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days;
2. The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as is feasible;
3. The proposed lighting will comply with the general intent of this Ordinance;
4. The permit will be in the public interest.

B. The application for the Temporary lighting permit shall include the following information:

1. Name and address of applicant and property owner;
2. Location of proposed fixtures;
3. Type, wattage, and lumen output of lamp(s);
4. Type, shielding of proposed fixtures;
5. Intended use of the lighting;
6. Duration of time for requested exemption;
7. The nature of the exemption;
8. Such other information as the Zoning Administrator may request.



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- C. The Zoning Administrator shall endeavor to rule on the application within fifteen (15) business days from the date of submission of the request and notify the applicant in writing of their decision. The Zoning Administrator may grant one (1) renewal of the permit for an additional thirty (30) days if he/she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The Zoning Administrator is not authorized to grant more than one (1) temporary permit and one (1) renewal for a thirty (30) day period for the same property within one (1) calendar year.

#### 4.24.7 Non-conforming Lighting

- A. Mercury vapor lamps in use for outdoor lighting.
- B. Any construction permit which invokes Certificate of Occupancy requirements shall specify and require that any non-conforming sign, as to lighting, located within the boundaries of the development site authorized by the permit shall be brought into conformance with the provisions of this Ordinance.
- C. No outdoor lighting fixture which was lawfully installed prior to the enactment of this Ordinance shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this Ordinance.
- D. In the event that any non-conforming sign, as to lighting, is abandoned or is damaged, and if the damage exceeds fifty (50) percent of the reproduction value, exclusive of foundations, to replace it, the sign shall be brought into conformance with the provisions of this Ordinance.

#### 4.24.8 Variances

Any person desiring to install an outdoor lighting fixture that does not meet the requirements of this Ordinance may apply to the Board of Adjustment for a variance from the regulation in question.

#### 4.24.9 Conflicting Regulations

In the event of conflict between the regulations set forth in this Ordinance and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern.



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#### **4.25 Wireless Telecommunications Facilities**

A. Purpose: The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas.
2. Encourage the location of towers in non-residential areas.
3. Minimize the total number of towers throughout the community.
4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
8. Consider the public health and safety of communication towers.
9. Avoid potential damage to adjacent properties from tower failure through engineering and careful sitting of tower structures. In furtherance of these goals, the Town shall give due consideration to the General Plan, other provisions of this Ordinance, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. Definitions: As used in this section, the following terms shall have the meanings set forth below:

**ALTERNATIVE TOWER STRUCTURE** means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**ANTENNA** means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding



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radar signals), wireless telecommunications signals or other communication signals.

**BACKHAUL NETWORK** means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**CO-LOCATION** means the use by two or more wireless communications providers of the same support structure or the same site, as defined in subsection "I" below.

**EXISTING STRUCTURE** means light poles, power poles, chimneys, billboards, and other similar structures that are placed within the Town at the time of adoption of this Ordinance, except existing buildings.

**FAA** means the Federal Aviation Administration.

**FCC** means the Federal Communications Commission.

**HEIGHT** means, when referring to a tower or other structure, the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the Development Services Director shall rule as to height and appeal from that decision shall be to the Board of Adjustment.

**PREEXISTING TOWERS AND PREEXISTING ANTENNAS** means any tower or antenna for which a building permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

**SITE** means the physical location upon which wireless telecommunications facilities are located. Unless otherwise stated in this Section, "site" shall be limited to the area occupied by a single tower and its accompanying ground or roof-mounted equipment.

**TOWER** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.



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WIRELESS COMMUNICATION means any technology for transmitting communication through the air.

WIRELESS COMMUNICATIONS FACILITIES means any combination of one or more antennae, towers and/or structures or equipment used for the transmission of wireless communication.

### C. Applicability

1. New towers and antennas. All new towers or antennas in the Town shall be subject to these regulations.
2. Exceptions
  - a. Amateur radio station operators and/or receive only operations. This Section shall not govern any tower, or the installation of any antenna, that is under the maximum building height of the zoning district in which such structure is located and which is solely used by a federally-licensed amateur radio station operator or is used exclusively for receive only operations, including devices necessary for individual subscriptions to commercial wireless services.
  - b. Preexisting towers or antennas. Legally established preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section, other than the requirements of subsections D.6 and D.7 below.
  - c. AM array. For purposes of implementing this Ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

### D. General Requirements

1. Principal or accessory. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not li-



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mitted to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

3. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Development Services Director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town or within one mile of the border thereof, including specific information about the location, height, and design of each tower. Each applicant shall also provide a one-year build out plan for all other proposed wireless communications facilities within the Town. The Development Services Director may share such information with other applicants applying for administrative approvals or conditional use permits under this Section or with other organizations seeking to locate antennas within the jurisdiction of the Town, provided, however that the Development Services Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics. Towers and antennas shall meet the following requirements:
  - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
6. State of Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the towers and antennas governed by this chapter shall bring such towers and an-



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tennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. State or federal requirements.

7. **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA) and by the Telecommunications Industries Association (TIA), as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense. Building codes; safety standards.
8. **Measurement.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Town irrespective of municipal and County jurisdictional boundaries. Measurement.
9. **Not essential services.** Towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities or private utilities.
10. **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Town have been obtained and shall file a copy of all required franchises with the Development Services Director.
11. **Public notice.** For purposes of this Section, any Conditional Use Permit request shall be pursuant to Section 1.9.3 of this Ordinance except that the notice required shall include posting of the property, and mailing to all property owners within 1,000 feet of the proposed wireless communications facility, and publication in a newspaper of general circulation regardless of any expression to the contrary in Section 1.9.2.
12. **Signs.** No signs shall be allowed on an antenna, on a tower, or on any portion of the premises leased for wireless telecommunication use.



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13. Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 4.25.H of this Ordinance.
  14. Co-location and multiple antenna/tower plan. The Town encourages tower and antenna users to submit a single application for approval of multiple towers and/or antenna sites and to submit applications that utilize co-location with an existing wireless telecommunications provider. Applications for approval of multiple sites or for co-location with an existing provider shall be given priority in the review process.
  15. Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height and shall be constructed of block or masonry, and shall be equipped with an appropriate anti-climbing device; provided however, that the Town Council may waive such requirements as it deems appropriate.
  16. Landscaping. The following requirements shall govern the landscaping surrounding towers; provided, however, that the Town Council may waive such requirements if the goals of this Section would be better served thereby.
    - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
    - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
    - c. Existing mature plant growth and natural landforms on the site shall be preserved to the maximum extent possible.

#### E. Permitted Uses

1. General. The uses listed in this subsection are deemed to be permitted uses and shall not require a conditional use permit.
2. Permitted uses. The following uses are specifically permitted:
  - a. Antennas or towers located on property owned, leased, or otherwise controlled by the Town; provided, however, a license or lease authorizing such antenna or tower has been approved by the Council. No such license or lease shall be issued for a tower located within three hundred (300) feet of any residentially zoned property until an informational hearing has been held at a regular or special Town Council meeting and notice of such hearing has been advertised according to subsection 4.25.D.11 at least seven (7) days but not



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earlier than fourteen (14) days prior to such hearing. b. Antennas or towers located in any Industrial Zoning district (IND), provided, however, that free-standing towers or antennas shall not exceed forty (40) feet in height without a conditional use permit, and that roof mounted antennas shall not extend more than ten (10) feet above the tallest point on such roof and in no case shall the total combined height of the building and the roof mounted antenna exceed fifty (50) feet in height.

## F. Conditional Use Permits

1. General. There is hereby created for this section only a Conditional use permit for Wireless Towers and Antennas which may be granted by the Town Council as follows:
  - a. If the tower or antenna is not a permitted use under subsection 4.25.E of this Ordinance, a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts. The maximum height of any such tower shall be sixty-five (65) feet.
  - b. Applications for conditional use permits under this Section shall be subject to the procedures and requirements of Section B of this Ordinance, except as modified in this Section.
  - c. In granting a conditional use permit, the Town Council may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
  - d. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by an Arizona licensed professional engineer.
  - e. An applicant for a conditional use permit shall submit the information described in this section and a non-refundable fee established pursuant to a Resolution of the Town Council.
  - f. A Conditional use permit issued under this Section shall be conditioned upon verification by the Town Engineer or his/her designee that such tower structure is structurally sound. Such verification shall be received by the applicant prior to submission and shall be reviewed annually.

## 2. Towers.



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- a. Information required. In addition to any information required for applications for conditional use permits pursuant to this Ordinance, applicants for a conditional use permit for a tower shall submit the following information:
- i. A scaled Site Plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), General Plan classification of the site and all properties within the applicable separation distances set forth in subsection 4.25.G.2, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, and other information deemed by the Development Services Director to be necessary to assess compliance with this article.
  - ii. The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
  - iii. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 4.25.D.3 shall be shown on an updated Site Plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
  - iv. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
  - v. A description of compliance with subsections 4.25.D.3, 4, 5, 6, 7, 10, 12, 13, 14, 15 and 16, subsections 4.25.G.1 and 2 and all applicable federal, state or local laws.
  - vi. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
  - vii. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
  - viii. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.



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- ix. A description of the feasible alternative location(s) of future towers or antennas within the Town based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
  - x. A statement of compliance with Federal Communications Commission (FCC) Radio Frequency (RF) exposure standards. b. Noise. No permit shall be issued for any facility which generates a noise level greater than fifty decibels (50 db) as measured at the edge of the property upon which such facility is sited.
- b. Factors considered in granting conditional use permits for towers. In addition to any standards for consideration of applications pursuant to Section 4.25 of this Ordinance, the Town Council shall consider the following factors in determining whether to issue a conditional use permit, although the Town Council may waive or reduce the burden on the applicant of one or more of these criteria if the Town Council concludes that the goals of this Ordinance are better served thereby:
- i. Height of the proposed tower.
  - ii. Proximity of the tower to residential structures and residentially zoned district boundaries.
  - iii. Nature of uses on adjacent and nearby properties.
  - iv. Surrounding topography.
  - v. Surrounding tree coverage and vegetation.
  - vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - vii. Proposed ingress and egress.
  - viii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection 4.25.F.2.d of this Ordinance.
- c. Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Town Council related to the



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availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- i. No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.
- ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures,  
  
or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- vii. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

**G. Minimum Setbacks and Separation:**

1. **Setbacks.** The following setback requirements shall apply to all towers and antennas; provided, however, that the Town Council may reduce the standard setback requirements if the goals of this Section would be better served thereby.
  - a. Towers must be set back a distance equal to at least one hundred percent (110%) of the height of the tower from any adjoining lot line; pro-



vided, however, that separation distances from residential uses shall be in accordance with Table 4.25.G.1 as set forth below.

- b. Accessory buildings must satisfy the minimum zoning district setback requirements.
2. Separation. The following separation requirements shall apply to all towers and antennas; provided, however, that the Town Council may reduce the standard separation requirements if the goals of this Section would be better served thereby.
- a. Tower separation shall be measured from the base of the tower to the lot line of the offsite uses and/or designated areas as specified in 4.25.G.1, except as otherwise provided thereto.
  - b. Separation requirements for towers shall comply with the minimum standards established in Table 4.25.G.1.

USE/DESIGNATED AREA	SEPARATION DISTANCE
1, 2 & 3-Family Dwelling units	200' or 300% of the tower height, whichever is greater.
Modular or Manufactured Homes	200' or 300% of the tower height, whichever is greater.
Vacant residentially zoned land that has been previously platted	200' or 300% of the tower height, whichever is greater.
Vacant un-platted residentially zoned land	100' or 110% of tower height, whichever is greater.
Existing Multi-Family residential units (4 or more units)	100' or 110% of tower height, whichever is greater.
Non-residential land/use	110% of the tower height.

3. Separation distances between towers.
- a. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a Site Plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 4.25.G.2 below.
  - b. Exception. The minimum separation requirements of this section shall not apply to towers, which are co-located on a single site.



Table 4.25.G.2  
MINIMUM SEPARATION BETWEEN TOWERS

	Structure 65' or greater	Structure less than 65' and greater than 40'	Structure less than 40'
Structure 65' or greater	2,000'	1,500'	1,000'
Structure less than 65' and greater than 40'	1,500'	1,500'	1,000'
Structure less than 40'	1,000'	1,000'	750'

H. Buildings or Other Equipment Storage

4. The equipment cabinet or structure used in association with antennas shall comply with the following:
  - a. The cabinet or structure shall not contain more than one hundred-twenty (120) square feet of gross floor area or be more than eight (8) feet in height and shall be located on the ground.
  - b. Equipment storage buildings or cabinets shall comply with all applicable building codes.
5. Antennas mounted on utility poles, light poles, or towers. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
  - a. In residential districts, the equipment cabinet or structure may be located:
    - a. In a required front yard or required street side yard provided the cabinet structure is no greater than three and one-half (3.5) feet in height or twenty (20) square feet of gross floor area and the cabinet/structure is located a minimum of three (3) feet from all lot lines. The cabinet/structure shall be screened by sight obscuring landscaping which obscures at least ninety-five percent (95%) of the structure at planting and throughout the duration of the cabinet or structure's existence with an ultimate height not to exceed forty-two (42) inches.
    - b. In a required rear yard, provided the cabinet or structure is no greater than five (5) feet in height or one hundred twenty (120) square feet in gross floor area. The cabinet/structure shall be screened by sight ob-



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scuring landscaping which obscures at least ninety-five percent (95%) of the structure at planting and throughout the duration of the cabinet or structure's existence with an ultimate height of six (6) feet.

- c. The entry or access side of a cabinet or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet or structure.
6. In Commercial or Industrial Districts the equipment cabinet or structure shall be no greater than fourteen (14) feet in height or three hundred (300) square feet in gross floor area. The structure or cabinet shall be screened by sight-obscuring landscaping with an ultimate height of sixteen (16) feet and a planted height of at least six (6) feet. The entry or access side of a cabinet or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet or structure. Such access way shall not face residentially zoned property.
7. Modification of building size requirements. The requirements of subsections 4.25.H.1 through 3 may be modified by the Town Council in the case of uses permitted by special use to encourage co-location.

#### I. Co-Location

1. Required. Any new tower constructed in connection with an application under this Section shall be suitable for co-location. The applicant shall accept for co-location an FCC licensed wireless communication provider (hereinafter "additional user") using any compatible technology on commercially reasonable terms. Any additional user seeking co-location shall submit specifications for its equipment and use to the applicant and the applicant shall, within thirty (30) days from receipt, respond to the additional user in writing, furnishing all technical requirements which must be resolved before co-location.
2. Good faith. Applicants, additional users and permittees shall cooperate and exercise good faith in co-locating wireless telecommunications facilities on the same support structures or site. For the purposes of this section only, a "site" may accommodate more than one tower and its accompanying equipment; provided, however, that no "site" shall exceed ten (10) acres. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an excuse to the duty of good faith.
3. Third party technical review. In the event a dispute arises as to whether an applicant or permittee has exercised good faith in accommodating other us-



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ers, the Town may require the applicant or additional user to obtain a third party technical study at the applicant's or additional user's expense. The Town may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.

4. Exceptions. No co-location may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing wireless telecommunications facilities or failure of the existing wireless telecommunications facilities to meet federal standards for emissions. The Town Council may, upon a determination that the Town's citizens would be better served, waive any portion of the requirements of this subsection.
5. Violation; penalty. Failure to comply with co-location requirements may result in denial of a permit request or revocation of an existing permit.

#### J. Removal of Abandoned Antennas or Towers

Any antenna or tower that is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day period shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period.

#### K. Non-conforming Uses

1. Not expansion of nonconforming use. Towers that are constructed and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.
2. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.
3. Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding other provisions of this Section, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a conditional use permit and without having to meet the separation requirements specified in subsections 4.25.G.1 and 2. The type, height, and location of the tower on-site shall be of the same type and inten-



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sity as the original facility approval; provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within ninety (90) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires,

the tower or antenna shall be deemed abandoned as specified in subsection 4.25.J.



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## 4.26 Landscape Requirements

### 4.26.1 Intent

The intent of this Section is to create a strong and well defined framework of landscaping in public/private property, consistent with the character of the Town as defined by the Town's General Plan protect and increase property values by requiring landscaping treatments around buildings, roadways and parking areas in residential, commercial and industrial areas; to provide buffers between residential/commercial/industrial uses; and to provide shade and variation of the landscaping, these standards emphasize the retention of native trees, shrubs, rock formations, and other natural site features (Amended with Ord. 10-729/ Res. 10-933).

4.26.2 Landscape Plans: When required, unless modified by the Zoning Administrator (Amended with Ord. 10-729/ Res. 10-933).

- A. All new multi-family and nonresidential developments are subject to the requirements of this subsection (Amended with Ord. 10-729/ Res. 10-933).
- B. Change of use from residential to commercial (Amended with Ord. 10-729/ Res. 10-933).
- C. All new subdivisions shall provide landscaping in the public open spaces as required by this subsection.
- D. Expansion, remodeling, and renovation of existing buildings, or a stand alone parking lot shall provide an amount of landscaping and screening proportionate with the degree of the improvements (Amended with Ord. 10-729/ Res. 10-933).

### 4.26.3 Landscaping Requirements, Generally

- A. Landscape Plan required, unless modified by the Zoning Administrator (Amended with Ord. 10-729/ Res. 10-933).

A landscape plan showing the following information shall be submitted with the Site Plan at the time of application for building permit and/or with a subdivision plat where applicable:

1. Designer name and address
2. North arrow, scale, date of preparation and revisions
3. Name of project and address
4. Vicinity map



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5. Sheet numbers
  6. Location of all proposed and existing buildings, structures and pavement
  7. Location and dimensions of all property lines
  8. Location of all existing or proposed water features and drainage facilities
  9. Location of the 100-year floodplain on the site, if applicable
  10. Location, size and common name of any existing trees or shrubs to remain on site
  11. Location of all landscaping proposed for the site (drawn at one-half(½) of mature size) including trees, shrubs, ground cover, ornamental grasses or Flowerbeds
  12. Location of all existing or proposed signs, walls, fences, earthen berms (drawn at 1-foot contour interval), site furniture, lights, fountains, and/or sculptures on the site
  13. Sight visibility triangles as described in Section 4.6
  14. Location of all existing or proposed sidewalks, bike trails, pedestrian paths, etc. on the site
  15. Plant list for all existing or proposed trees or shrubs on the site, including
    - a. Symbol
    - b. Botanical Name
    - c. Common Name
    - d. Quantity
    - e. Installation Size
    - f. Height/Width at Maturity
  16. Location of all existing or proposed curb lines and curb cuts for streets, alleys, parking lots and parking lot islands
  17. Any additional information as determined by the Zoning Administrator to be necessary for approval of the proposed plan
  18. Proposed inert ground cover/dust control

#### B. Installation of Materials

A landscape plan must be approved by the Zoning Administrator prior to the installation of required landscaping.

#### C. Certificate of Occupancy

All landscaping must be installed and inspected prior to the issuance of a Certificate of Occupancy.

#### D. Performance Standards

All landscaping shall be required to perform in accordance with the following provisions:

1. Safety



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- a. Landscaping shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the site. All landscaping materials shall comply with all sight visibility triangle requirements as described in Section 4.6.
  - b. Landscaping materials shall be selected and placed in such a manner that they do not interfere with or damage existing or proposed utilities or drainage facilities.
  - c. Landscaping materials shall be selected and placed so that the safe and enjoyable use of surrounding properties is not inhibited.
  - d. Landscaping materials shall be selected and placed with sensitivity toward the ultimate size that will be achieved over time.
  - e. Landscaping with thorns, berries and other harmful plant characteristics shall be carefully placed and pruned to avoid potential harm to people or property on and off-site.
  - f. Weak-wooded trees shall only be used where limb breakage will not cause harm to property, utility lines, or life.

## 2. Maintenance

- a. The owner of the premises shall be responsible for the watering, maintenance, repair and replacement of all landscaping, irrigation systems, fences and walls, and other visual barriers including refuse disposal area screens which have died (in the case of plant material) or fallen into disrepair (in the case of fences or walls).
- b. All required plant materials shall be maintained in a healthy, vigorous growing condition, and neat and orderly appearance. They shall be replaced as necessary, or as directed by the Zoning Administrator, and shall be kept free of refuse and debris.
- c. All fences, walls and other barriers shall be maintained in good repair, meaning structurally sound and attractive in appearance. All fences, required or otherwise, shall have the finished face directed toward lower intensity zoned property, where a single-family residential property is located adjacent to or across from multiple-family residential or non-residential sites.



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### 3. Size of Plant Material

All plant materials required by this Ordinance shall be selected from the ADWR drought tolerant/low water use plant lists and meet the following minimum sizes at the time of planting:

- a. Trees: 75% of trees must be a minimum of 15 gallon. 25% must be 24" box or larger.
- b. Shrubs: Minimum 5 gallon or better.

### 4. Mulching, Ground Covers and Weed control

- a. All required shrubs and trees shall be mulched and maintained with shredded hardwood bark, cypress, or gravel mulch. Plant groupings shall be mulched in a continuous bed.
- b. Mulch shall be applied so as to prevent or retard weed growth and be kept free of weeds.
- c. Ground covers shall be planted together in continuous beds and spaced to achieve a substantially continuous ground cover within two (2) years of the issuance of a Certificate of Occupancy. The ground covers must be mulched or placed in decorative rock until substantially continuous coverage is achieved.

### 5. Penalty for Non-compliance

A property owner, upon notification by the Town, shall have a period of not less than fifteen (15) days to restore, replace or repair plant material, fences or other screening found to be in violation of the Performance Standards set forth herein. If the violation is not corrected within the specified time, it will be considered a violation of this Ordinance. In the case of landscaping that performs poorly, Alternative Compliance may be utilized pursuant to subsection 4.26.6 of this Section.

No fine shall be levied during the time that an Alternative Compliance proposal to remedy the problem situation is being reviewed by the Development Services Department.

- E. Approval of the public works director is required prior to placing landscaping and other improvements in the rights-of-way (Amended with Ord. 10-729/ Res. 10-933).



4.26.4 Determination of Requirements, unless modified by the Zoning Administrator (Amended with Ord. 10-729/ Res. 10-933).

A. Residential Subdivisions

1. Arterial/Collector street Trees

As a component of plat approval, residential subdivisions in the Town shall be required one (1) shade tree a minimum of every thirty (30) linear feet on center, within the public arterial/collector.

2. Arterial/Collector street Design

Arterial and Collector streets shall have a minimum 6' wide sidewalk, separated from the roadway by a landscaped parkway of at least 8'.

3. Local Street Design

Local streets shall have a minimum 4' wide sidewalk, separated from the roadway by a landscaped parkway of at least 6'.

4. Preservation/Salvation Credit

Where there exists native vegetation, the property owner may substitute existing trees for required trees, subject to the Alternative Compliance provisions of this Section.

B. Multiple-family, Office, Commercial and Industrial Districts

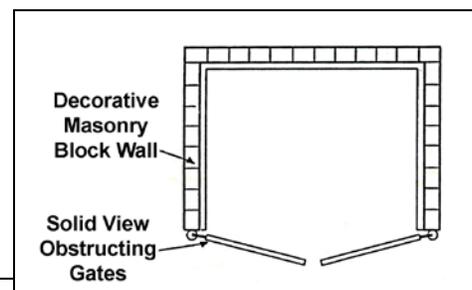
All lots improved with multi-family residential, office, commercial and industrial development shall be required to provide landscaping as set forth herein. See paragraph D #3 for a reduction to this requirement (Amended with Ord. 10-729/ Res. 10-933).

1. Front Yard Landscaping: A ten (10) foot wide landscape strip is required along the properties street frontage. For properties adjacent to SR 89, a twenty (20) foot wide landscape strip is required along the property's street frontage (Amended with Ord. 10-729/ Res. 10-933).

2. Side and rear yard landscaping: when adjacent to zoning other than single family residential "SR" zoning, a five (5) foot wide landscape strip is required along the property's street frontage (Amended with Ord. 10-729/ Res. 10-933 passed on 07/22/10).

3. Corner Lot: Corner lots shall be required to provide front yard landscaping on all sides fronting on a public street or highway.

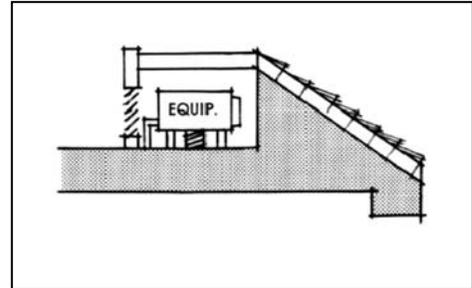
4. Refuse Disposal Areas: Refuse disposal areas shall be screened on all sides, including a solid gate for access, by a vacy fence, wall, or equivalent material





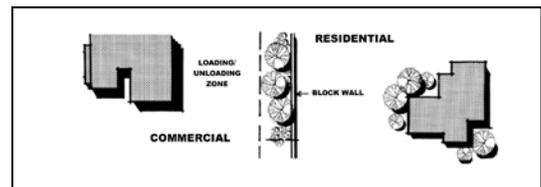
with a minimum height of six (6) feet and not greater than seven (7) feet. The finished face of the fence shall face away from the refuse disposal area.

5. Mechanical Equipment: All roof top and ground level mechanical equipment and utilities shall be fully screened from view of the centerline of any street or the nearest boundary of a single- or two- family residence district as seen from a height six (6) feet above the finished floor level of the building it services.



- C. Buffer Yards: Side and rear yard landscaping when adjacent to single family residential zoning (Amended with Ord. 10-729/ Res. 10-933).

1. Buffer Yard Required: Whenever a side or rear yard in any non-single-family residential, commercial, or industrial zones abuts, or in the absence of an alley would abut any single family residential district, a buffer yard shall be required.



2. Depth of Yard: The buffer yard shall be ten (10) percent of the lot width or depth, whichever is applicable, provided that no buffer yard shall be less than ten (10) feet in width, and no buffer yard shall be required to be more than twenty (20) feet in width. For property located on a corner lot where both the rear lot line and the interior side lot line abut property in the single-family residential districts, the buffer yard depth for both required buffer yards may be determined by the lesser dimension of the lot width or lot depth (Amended with Ord. 10-729/ Res. 10-933).
3. Berm: Where a semi-continuous berm measuring a minimum of three (3) feet and a maximum of four (4) feet in vertical height and not having a slope greater than 3:1 on either side is provided, required buffer yard landscaping points may be reduced by twenty (20) percent. Slopes may be increased above 3:1 where retaining walls are used, subject to approval under the Alternative Compliance provisions of this section. No individual section of the berm may measure more than forty (40) feet in length. The berm should be integrated into the overall landscaping plan, including landscaping on the berm where practical.
4. Prohibited Use: All driveways, refuse containers, storage areas, aisle ways, vehicular maneuvering areas, mechanical equipment and structures are prohibited within the required buffer yard. A sidewalk or paved trail may be



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located within a buffer yard when used as a connection to other pedestrian and/or recreational corridors. A concrete PAD for emergency exits from a building shall be permitted in the buffer yard provided that the Building Code requires it.

5. Utility Areas: All on-site utility areas located within twenty-five (25) feet of a required buffer yard shall be screened by a fence, wall, berm, evergreen planting or combination thereof such that a substantially solid visual barrier of six (6) feet in height is attained. Fences or walls, when provided, must be located between the activity area and the buffer yard. Utility areas shall include refuse containers/dumpsters; storage; display of materials or merchandise; loading or unloading goods, production assembly, processing or demolition of goods. Plantings provided to screen utility areas shall not count toward required landscaping.
- D. Minimum landscaping pattern: The minimum landscaping pattern shall include the following frequency (Amended with Ord. 10-729/ Res. 10-933):
1. One tree per twenty (20) linear feet.
  2. Four shrubs per 400 square feet of required landscaped area. Clustering of trees and shrubs is encouraged.
  3. Berm: Where a semi-continuous berm measuring a minimum of three (3) feet and a maximum of four (4) feet in vertical height and not having a slope greater than 3:1 on either side is provided, required buffer yard landscaping requirements may be reduced by twenty (20) percent. Slopes may be increased above 3:1 where retaining walls are used, subject to approval under the Alternative Compliance provisions of this subsection. No individual section of the berm may measure more than forty (40) feet in length. The berm should be integrated into the overall landscaping plan, including landscaping on the berm where practical.
  4. Prohibited Use: All driveways, refuse containers, storage areas, aisle ways, vehicular maneuvering areas, mechanical equipment and structures are prohibited within the required buffer yard. A sidewalk or paved trail may be located within a buffer yard when used as a connection to other pedestrian and/or recreational corridors. A concrete PAD for emergency exits from a building shall be permitted in the buffer yard provided that the Building Code requires it.
  5. Utility Areas: All on-site utility areas located within twenty-five (25) feet of a required buffer yard shall be screened by a fence, wall, berm, evergreen planting or combination thereof such that a substantially solid visual barrier of six (6) feet in height is attained. Fences or walls, when provided, must be located between the activity area and the buffer yard. Utility areas shall include refuse containers/dumpsters; storage; display of materials or merchandise; loading or unloading goods, production assembly, processing or demolition of goods. Plantings provided to screen utility areas shall not count toward required landscaping.



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E. Parking Lots: Landscaping perimeter requirements, unless modified by the Zoning Administrator. Parking lots in all zoning districts are subject to the following requirements. The landscape width may be reduced provided the minimum width requirement, when averaged, is maintained overall. One tree per twenty (20) linear feet and four shrubs per 400 square feet of required landscaped area. Clustering of trees and shrubs is encouraged (Amended with Ord. 10-729/ Res. 10-933).

1. State Route 89 street frontage shall be landscaped with a minimum width of 20 feet.
2. All other street frontages shall be landscaped with a minimum width of 10 feet.
3. Other parking perimeters all other lot lines adjacent to parking areas shall be landscaped with a five (5) foot wide landscape strip.
4. Islands. Where internal landscaping of the parking lot is required, there shall be a minimum of one curbed island provided for each 15 parking stalls in each row. The minimum area for planting all types of trees within parking lots shall not be less than 180 square feet. Shade trees and intermediate trees shall not be planted in any area with a width of less than ten (10) feet. Shrubs shall not be planted in an area of less than two (2) feet in width. Measurements of width and area shall be from the inside edge of the curb(s). A minimum of fifty (50) percent of every landscape island shall be planted with live plant material, such as shrubs, or ground cover.
5. Curb materials. Parking lot islands and medians shall be curbed with concrete or a functionally equivalent material that must be approved by the Zoning Administrator. The following materials are not considered functionally equivalent to concrete curbs and are therefore unacceptable for use as curbs: asphalt, landscape timbers, railroad ties, wood or lumber, and concrete wheel stops.

#### 4.26.5 Alternative Compliance Provisions

- A. Alternative compliance established. Petitioners may choose to follow the requirements described herein or submit a landscape plan to the Zoning Administrator under the alternative compliance provisions of this subsection. The alternative compliance provisions are intended to give flexibility where unique situations complicate the provision of required landscaping (Amended with Ord. 10-729/ Res. 10-933 passed on 07/22/10).
- B. Appeal of Zoning Administrator's Decision. If a developer chooses to submit a landscape plan through the alternative compliance process, and the Zoning Administrator does not approve the landscape plan, the Developer may appeal the Zoning Administrator's decision to the Site Plan Review Committee.



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- C. Authority of Director. The Zoning Administrator may, at their discretion, choose to forward an alternative compliance proposal to the Site Plan Review Committee for final approval.
  - D. Poor performance. Alternative compliance may be used where landscaping has repeatedly performed poorly and the property owner wishes to propose alternative plantings/arrangements.

#### 4.26.6 Preservation of Existing Landscaping

- A. Incentive. Existing landscaping that is in a vigorous growing condition and is not specifically prohibited by this Ordinance may count toward meeting the requirements of this Ordinance (Amended with Ord. 10-729/ Res. 10-933).
- B. Protection during construction. Trees that are to be preserved under the provisions of this Ordinance shall be fenced around the drip line of the tree and marked to be saved during construction. Care shall be taken to prevent damage to the tree and its root structure during construction.



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#### **4.27 Animals and Pets (Added with Ord. 08-707/ Res. 08-886)**

1. Household Pets. The keeping of “pets” such as dogs and cats are allowed in all zoning districts. This provision also allows for the keeping of indoor birds (such as parrots, parakeets and canaries), fish and other pets which will at all times be kept within a fully enclosed dwelling or accessory building provided there are not odors, noise, insects, or other nuisances caused by the keeping of such animals which would affect the health and welfare of the occupants of surrounding properties, but not non-household animals as defined below.
2. Non-Household Animals. The keeping of non-household animals such as horses, cattle, sheep, goats, swine, or any breed, strain, or crossbreed thereof, bees, poultry and other non-household birds shall be prohibited except in those zoning districts in which they are specifically allowed.
3. Project Animals. This provision is intended to allow for the non-commercial keeping of non-household animals as “project animals” officially associated with the 4-H or Future Farmers of America in residential zones where they are not specifically allowed. The keeping of up to nine (9) “project animals” shall be allowed on premises. Any one project may include up to three adult rabbits, poultry (except roosters and geese, which are not permitted), or other non-hoofed animals.

Annually a completed form, prescribed by the Development Services Department, with name and physical address of each applicant and type, duration and number of animals of each project shall be submitted to the Development Services Department by said resident. Poultry, rabbits and other small animal projects shall be allowed in any residentially zoned lot less than one (1) acre by special permit only.

Pens, stables, cages and other shelters for such animal projects shall not be located in the required front or street-side yard setback or closer than ten (10) feet to any property line. All such structures shall be kept in a neat and sightly manner and shall be controlled daily from refuse, manure, flies and other nuisances at all times. Storage of feed, equipment and other material related to such animals shall be kept within an enclosed building.

4. Nuisance. Where the keeping of such project animals becomes a nuisance, the Development Services Director shall have the authority to require a reduction in the number of and/or removal of such animals. Normally the Director will allow a ten (10) day grace period for compliance to the ordinance.



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In exceptional cases the Director shall require immediate removal of such animals.

The provisions of the ordinance are not intended to authorize the keeping of animals, regardless of number, size or type, in a manner which constitutes a nuisance and which impairs the enjoyment or use of nearby properties or violates other legal applicable land use restrictions the properties are subject to.

5. Performance Standards.

Odors: Emission of odorous gases or other odorous matter shall be contained in such quantities so as not to be offensive, or create a public nuisance or hazard. Odors normal to the raising of livestock will not be considered a violation of performance standards unless such odors are excessive due to overcrowding, poor sanitation or other poor management.

Burning for agricultural purposes or other purposes as permitted by the Chino Valley Fire District shall be exempted from the above performance standards.



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#### **4.28 Building Setbacks when Adjacent to a Street (Add with Ord. 08-707/Res. 08-886)**

Intent: Allow for the acquisition of future right-of-way dedications and leave a reasonable building setback remaining for the existing structure.

Setback Requirement: All building setbacks shall be measured from the presumed dedication of 25 feet from the section, mid section, or presumed street center line, which ever applies; whether or not the dedication has actually occurred at this time.

Under special circumstances a reduction in the setback requirement may be granted by the Zoning Administrator.

Building setbacks shall be a minimum of fifty (50) feet from all one (1) mile streets/ arterial.

One (1) mile streets/ Arterial:

Road 6 North

Road 5 North

Road 4 North

Road 3 North

Road 2 North

Center Street

Road 2 South

Outer Loop Road/ Road 4 South

Road 5 South

Road 1 East

Road 1 West

The east side of Reed Road; and  
Perkinsville Road

In addition, building setbacks shall be fifty (50) feet from State Route 89 rights of way. Building setbacks shall be a minimum of forty (40) feet from all one half (1/2) mile streets/ collector.

One half (1/2) mile streets/ Collector:

Road 4 1/2 North

Road 3 1/2 North

Road 1 North

Road 1 South

Road 3 South

Building setbacks shall be a minimum of twenty (20) feet from all other streets/local streets.



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#### **4.29 Design Concepts (Added with Ord. 10-729/ Res. 10-933)**

Development goals: protect investment in the community by encouraging consistently high quality development and promote projects that are suitable in the context of a southwest environment.

Applicability: to achieve these goals, the design concepts apply to all new commercial and office developments as well as all developments requiring site plan review.

##### Site planning

##### A. The relationship to existing residential development:

1. Position trash enclosures, compactors, truck loading areas and outdoor storage away from residential uses to the extent practical.
2. Locate drive-through lanes away from adjoining single-family and multi-family developments. Locate speakers and menu boards so that noise is not directed toward residential uses and incorporate a screen wall and landscaping to lessen noise.
3. Construct a masonry wall to separate a residential development from a proposed commercial development and plant large evergreen trees in the required landscape area to buffer the residential use.
4. Strive to minimize driveway cuts on State Route 89 and arterial streets by providing vehicular cross-access easements and shared access driveways between adjacent commercial projects.

##### B. Signage:

1. Screen restaurant menu boards from adjacent public rights-of-way and adjacent properties.

##### C. Landscaping: provide landscaping that is 10% above the requirements of the minimum landscaping pattern requirements.

##### D. Lighting:

1. Locate light poles in landscaped areas. Paint concrete light pole bases to match the primary color of the building or finish the bases to match parking screen walls.
2. Highlighting of unique or special features of the site, such as architectural features, specimen trees and artwork with accent lighting should be considered.
3. Use decorative wall-mounted sconces or light fixtures when building lighting is proposed on elevations away from residential uses.

##### Building design:

- A. Massing: the visual impact of a building depends not only on its size, but also on the relationship between its length, width and height.



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1. Building mass should be broken into smaller elements, consistent with the proportions of the architectural style selected and surrounding uses.
  2. In large multi-building projects, vary the size, massing and height of the buildings in relation to each other.
  3. Reduction of building mass may be achieved by using a combination of the following techniques:
    - a. Variation in the rooflines and form.
    - b. Use of ground level arcades and covered areas.
    - c. Use of protected and recessed entries.
    - d. Use of vertical elements on or in front of expansive blank walls.
    - e. Addition of windows on elevations facing streets.

**B. Design:**

1. Provide weather and sun protection, such as overhangs, awnings and canopies
2. Predominant exterior building materials should be of high quality and durable. These include, but are not limited to:
  - a. Brick, adobe, mortar washed slump block
  - b. Stone, natural or faux.
  - c. Integral color, sand blasted or stained textured masonry.
  - d. Split-face or scored concrete masonry units.
  - e. Textured tilt-up concrete panels.
  - f. Stucco.
  - g. Metal roofs.
  - h. Concrete and clay tile roofs.
  - i. Clear and tinted glass.
  - j. Architectural metal.
3. Predominant exterior building materials should not include the following:
  - a. Un-textured tilt-up concrete panels.
  - b. Pre-fabricated steel panels.
  - c. Corrugated metal.
  - d. Highly reflective glass.
  - e. Grooved plywood.
4. The front elevation colors should possess low reflectivity characteristics, and respect the diversity of color in the southwest.



**4.30 Commercial Greenhouse Standards (Amended with Ord. 09-424/ Res. 09-921).**

Commercial Greenhouse Development Standards:				
Allowed in the following zoning districts. Greenhouse shall be setback a minimum of 500 feet from the State Route 89 right of way.	AR 10 acre minimum	CL 10 acre minimum	CH 10 acre minimum	I 10 acre minimum
Property Development Standards:				
Minimum Lot Area	10 acres			
Minimum Linear Street Frontage	300 feet			
Minimum Front Yard Setback (Except for properties adjacent to SR 89)	50 feet			
Minimum Side Yard Setback	50 feet			
Minimum Street Side Yard Setback	50 feet			
Maximum Building Height	35 feet			
Minimum Distance Between the Structures	20 feet			
Maximum Lot Coverage Standards	50%			
In Commercial or Industrial zoning, the maximum % of the building used for retail outlet/restaurant	10%			
In Commercial or Industrial zoning, the maximum % of the Lot Area Used For Entertainment (this area shall conform to building setback requirements)	20%			
Agricultural zoning, the maximum % of the building used for the sale of farm produce when primarily grown on site	10%			
Outdoor Storage Standards	Screening required			
Accessory Building Setbacks From the Side and Rear Property Lines	20 feet			
Accessory Building Setbacks From Street Side	See Section 4.28			
Off Street Parking and Loading Standards	See Section 4.22			
Shall Have Access on an Arterial or Collector Street				

(Amended with Ord. 09-424/ Res. 09-921)



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## 5. Subdivision Regulations

### 5.1 Intent

The purpose of these regulations is to provide for the health, safety, general welfare and harmonious development of the Town; to ensure that all future development shall meet the requirements of any General Plan and the applicable specific plans for the development of the Town adopted or which may be adopted pursuant to Title 9, Chapter 4, Article 6, Arizona Revised Statutes; to ensure that future development will preserve and enhance the Town's natural scenic attributes; to ensure that all new development will maintain and encourage a pleasing environment and be in harmony with the special character and historical quality of the Town. The purpose of these regulations is also to secure adequate provisions for streets and traffic circulation, water supply and distribution, sanitary sewerage, drainage and flood control, in the development of lots and properties to achieve optimum utility and livability. A further purpose of these regulations is to facilitate the provision for school sites, lands for recreation and other public uses; to promote the conveyance of land by accurate legal description; and to establish procedures which will achieve a basis of mutual understanding and equitable relationships between public and private interests.

#### 5.1.1 Short Title

For the purpose of identification, these regulations shall hereafter be referred to as the "Subdivision Regulations".

#### 5.1.2 Authority

The Subdivision Regulations are authorized by Title 9, Chapter 4, Articles 6.2 and 7 of the Arizona Revised Statutes.

#### 5.1.3 Jurisdiction

These regulations shall govern the subdivision of all land that lies within the corporate limits of the Town.

#### 5.1.4 Administration

- A. Title: These regulations shall hereafter be referred to as the "Subdivision Regulations".
- B. Purpose and Scope: The purpose of the Subdivision Regulations is to ensure the orderly growth and harmonious development of the Town; to provide convenient traffic circulation on a coordinated street system with major thorough-



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fares adjoining subdivisions; to ensure the adequate provision of water, drainage facilities, sanitary sewerage, and other utilities; to provide adequate sites for schools, recreation areas, and other public facilities; and to facilitate the accurate conveyance of ownership of land by accurate legal description; and to provide procedures for the achievement of these purposes. These regulations accommodate growth by considering the need for services generated by subdivisions together with public ability to provide and/or private willingness to contribute to the costs of these services. It applies to all properties proposed for subdivision, land split, or lot line adjustment within the Town limits. No building or other development permit required by the Town may be issued for property which has been divided in violation of these Regulations.

- C. Application and Interpretation: Circumvention of the Subdivision Regulations is prohibited. No person may sell, offer to sell, or divide any portion of any lot or parcel of land smaller than allowed under Arizona Revised Legal Statutes, or change the location of a property line of an existing lot or parcel within the Town limits without obtaining the approval of the Zoning Administrator or his/her designee for Lot Splits and the Town Council for subdivisions as required by these Regulations. No land may be divided, and no property line location may be changed, in a way that would result in the creation of a property that would not conform to the requirements of this Ordinance.

The interpretation and application of the provisions of this Ordinance shall be made by the Zoning Administrator or his/her designee. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision, or any other Ordinance, rule or regulation, or other provision of law, the provision that is more restrictive or imposes higher standards controls. Nothing contained in these regulations shall be construed as releasing a subdivider from the Arizona Revised Statutes.

- D. Administration: The Zoning Administrator or his/her designee is hereby authorized to receive, process, and otherwise act upon preliminary and final subdivision plats in accordance with these regulations. The Planning and Zoning Commission and Town staff are hereby designated as advisory agents to the Town Council and are charged with the duty of investigating and reporting upon matters referred to them in accordance with these regulations.
- E. Fees: Fees for Town services provided in the administration of this Ordinance shall be set by Resolution of Council and may be changed from time to time.



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## 5.2 Subdivision Application Procedures

### 5.2.1 General Provisions

- A. In General: Every land division shall conform to the goals and objectives of the General Plan, Unified Development Ordinance, and other Ordinances adopted by Council and laws of the State of Arizona that specifically relate to subdivisions and the development of land.
  
- B. Reservation of Public Land: Where a tract to be subdivided contains all or any part of a park, school, flood control facility or other area shown on the General Plan as a public area, or required by Town Council as a public area, such site shall be dedicated to the public or reserved for acquisition by the public within a specified time period. The subdivider and the appropriate public agency shall reach an agreement regarding such acquisition prior to consideration of final plat by Council.

The Town may reserve land within a proposed subdivision for public schools and parks, recreational facilities, open space, water and wastewater facilities and public safety annexes, subject to the following conditions:

1. The required reservations are in accordance with principles and standards adopted by Town Council, which standards include the policies for open space set forth in the General Plan.
  
2. The land reserved shall be in the size and shape as to permit the remainder of the land area in which the reservation is located to develop in an orderly and efficient manner.
  
3. The public agency for whose benefit an area has been reserved shall have a period of one year after the recording of the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of the filing of the preliminary plat plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.
  
4. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in paragraph three above, within the agreed upon period of time, the reservation of such area shall terminate unless a mutually agreeable time extension is consummated.



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- C. Owner/Agent Authorization: Applications may only be submitted by property Owners or their authorized representatives. The Zoning Administrator may require proof of ownership/agency prior to accepting an application.
  
  - D. Zoning Standards: Proposed subdivision must be designed to meet the specific requirements of the zoning district in which they are located. In the event that a change in zoning is required to enable the development to be built as proposed, any necessary zoning amendment must be initiated by the property owner (or authorized agent) in accordance with the procedures for processing applications for changes in zoning set forth in this Ordinance. The Town may, at its discretion, consider or require a Preliminary plat as part of its zoning change consideration.
  
  - E. Outline of the Review Process: The preparation, review and approval of subdivisions within the Town Limits shall proceed through the following progressive stages:
    - 1. Pre-application Conference;
  
    - 2. Preliminary plat submittal - considered by Planning and Zoning Commission and Town Council;
  
    - 3. Subdivision Technical Review - considered and reviewed by Town Staff and pertinent outside public service and utility agencies;
  
    - 4. Final plat submittal - considered by Town Council.

#### 5.2.2 Pre-application Conference

Pre-application Conference: The pre-application conference stage of the subdivision planning process is an investigatory period that precedes actual preparation of platting and improvement plans by the subdivider. During this time, subdividers make their intentions known informally to the Town, are advised of specific public objectives related to the subject tract, and are given detailed information regarding platting procedures and requirements.

- A. Actions of the Subdivider: The subdivider must meet informally with the Site Plan Review Committee to present a general outline of the proposed development including:
  - 1. Sketch plan(s) and ideas regarding land use, street and lot arrangement, and tentative lot sizes;



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2. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
- B. Actions of the Site Plan Review Committee: The Site Plan Review Committee will discuss the proposal with the subdivider and provide input and suggestions regarding procedural steps, public policy objectives, design and improvement standards, and general platting requirements. Then, depending upon the scope of the proposed development, the Committee will:
1. Check existing zoning of the tract and recommend changes in zoning if necessary or desirable;
  2. Determine the adequacy of existing or proposed schools, parks, and other public places;
  3. Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses, and identify any unusual problems such as those related to topography, utilities, drainage, etc;
  4. Determine whether a Development Master Plan (DMP) will be required prior to the preparation of a preliminary plat, and the extent to which the property owner will be required to prepare it.
- C. Subdivision Referral and Approval Process: Within fifteen (15) days of the review of the sketch plat by the Site Plan Review Committee, the Zoning Administrator or his/her designee will send a letter with the comments of the Committee.
1. Subdivisions: If the sketch plat involves a subdivision only, the Zoning Administrator or his/her designee will issue a written notice advising the subdivider to proceed with the preparation of a preliminary plat to be considered by the Planning and Zoning Commission and Council.
  2. Development Master Plan: A DMP may be required prior to the preparation of a preliminary plat if; the tract is sufficiently large to comprise an entire neighborhood, if the tract is to be developed in multiple phases or if the tract is only a portion of a larger landholding of the subdivider, or the tract is part of a larger land area the development of which is complicated by unusual topographic, utility, land use, land ownership, or other conditions. The Zoning Administrator or his/her designee may issue a Notice to Proceed to prepare a DMP. The entire land area covered by the DMP need not be under the subdivider's control. In many cases the DMP will be the conceptual land use plan needed for a zone change application that may be necessary to permit development of the tract.



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- a. Preparation: Development Master Plans must be prepared to a scale and accuracy commensurate with their purposes, and must include:
    - i. General street pattern with particular attention to collector streets and future circulation throughout the development;
    - ii. General location and size of existing and proposed school sites, parks, and other public areas;
    - iii. Location of shopping centers, multiple-family residential or other non-residential land uses;
    - iv. Methods proposed for sewage disposal, water supply and storm drainage;
    - v. Approximate densities and intensities of various land uses.
  - b. Phasing Plan and Schedule Approval: Upon acceptance of the general design approach by the Commission and Town Council, the DMP should be followed by the preparation of a preliminary plat. If development is to take place in several stages, the DMP must be submitted as a supporting document for each stage. The DMP must be kept up to date by the subdivider as modifications take place.

### 5.2.3 Preliminary Plat

No later than 120 days after the date of the Committee's comment letter, an applicant shall apply for a preliminary plat or submit a Development Master Plan (DMP), unless the Applicant can show cause for the delay to the Satisfaction of the Zoning Administrator.

- A. Application Procedures and Requirements In General: The preliminary plat stage of land subdivision involves detailed subdivision planning, submittal, review, and approval of the preliminary plat. The preliminary plat must substantially conform to the conceptual land use plan and may only be submitted subsequent to the issuance of a "Notice to Proceed", and must be accompanied by payment of the prescribed fee. The subdivider must provide all essential information outlined below to enable the Zoning Administrator to determine the character and general acceptability of the proposed development.
- B. Preliminary plat Submission: In addition to a completed Preliminary plat Application Form, a complete submittal shall include:



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1. Twelve blue-line (or blackline) copies of the plat, which must be scaled to fit on one 24" by 36" sheet (where practical, although the scale may not exceed one hundred feet to the inch), in addition to two 11"X17" reduced copies, showing:
    - a. Proposed subdivision name, location by Township, range, and section, and reference by dimension and bearing to a section or quarter section corner.
    - b. North arrow, scale, and date of preparation.
    - c. Name, address and phone number of the owner, and the engineer, surveyor, landscape architect, or land planner who prepared the plat.
    - d. Vicinity map showing the relationship of the proposed subdivision to main traffic arteries and any other landmarks that would help to locate the project.
    - e. Property owners name, fee number or assessor's parcel numbers for all abutting properties.
  3. Existing Conditions Data
    - a. Topography by one, two or five foot contour intervals adequate to reflect the character and drainage of the land as determined by the Public Works Director, and related to U.S. Coastal and Geodetic Survey (USC&GS) datum, or other datum approved by the Public Works Director.
    - b. Surveyed location of all existing improvements on public rights of way and private property including land use, structures and fences, walls, shacks, barns, utility lines, wells, streams, irrigation canals and structures, private and public culverts, ditches, washes, lakes, water features of all types, direction of flow, flow pattern, location and extent of areas subject to inundation, and whether such inundation is frequent, periodic, or occasional and data regarding frequency.
    - c. Location, width, and names of all platted streets, drainage and utility easements, public areas, and municipal boundaries within, adjacent to, or extending from the property.
    - d. Location of historic and archaeological sites, if any.



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- e. Acreage and zoning of the property and abutting properties.
  - f. Complete boundary dimensions of the property and engineer's calculations and estimated values for each tributary storm runoff channel for 10, 50, and 100-year frequency storms (the values should be indicated along the boundary of the survey map for all points of drainage entering and exiting the property).
  - g. Evidence of adequate access from an existing public right-of-way.
4. Proposed Conditions Data
    - a. Proposed lot configuration, including approximate size and dimensions of each lot, and identification of each lot by number, and total number of lots; building setback lines; street layout, including location, width, curve radii, and proposed names.
    - b. Identification of average and minimum lot size(s).
    - c. Designation of all land(s) to be dedicated and reserved for public use with use and acreage for each indicated.
    - d. Location of all proposed private and controlled access streets and identification of all access devices on local streets within the subdivision; their means of accomplishing access control (e.g. signage, traffic barriers, gates, etc.) and monitoring devices and facilities; and their hours of operation and standards and procedures for admittance.
    - e. A general statement regarding proposed utility methods and status of existing capacities of nearby water, sewer, and other public utilities.
  5. A preliminary plat on disk in digital format compatible with the Town computer database. Typically, the form of these files will be in DXF, DWG or other similar industry standards digital file developed in AutoCAD R13 or greater.
  6. Payment of prescribed filing fee.
  7. A preliminary draft or outline of protective covenants and restrictions that demonstrate the proposed theme and character of the proposed subdivision.
  8. Such other information as, in the opinion of the Zoning Administrator or his/her designee, will be required to complete a thorough analysis of the preliminary plat in terms of its compliance with all Town Codes, Ordinances, rules and regulations.
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### C. Preliminary Plat Review and Approval

1. Upon acceptance of an application for approval of a preliminary plat, the Zoning Administrator or his/her designee will have fifteen (15) working days to advise the applicant if the submittal is complete. Copies of complete applications will be forwarded to the Town departments and utility and public safety agencies that serve the area for their review and comment.
2. The reviewing agencies and departments shall transmit their comments and recommendations to the Zoning Administrator or his/her designee. The Zoning Administrator or his/her designee will then summarize the received comments and recommendations, prepare a staff report and present it to the Commission.
3. The Commission shall consider the proposed preliminary plat at its next regularly scheduled meeting, if practical, if not, it will be scheduled at the next available Commission meeting. Upon approval of a preliminary plat, or approval with conditions by the Commission, Council may consider the proposed preliminary plat at its next regularly scheduled meeting.
4. Preliminary plat approval constitutes authorization for the subdivider to proceed with the preparation and submittal of engineering plans and specifications for public infrastructure improvements and the final plat. Preliminary plat approval does not assure final plat approval and shall expire within THREE (3) YEARS of approval if a final Plat is not submitted. Extensions of one year may be granted by the Zoning Administrator or his/her designee upon written request by the applicant/subdivider.

#### 5.2.4 Subdivision Technical Review

- A. The subdivider must provide the Zoning Administrator or his/her designee with a complete set of engineering plans and specifications prepared by a civil engineer who is currently registered in the State of Arizona. Such plans and specifications must be designed based upon the approved preliminary plat and may be prepared prior to or in conjunction with the final plat.
- B. The Final plat will not be considered by Council until all engineering plans for water, sanitary sewer, streets, grading and drainage and all other improvements have been approved by the Public Works Director and other applicable review agencies.
- C. When applicable, for water and sewer mainline extensions, the subdivider must furnish Arizona Department of Environmental Quality (ADEQ) and the Public



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Works Director such evidence as the ADEQ may require regarding the adequacy of the design and operation of the proposed potable water and sanitary sewerage facilities. Applications for plan review by ADEQ may only be made with written authorization of the Public Works Director.

- D. Engineering Plan and Specification Submission Comprehensive Development Plan (CDP) - In conjunction with the other engineering plans prescribed in this Ordinance, the subdivider must provide a CDP that illustrates the physical relationship of all the proposed utility improvements for the proposed subdivision. The intent of this plan is to cumulatively index all proposed utility improvements for easy reference, and to provide for a coordinated development effort. The subdivider, at his option, may choose to submit a preliminary CDP for Site Plan Review Committee review prior to the preparation and submittal of a final CDP and other improvement plans.

At a minimum, the CDP should depict the proposed location and separation of all public improvements and how they relate to the lots or blocks of the subdivision. The CDP should provide approximate distances and measurements of all proposed rights-of-way; easements; 100 year floodplain limits for regulatory flows; utility placements; edge of pavement; curb, gutter, and sidewalk (if required); drainage structures; and the building footprint. The CDP should be overlaid on a topographic map with a contour interval of not less than five (5) feet. The topographic mapping should extend fifty (50) feet beyond the subdivision boundaries. Spot elevations for the proposed grading should be provided at various locations to assist in determining the suitability of topography to the proposed subdivision. Finally, if the project is to be phased, the phase lines must be shown on the CDP.

#### 5.2.5 Final Plat

No later than THREE (3) YEARS after the approval of a preliminary plat, a subdivider may apply for approval of a final plat. The Council may grant one extension of time not exceeding two (2) years for any phase of the development.

If the Final Development Plan is not submitted within the above mentioned time frames, the Council, pursuant to Arizona Revised Statutes § 9-462.01(E), after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to cause the property to revert to its former zoning (Amended with Ord. 09-424/ Res. 09-921).

#### A. Application Procedure and Requirements:

1. In General: The final plat stage involves the final design of the subdivision, submittal of engineering plans and specifications (if not already completed),



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preliminary CC&R's, it will include satisfactory assurance documentation, and may include execution of a development agreement, if applicable, and signing of an Infrastructure Improvement Agreement.

2. Zoning: The zoning of a tract must permit the proposed development. Zoning changes required to enable the property to be developed as proposed must be approved by Council prior to the submission of a final plat.
  3. Easements: It shall be the responsibility of the subdivider to provide on the final plat, prior to plat recordation, such easements in such location and width as required for public utility purposes.
- B. Final plat Submission: In addition to a completed Final plat application form, a complete submittal shall include:
1. A record plat drawn in permanent black ink on linen or mylar on a sheet conforming to 24" x 36" with the scale not to exceed one hundred feet to one inch. Two copies shall be submitted. The Zoning Administrator or his/her designee may permit a variation in that scale should there be unusual size or shape to the tract proposed for subdividing. If more than two sheets are required for the drafting of the final plat, an index sheet of the same dimensions illustrating the layout of the entire subdivision shall be shown.
  2. A certificate or letter from each utility company providing service to the area indicating approval of the method of the proposed utility installations and confirming the availability of services.
  3. An Arizona Department of Transportation access permits where required.
  4. If not already completed– Subdivision Technical Review, an Infrastructure Improvement/Development Agreement, if any is required, shall be consummated between the subdivider and the Town.
  5. A completion date for the construction of the improvements shall be declared and notice given to Zoning Administrator or his/her designee, which date shall be approved by Council. The completion date for the improvements should not exceed THREE (3) years from the date of such recordation. Failure to complete the improvements by the completion date may cause the forfeiture of the assurances described hereafter.
  6. A final plat, in recordable form, on disk in digital format compatible with the Town computer database to facilitate the inclusion of the final plat into the Town parcel database. Typically, the form of these files will be in DXF, DWG or other similar industry standards digital file developed in AutoCAD R13 or greater.



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7. A copy of the protective covenants, conditions and restrictions (CC&R's) in the form for recording shall be submitted and recorded with the final plat. The CC&R's shall include, at a minimum, a mechanism to allow the capability for home or property owners to establish or create a homeowners association subsequent to the declarant conveying a majority of the subdivided properties to other parties.
  8. Identification and Descriptive Data
    - a. North arrow, scale, and date.
    - b. A title which includes the name of the subdivision and its location by section, Township, and range.
    - c. Name, address, registration number, and valid seal of the registered land surveyor preparing the plat.
  9. Survey Data
    - a. Subdivision boundary lines and corners, together with courses and distances and all curve or angle data. Subdivision corners must be shown and must close on the ground within .05 foot per one hundred feet; other monuments, lot corners, and other survey points must also be described and located. One tie must be made by true course and distance to a GLO corner, or, if none exists, to a corner of common acceptance. Proposed subdivisions adjacent to existing subdivisions must tie to the corners of the existing subdivisions. Adjoining property must be identified by subdivision name, or if unsubdivided, and Forest Service lands noted. All connecting streets, private and public and Forest Service roads must be shown and named.
    - b. Name, courses, length and width of all public streets and street cross sections; radii, points of tangency, and central angles of all curvilinear streets; radii of all rounded street line intersections; location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public; and a statement noting that the streets dedicated on the plat will not be accepted for Town maintenance until they are brought up to minimum Town standards.
    - c. A registered professional land surveyor must certify that all lots are staked, or will be staked within six months.
  10. Existing Conditions Data
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- a. Utility easements intended to remain on the property. The notation as described above shall be on the final plat.
  - b. Drainage easements intended to remain on the property, with the following notation: "Natural, unimpeded flow is preferred in all drainage ways, wherever practical. No structure of any kind may be constructed or placed, nor may any vegetation be planted nor be allowed to grow within, on or over any drainage easement which would obstruct or divert the flow of storm water. The Town may construct and/or maintain drainage facilities on or under the land in any drainage easement."
11. Descriptive Data Required:
- a. Name, right-of-way lines, courses, lengths, width of all public streets, crosswalks, utility easements; radii, points of tangency and central angles of all curvilinear streets and rounded street line intersections.
  - b. Utility easements needed in conjunction with the new plat to include the notation as cited in above.
  - c. All drainage ways shall be shown on the plat. The rights-of-way or easements for all major drainage ways, as designated by the Public Works Director, shall be dedicated to the public.
  - d. Location and dimension of all residential lots, including identification of each lot by number and size of each lot, total number of lots and average and minimum lot sizes.
  - e. All residential lots shall be numbered by consecutive numbers throughout the plat. "Exception", "tracts", and parks shall be so designated, lettered or named and clearly dimensioned.
  - f. Locations, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
  - g. Location of all adjoining subdivisions with date, map and page number of recordation noted, or if unrecorded or unsubdivided, so marked.
12. Assurances: In order to ensure proper installation of subdivision improvements, the subdivider shall designate the type of assurance in a form and method acceptable to the Town Attorney and approved by Town Council in conjunction with review of the final plat. A final copy of the assurance shall be submitted to the Zoning Administrator within 180 days of Council approval, and prior to the recordation of any Final Plat approved by Council.



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The amount of the assurance shall be based on a cost estimate prepared by a registered civil engineer in an amount to cover 110% of the complete installation of the improvements. This assurance shall provide for its forfeiture to the Town in the event the Town does not accept the improvements by the declared completion date due to the default of the subdivider. Any portion of the forfeiture in excess of the expenses incurred by the Town in connection with the installation of the improvements shall be returned to the subdivider, or party entitled thereto.

The Town may release the subdivider, from any portion of the assurances if the Public Works Director or Town Engineer finds that, (1) a corresponding portion of the improvements has been completed and accepted by the Town, (2) that said improvements are capable of functioning as designed and will not have to be substantially altered as part of the installation of additional work still covered by the assurances, and (3) that the partial release of assurances sought by the subdivider is commensurate with the accepted improvements. Such released may not be granted more frequently than every ninety (90) days.

The owner must provide the Town with one of the following types of financial assurances for the completion of the construction of the improvements required for the development of the subdivision:

a. Cash or Surety Bond

- i. The subdivider shall deposit with the Town Clerk cash or a surety bond.
- ii. The surety bond shall be executed by the subdivider with a corporation duly licensed and authorized to transact surety business in the State of Arizona, as surety. The bond shall be in favor of the Town, shall be continuous in form, and shall require that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, regardless of the number of years the bond is in force, and shall provide that:
- iii. The bond or cash shall be released upon satisfactory performance of the work and its acceptance by the Public Works Director, Town Engineer or as designated by the Town Manager.
- iv. Progress payments may be made to the subdivider on his order from any cash deposit made. Such progress payments shall be made in accordance with standards established by the Public Works Director, Town Engineer or as designated by the Town Manager.



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- v. The bond may be cancelled by the subdivider, provided that other security, satisfactory to the Town has been deposited which will cover the obligations of the subdivider that remain to be performed.
  - vi. Any work abandoned or not completed by the subdivider may be completed by the Town, which shall recover the construction costs from the subdivider or the bonding agent.

b. Assurance of Construction through Loan Commitment

In lieu of providing assurance of construction in the manner provided above, the subdivider may provide assurance of construction of all required utility and infrastructure improvements, by delivering to the Town in a manner described above, an appropriate agreement acceptable to the Town Manager between an approved lending institution and the subdivider, which provides:

- i. A statement that funds sufficient to cover the entire cost of installing the required improvements, including engineering and inspection costs, and the cost of replacement or repairs of any existing streets or improvements demanded by the Town in the course of development of the subdivision have been deposited with such approved lending institution by the subdivider. The agreement shall provide that the funds in the approved amount are specifically allocated, and will be used by the subdivider, or on his behalf, only for the purpose of installing the subdivision improvements.
- ii. That the Town shall be the beneficiary of such agreement, or the subdivider's rights shall be assigned to the Town, and the Public Works Director shall approve each disbursement of such funds. The agreement may also contain terms, conditions, and provisions normally included by such lending institutions in loan commitments for construction funds, or as may be necessary to comply with statutes and regulations applicable to such lending institutions.

c. Alternative Assurances

In lieu of providing a surety bond or an agreement between the subdivision developer and an approved lending institution, the Town Attorney may approve and recommend to Town Council such alternative assurances that it deems sufficient to guarantee and assure construction of the required improvements, including a contractual agreement by an approved lender guaranteeing the performance of the subdivision developer, or a Performance Deed of Trust, in first lien position, or such other assurances as Council shall deem sufficient and appropriate.



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- d. When no adjacent arterial or collector (as identified on the Chino Valley Streets Master Plan) is being constructed and the improvement of an arterial or collector street by a governmental agency is anticipated in the short-term future, the subdivider shall deposit the current estimated cost of improving the abutting half street in an account.

13. Dedication and acknowledgment - A statement dedicating all streets and easements for public use by the person holding legal title of record to the property. If the property contains any liens, all lien holders shall execute an appropriate release for all dedications.

#### 14. Final plat Review

Upon acceptance of an application for approval of a final plat, the Zoning Administrator or his/her designee will have fifteen (15) working days to advise the applicant if the submittal is complete. Copies of complete applications will be sent to the Town departments and utility and public safety agencies that serve the area.

Council shall consider the proposed final plat at its next regularly scheduled meeting no sooner than 21 days after an application has been determined to be complete, if practical, if not it will be scheduled for the first available Council meeting.

Recordation: Upon receipt of the required assurances, and proof of adequate water supply, the applicant will provide the Town with three copies of the approved final plat drawn in permanent black ink on Mylar approximately 4 mil in thickness, and Zoning Administrator or his/her designee will have the final plat recorded and provide a recorded copy of the plat to the applicant.

#### 5.2.6 Land Splits Not Requiring a Subdivision (Amended with Ord. 07-683/ Res. 07-827).

Land splits do not require the submission and approval of preliminary and/or final plats and do not include or allow for a land split or further division of previously subdivided land but are subject to the following:

- A. All parcels or lots created in a land split must meet the minimum parcel size applicable under the current zoning of the lots or parcels created by the land split.



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B. The proposed land split may not create any new non-conforming structures related to building setbacks or increase the non-conformance of an already non-conforming structure relating to building setbacks.

C. The parcels or lots created by the land split shall have permanent legal access by connecting to a Public Street, a street which is part of the Public Access system, a private street created by a properly recorded plat, or a Public Way. Those areas within the Public Way which are owned by the owner of a contiguous lot or parcel shall be included in the computation of the gross square footage of said parcel or lot and such inclusion will continue whether or not the Town thereafter formally accepts dedication of any portion of the public way but building setbacks will be measured from the frontage on said public way except as applicable to flag lots created in conformity with this Code.

D. A person proposing a land split shall submit a Record of Survey prepared by a civil engineer or registered land surveyor licensed in Arizona which reflects the lots or parcels created by the land split and the legal access as referenced in the foregoing Paragraph C for the lots or parcels created. The access required to be depicted in the Record of Survey shall be only that portion leading to a Public Street, a Street which is part of the Public Access System or an existing Public Way. No building permit shall be issued for a lot or parcel created by a Land Split until the party seeking the building permit has provided the requisite Record of Survey reflecting compliance with Subsection 5.2.6, A., B., C. and D. and paid the required fees for review and approval of land splits as those fees may be established by the Town Council.

E. A party seeking rezoning of property shall provide for dedication of those portions of the property which are within the future street system or public access system as then adopted by appropriate Resolution or Ordinance and shall, in any event, provide for sufficient and reasonable public ways to serve as access for all lots created by land splits that may thereafter occur on said property pursuant to the rezoning of such property.

#### 5.2.7 Minor Subdivision

- A. Approval of subdivision required. Until a preliminary plat and final plat of a subdivision shall have been approved in accordance with this article, no person proposing a subdivision within the Town shall subdivide or file a record of survey, map or plat for record, or sell any part of a subdivision, or proceed with any improvement or other work on same.
- B. Duties of subdivider. While a subdivision is in the preliminary planning stage, the subdivider shall consult the Zoning Administrator to determine conformity to the General Plan, the applicable specific plans, the zoning regulations and



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compliance with the provisions of these regulations and the requirements for the design and installation of public improvements as required by the Town.

- C. Preliminary plat and engineering drawings. The subdivider shall cause to be prepared a preliminary plat of the proposed subdivision and other exhibits as specified herein. The Development Services Department shall review the preliminary plat and submit its recommendations to the Commission as specified herein. The Zoning Administrator, or his/her designee, may administratively approve the preliminary plat, if the minor subdivision meets all requirements of the Unified Development Ordinance. If for any reason the Zoning Administrator, or his/her designee, decides not to administratively approve the minor subdivision, the approval of the minor subdivision will follow the same process as approval of a preliminary plat for a Major subdivision outlined in Section 5.2.3.
- D. Final plat approval and recording. The subdivider shall cause to be prepared a final plat as specified in Section 5.4.3, which shall conform substantially to the preliminary plat as approved. The Zoning Administrator, or his/her designee, may administratively recommend approval of the Final plat, and forward the Final plat on to Council for their consideration and approval. If for any reason the Zoning Administrator, or his/her designee, decides not to administratively recommend approval of the Final plat, the approval of the Final plat will follow the same process as approval of a Final plat for a Major subdivision outlined in Section 5.2.5. The approved and executed copy shall be recorded in the Yavapai County recorder's office after full compliance with these regulations, and one copy shall be filed in the Commission's office and one with the Town Engineer.
- E. Special Submission Conditions for Minor subdivisions. The Zoning Administrator, or his/her designee, may waive certain submission requirements for Minor subdivisions, when, in their judgment, the unique circumstances of the site do not require the submission of such data for the accurate review of the minor subdivision, provided however, that the Zoning Administrator, or his/her designee, may not reduce any requirements for physical improvements required by this Ordinance, nor any State of Arizona, statutory requirements.



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## 5.3 Design Principles and Development Standards

### 5.3.1 Street Location and Arrangement

- A. The arrangement, character, extent, width, grade, and location of all streets should conform to the Town's General and Transportation Plans and should ensure public safety and convenience, and respond to existing natural features of terrain, vegetation, and drainage.
- B. Street layout shall provide for the continuation of existing principal streets through new subdivisions. Principal streets typically follow section or mid-section lines; however, if the alignment is impractical then right-of-way should be provided at least every three thousand (3,000) feet.
- C. Certain proposed streets, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands.
  - 1. Street connections to an adjoining platted tract shall be made only to those extended streets of the platted tract.
  - 2. Street connections shall be designed to accommodate the amount of increased traffic flow generated by the proposed subdivision, as determined by an engineered traffic study or as approved by the Public Works Department.
- D. Local streets shall be so arranged as to discourage their use by through traffic. If topography allows and suitable alternate locations are available, minimums of two accesses are highly recommended for ingress/egress into the subdivision.
- E. The maximum length of cul-de-sac streets shall be 1,500 feet measured from the intersection of the right-of-way lines to the extreme depth of the turning circle along the street centerline. However, no cul-de-sac shall provide access to more than twenty-five single-family residences.
- F. Where a proposed subdivision abuts or contains an existing or proposed arterial and collector routes, sufficient right-of-way may be required for access, frontage streets, and/or turning movements or for reverse frontage combined with a one foot non-vehicular access easement abutting the major route; or for such other treatment as may be justified for protection of residential properties from function of the major route.
- G. Where a subdivision abuts or contains the right-of-way of a limited access highway or an irrigation canal or abuts a commercial or industrial land use, the



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- Zoning Administrator or his/her designee may recommend location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.
- H. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient and to facilitate adequate drainage.
  - I. No alleys may be constructed in residential, commercial, and industrial subdivisions, except that the Zoning Administrator or his/her designee may waive the requirements in certain areas because of topography, open area provided or service access.
  - J. Half streets shall be discouraged, but may be permissible where necessary to provide right-of-way required by the Town's General and Transportation Plans, to complete a street pattern already begun or to assure reasonable development of a number of adjoining parcels. The minimum paved street width of a half street is 20 feet. Where there exists a platted half street abutting the tract to be subdivided, the remaining half shall be platted within the tract. In lieu of the actual construction of a half street, the subdivider may provide a cash payment that is based on a cost estimate prepared by a registered civil engineer and that is approved by the Public Works Director. This money will be disbursed to the Town at the time the contract is awarded for the Town project to improve the full width of the street.
  - K. A minimum of two (2) permanent reference survey monuments shall be required for a street as a recoverable point for future surveys.

### 5.3.2 Street Design

All streets in the Town, unless otherwise specified in this Ordinance, shall be designed to the standards in this subsection and as follows:

- A. Minimum Required Right-of-way Width
  - 1. Principal and minor arterial streets and highways as indicated by Town standards but, in any event, no less than 100 feet or as required by the Arizona Department of Transportation standards.
  - 2. Collector streets as indicated by current Town standards but, in any event, no less than 80 feet.



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3. Local streets as indicated by current Town standards but, in any event, no less than 50 feet, unless otherwise specified in this Ordinance.
    - a. Cul-de-sac streets shall terminate in a circular right-of-way 50 feet in radius with a minimum improved traffic turning circle 40 feet in radius. The Zoning Administrator or his/her designee may approve an equally convenient form of space where extreme conditions justify.
    - b. Dead end streets will not be approved except in locations designated by the Zoning Administrator or his/her designee as necessary to future extension in development of adjacent lands. A dead end street serving more than four lots shall provide a temporary turning circle with a 40-foot radius or other acceptable design to accomplish adequate access.
    - c. Local roads for industrial subdivisions are highly recommended at 60 feet. However, when the size of subdivisions or other factors limit the inclusion of the 60-foot rights-of-way, the Zoning Administrator or his/her designee may approve the use of 50-foot rights-of-way with all intersection radiuses at 45 feet.
  4. Access or Frontage streets - As required by a traffic impact study or as needed for principal arterials.

#### B. Grades

##### 1. Maximum:

- a. Arterial routes: as determined by the Public Works Director.
- b. Collector streets 8%
- c. Local residential streets 12% (Maximum longitudinal slopes of up to 18% may be used for a distance not to exceed 300 feet if existing terrain dictates, and if approved by the Public Works Director)
- d. Cul-de-sacs 8%
- e. Intersections 5% for a minimum of fifty (50) feet from points of intersection.



## Town Street Design Standards

Item	Principal Arterial (1)	Minor Arterial	Collector	Residential One Dwellings per Acre or Greater	Residential Less than One Dwellings per Acre	Commercial	Industrial
Minimum Right of Way	Per ADOT (1)	100'	80'	50'	50'	50'	60'
Minimum Roadway Width w/o On Street Parking	Per ADOT	42'	28'	24'	24'	28'	28'
Pavement Edge Treatment	7" ADOT C&G	6" Vert. C&G	Ribbon Curb	Rolled Curb	Ribbon Curb	6" Vert. C&G	Ribbon or Rolled Curb
Sidewalk	6' on each side	5' Min. on each side (2)	None (3)	4' Min. on one side (3)	None (3)	4' Min. on each side (2)	None (3)

### Street Design Notes

(1) Currently, all principal arterial routes are state highways owned and maintained by the Arizona Department of Transportation.

(2) Sidewalk may be required on only one side of the road with an increased width if approved by the Zoning Administrator or his/her designee and the Public Works Director. (Also, see note #3.)

(3) A minimum of two (2) foot wide shoulder is required if no sidewalk is installed. This shoulder shall maintain the same slope as the pavement and shall be constructed of ABC or an approved equal. However, construction of sidewalks on collector roads shall be determined through a Development Agreement.

Note: These standards are primarily for new roadway construction. These standards may be adjusted on projects involving rehabilitation or reconstruction of existing improvements as approved by the Public Works Director.



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2. Minimum: all streets shall have a minimum longitudinal slope of 0.3%.
  3. Desirable: all streets 6%
  4. Exceptions may be made by the Zoning Administrator or his/her designee upon review and approval of the Public Works Director.

#### C. Vertical Curves

1. Arterial routes: Minimum length, one hundred feet, or as determined by using the AASHTO Standards.
2. Collector and minor streets: Minimum length, one hundred feet, or as determined by using the AASHTO Standards for residential streets, the length of the vertical curve may be reduced to fifty (50) feet if existing terrain dictates and if approved by the Public Works Director.
3. When the longitudinal grade for all streets changes with an algebraic difference of one percent (1 %) as measured between the tangent grades in percent, a vertical curve shall be provided.

#### D. Horizontal Alignment

1. Arterial routes: As determined by the Public Works Director.
2. When tangent center lines deflect from each other more than ten degrees and less than ninety degrees, they shall be connected by a curve with a minimum centerline radius of five hundred feet for collector streets and one hundred fifty feet for local streets.
3. Between reverse curves there shall be a tangent section of centerline not less than 100 feet long, unless the radius exceeds 750 feet on arterial and collector streets or 250 feet on local streets, in which cases 50 feet of tangent shall be required if approved by the Public Works Director.
4. Streets intersecting arterial and collector streets shall do so at an angle that shall not vary from ninety degrees by more than ten (10) degrees; intersections of local streets shall not vary from 90 degrees by more than fifteen (15) degrees.
5. Street jogs with centerline offsets of less than one hundred thirty-five feet shall be avoided unless otherwise approved by the Public Works Director.
6. Minor streets intersecting a collector street or arterial route shall have a tangent section of centerline at least 150 feet in length measured from the right-



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of-way line of the major street; except that, no such tangent is required when the minor street curve has a centerline radius greater than 400 feet with the center located on the major street right-of-way line.

(Where topographic conditions make necessary other treatment to secure the best overall design, these standards may be relaxed by the Public Works Director and the Zoning Administrator or his/her designee.)

7. Street intersections with more than four legs and Y-type intersections where legs meet at acute angles shall be avoided.
8. At street intersections, property line corners shall be rounded by circular arc having a minimum radius length of 35 feet for collector and arterial streets and 25 feet for local streets.

#### E. Private Streets

Private streets shall be constructed to conform to current Town street standards, including but not limited to right-of-way widths, roadway geometric criteria, and pavement structural section. If private streets are proposed for a subdivision, then the following additional requirements must be met:

A homeowners association shall be established at the time the final plat is approved with a mechanism for funds to be placed in escrow account for future operations and maintenance. An emergency rapid entry system for unrestricted entry of police and fire emergency vehicle at all gated location shall be provided. For uniformity, the only allowable system shall be the "Knox Rapid Entry System". Finally, a note shall be placed on the final plat that states, "All private streets that are identified as a "tract" or "common areas" shall be maintained by the homeowners association. The Town shall not maintain these roads unless they are improved at the expense of the property owners to Town standards which are in effect at the time of the request." Any deviation or Zoning Administrator from these requirements shall require Town Council approval.

#### 5.3.3 Water Facilities Design

- A. Subdivision water system and facilities will substantially conform to the precepts of the Chino Valley Comprehensive Water Master Plan and other water company master plans.
- B. Each lot or building unit shall be supplied with potable water in sufficient volume and pressure for domestic use and fire purposes. Design and construction of any and all facilities relating to transmission and distribution of potable water within and outside of any subdivision must meet with the written approval of the Public Works Director.



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- C. Water mains shall be looped or installed in a circulatory configuration whenever possible. Branching or dead-end patterns may be acceptable if no looping alternative is present.

#### 5.3.4 Sewer Facilities Design

- A. Wastewater disposal facilities shall be installed to serve each lot and be subject to the following standards and approvals:
  - 1. Individual systems, including septic tanks, shall be discouraged, but may be constructed in areas not presently served. Property is considered served if a public sewer is within 200 feet of a property line or if the cost of extending the sewer main is less than two (2) times the cost of an individual system(s).
  - 2. Public sanitary sewers shall be installed in areas which are reasonably accessible to an existing sewer system or if the lot sizes are one-half (1/2) acre or less. Gravity sewer system is the preferred method of collecting and conveying wastewater. However, low-pressure sewer systems may be installed if a homeowners' association is established during the platting process to oversee operation and maintenance of the individual grinder pump stations. If low-pressure sewer systems are utilized within a subdivision, a hybrid of gravity and low-pressure sewer should be contemplated with line lengths for low-pressure sewer system kept to minimum lengths in an attempt to minimize odors.
- B. Public sanitary sewers that are proposed in public utility easements extending through the rear or side yards of lots shall be discouraged. However, topography or excessive cost may dictate the installation of sewers in such public utility easements.
- C. Design and construction of any and all facilities relating to the collection and conveyance of wastewater within and outside any subdivision is the responsibility of the developer of the subdivision and must meet with the written approval of the Public Works Director.

#### 5.3.5 Drainage Design

- A. Drainage and topography shall be a primary consideration of any subdivision.
- B. The preservation of natural flood areas, streams, washes, arroyos, rivers or ephemeral drainage courses should be maintained, if possible, in their natural state. The limits of the ten (10) year flood event shall define the extent of the area of concern. The only exceptions are for roadway crossings and utility lines, if no other alternative exists. Any subdivision proposal that proposes the preservation of natural flood areas shall be considered superior to all others.



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- C. Drainage layout and development shall meet all State and Federal requirements to allow residents of Chino Valley to purchase flood insurance, to receive disaster relief, to obtain real estate loans and to minimize flood damage.
  - D. Subdivision improvements that propose grading and/or grade changes shall not have an adverse impact on surrounding property. At the boundaries of the subdivision, all drainage and floodwaters shall be accepted and released so that the flow characteristics are minimally disturbed by providing appropriate entrance and exit transitions.
  - E. All weather access to all lots shall be provided during the regulatory flood and shall mean depths of flows over streets will not exceed one foot to allow passage of emergency vehicles. The standard applies to both public and private streets.
  - F. All drainage ways that convey 50 cubic feet per second or more, during the 100-year flood event, shall be considered a regulatory flood and shall be dedicated to the public with provisions for maintenance access ramps. Flows less than 50 cubic feet per second shall be regulated for impacts to buildings and structures, particularly, the placement of the finished first floor or basement, and shall be designated a common area or noted on the final plat as impacting a lot and the lot owner's responsibility for maintenance.
  - G. Drainage basins or watersheds with known flood hazards shall be designated as a critical basin. Within designated critical basins, all proposed subdivisions shall address on-site detention for the two- (2), ten- (10) and one hundred (100)-year flood event to mitigate the post-development drainage to the pre-development levels. If the subdivider can demonstrate that on-site detention will exacerbate the downstream condition then the Public Works Director may waive the requirement.
  - H. A drainage study that addresses the hydrologic and hydraulic components relating to onsite and off-site drainage shall be developed and prepared by a registered Arizona Professional Engineer. The drainage study shall be approved before the street improvement plans and final plat are approved. If the subdivision will be developed in phases, a master drainage plan will be required.

#### 5.3.6 Block Design

- A. Blocks should not exceed fifteen hundred (1,500) feet in length between street centerlines. Variation from this requirement may be justified where topography or optimal lot configurations are achieved or when lot sizes average one-half acre or greater.
- B. Blocks should have sufficient width for an optimal layout of two tiers of lots of the size required by this Ordinance Development Standards.



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- C. Where practical, pedestrian ways with a minimum easement/right-of-way width of ten feet may be required at mid-block and/or internal connection locations where essential for access to schools, playgrounds, common open space or other community facilities. Pedestrian ways may be used for utility purposes.

#### 5.3.7 Lot Planning

- A. Lot width, depth, and area shall comply with the minimum development standards of the applicable zoning district.
- B. Double frontage lots should be avoided except where necessary to provide separation of the residential development from traffic collectors and arterials.
- C. Corner lots should be a minimum of ten feet wider than the interior lots within the same block.
- D. The depth to width ratio of useable area should be no greater than three to one.
- E. Grouping of wider side yards of no less than 30 feet in combined width shall be encouraged to convey openness and privacy as well as create useable storage area.
- F. Where gross densities of four units to the acre or greater are provided, front yard setback lines should be staggered within a ten foot range to create a diversified streetscape. No front yard should be less than twenty feet.
- G. Where a two-story single-family dwelling is provided, the rear yard setback should be a minimum of thirty feet.

#### 5.3.8 Easement Planning

- A. Generally, a Public utility Easement (PUE) shall be 16 feet in width. In cases of steep greater than a 6% slope) or unusual topography, the PUE should be increased to 20 feet in width. The PUE should be located on one (1) lot instead of straddling property lines.
- B. A one-foot easement prohibiting vehicular access to and from arterials and collectors from rear yards of a double frontage lot shall be required.



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## 5.4 Improvement Requirements and Specifications

### 5.4.1 Purpose

- A. The purpose of this Section 5.4 is to establish the minimum acceptable standards for improvement of public streets and utilities, to define the responsibility of the subdivider in the planning, constructing, and financing of public improvements and to establish procedures for review and approval of engineering plans.
- B. All improvements required in streets or easements which are required as a condition to plat approval shall be the responsibility of the subdivider, provided, however, that the subdivider may be allowed to meet the requirements by participation in an improvement district approved by the Town.
- C. Any subdivider failing to comply with the following minimum acceptable standards shall be punished as provided in this Ordinance.

### 5.4.2 Engineering Plans

- A. The subdivider shall have a complete set of engineering plans and specifications prepared by a registered civil engineer who is currently registered in the State of Arizona, and submit such plans to the Public Works Department for approval. Such plans and specifications shall be based on the approved preliminary plat and shall be prepared in conjunction with the comprehensive development plan.
- B. Final engineering plans shall be approved by the Public Works Director prior to recordation of the final plat. This final plan approval is valid for a period of one year. If construction is not started prior to the plan approval expiration, the plans shall be resubmitted to the Public Works Department for an update approval according to current standards and guidelines. If, after construction has begun on a project and it is stopped for any reason for a period of one year or more, the plan approval becomes outdated. The plans must be re-submitted for update approval prior to restarting construction. The plans will be reviewed for compliance with current standards and requirements.
- C. Improvement plans shall include plans, profiles and typical street cross sections that contain the following minimum information:
  1. The cover sheet shall include at least the following information;
    - a. Name and type of plan;
    - b. Vicinity map;
    - c. Location map;



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- d. Benchmarks approved by the Town;
  - e. Basis of bearing for the project;
  - f. Name, address, and phone number of subdivider;
  - g. Name, address, phone number, and professional seal of engineer preparing plans;
  - h. List of utility agencies serving the proposed development;
  - i. Plan sheet index;
  - j. Approval signature block of the Town, Public Works Director;
  - k. Bluestake note.
2. Plans shall include at least the following information;
- a. Street names;
  - b. A north arrow and graphic on each plan sheet;
  - c. Stationing and lateral dimensions of streets and rights-of-way, including pertinent survey data and curb return data;
  - d. Location of existing and proposed utilities being designed and existing streets to be joined;
  - e. Drainage structures, including cross gutters, culverts, catch basins, or similar items. Show a positive outlet for all drainage leaving the site and will not have a negative impact on the downstream property. All concentrated drainage flowing from public right-of-way onto private property must have a drainage easement to flow into or a note on the final plat relating the drainage impact on the lot;
  - f. Curb, gutter, sidewalks and asphalt structures;
  - g. Survey monument location to be set, existing control monuments to be referenced prior to destruction and all benchmarks used;
  - h. New traffic control devices, all existing traffic control devices within the area of the project, and changes in traffic control devices in the vicinity of the project that are required as a result of the project;



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- i. The top and toe of slopes for both cuts and fills shall be shown if the project extends outside of the right-of-way limits;
  - j. Location of all existing and proposed water lines, water valves, water meters, water service lines, fire hydrants, sewer manholes, sewer services, storm drains, and street lights shall be shown on the plans;
  - k. Construction notes indicating any and all construction items for utilities, paving, storm drainage, etc.;
  - l. Town current general notes for construction;
  - m. A plan sheet showing the location of all traffic control signs shall be included as a plan sheet;
  - n. Additional information needed to clarify plans or deal with specific conditions.
3. Profiles shall include at least the following information:
- a. Bench marks, including description, location and elevation;
  - b. Existing and finished grade profiles. Profiles of centerline and right and left gutter control line or edge of pavement are required. The presentation must clearly show and distinguish existing profiles and other profile information;
  - c. Finished elevations including BVC, PI, and EVC of vertical curves, vertical intersection points, curb returns match lines and all other points needed for vertical control of construction;
  - d. Slopes and vertical curve lengths;
  - e. Curb return profiles at intersections;
  - f. Drainage structures and utilities;
  - g. Extension of the improvement project as required assuring that the design is compatible with future extensions;
  - h. Consistent stationing throughout the plans;
  - i. Additional information needed to clarify profiles or deal with special conditions, i.e., profile or drainage channels, stationing and elevations at



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beginning and end of all curb returns, grade breaks and beginning and end of construction.

4. Cross Section shall include at least the following:
  - a. Typical street cross-sections are needed for each condition encountered and each should be clearly identified as to where it applies;
  - b. Materials and thickness, including sub-base select material aggregate base, prime coat, asphaltic concrete, curb and gutter, and sidewalk with notation of the engineering firm preparing the soils reports and the report numbers, if applicable. The specification and types of materials shall be stated.
  - c. Horizontal dimensions to all key points, including rights-of-way.
  - d. Cross slopes.
  - e. Parkway conditions. Maximum and minimum slopes are to be shown for cuts, fills, and side hill conditions. Any side ditches or other special conditions are to be shown. A minimum 2-foot wide flat area shall be constructed behind the sidewalk or curb before the slope begins.
  - f. Right-of-way widths in relation to centerline, and identified by street name to which it is applicable;
  - g. Limits of applicability by station if necessary.
5. The plans shall contain the current Town "General Notes" for water, sewer, grading, and paving construction as prepared by the Public Works Director.
6. One set of Recorded Drawings on reproducible film and electronic file (Auto-CAD or approved equal) of all improvements must be submitted to and approved by the Public Works Director prior to final approval of the project.

#### 5.4.3 Construction and Inspection

- A. All improvements in the public rights-of-way and easements shall be constructed under the inspection and approval of the Town. The developer shall be responsible for the total cost of all inspection and testing during the construction of all improvements. The developer will execute an Infrastructure Improvement Agreement (IIA) with the Town and the developer will be responsible for the performance of the required inspections and testing. If the developer decides to have the Town perform the inspection and testing, an estimated advance payment will be provided to the Town prior to the commencement of any construction work. If



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the developer chooses to provide the inspection and testing, a payment in the amount as established by resolution, will be required for the Town's oversight and monitoring of the IIA requirements.

- B. All construction work shall be performed and all material furnished shall be in reasonably close conformity to the lines, grades, cross sections, dimensions, and material requirements, including tolerances shown on the plans and profiles or indicated in the specifications. The Public Works Director shall determine the limits of reasonably close conformity in each individual case and the Public Works Director's judgment shall be final and conclusive.
- C. The Public Works Director shall be notified at least three (3) days before the start of any construction. Clearing and grubbing activities shall not proceed without approved Improvement Plans by the Public Works Director.
- D. All relocation and reconstruction of irrigation and utility facilities shall be constructed to the standards of the owning utility and the Town.
- E. All underground utilities installed in streets shall be constructed prior to the surfacing of such street. Service stubs to platted lots within the subdivision for underground utilities shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made.
- F. Prior to accepting any subdivision, the developer shall submit engineering record drawings or as-built plans for all water and sewer infrastructure.

To record the Final Plat the applicant shall submit three (3) fully executed copies on both a high quality Mylar having a thickness of approximately 4 mil and on a digital format which is compatible with the Town computer database to facilitate the inclusion of the plans into the Town database. Typically, the form of these files will be in DXF, DWG or other similar industry standards digital file developed in AutoCAD R13 or greater. Additionally, a certified letter from a professional land surveyor shall be required, stating that the centerlines of streets, easements, and survey monuments are located as denoted on the final plat.

- G. When public infrastructure improvements for a subdivision are accepted by Council for maintenance and operation, the developer shall provide all approvals from all appropriate regulatory agencies (for example, ADEQ Approval of Construction) and shall provide a warranty or guarantee for a period of two years against defective materials and workmanship.

#### 5.4.4 Development of Plans and Specifications

The "Uniform Standard Specifications and Details for Public Works Construction" as published by the Maricopa Association of Governments (MAG) are recognized as ac-



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ceptable construction specifications and standard details. Because of variations in climate, soils, and availability of materials, modifications to the MAG specifications may have been implemented by the Town. The MAG specifications shall be utilized at the direction and approval of the Public Works Director. Other pertinent manuals for the development of plans and specifications include "A Policy on Geometric Design of Highways and Streets" as distributed by AASHTO; all design manuals, specifications, and standard details as distributed by the Arizona Department of Transportation; all engineering bulletins as distributed by the Arizona Department of Environmental Quality; "Manual on Uniform Traffic Control Devices for Streets and Highways" as distributed by the U.S. Department of Transportation, Federal Highway Administration; and the various design manuals, procedures, and guidelines as published by professional organizations and governmental agencies.

#### A. Streets

1. A Geotechnical report shall be required for the pavement design of all subdivision roads. The design approach shall be based on the latest methodology that is utilized by the Arizona Department of Transportation or the American Association of Highway and Transportation Officials.

Traffic volumes for the pavement design shall be based on a trip generation analysis as developed by the Institute of Transportation Engineers.

2. Portland cement concrete shall normally be used for all required curb and gutter, valley gutters, and sidewalks unless otherwise approved by the Public Works Director.
3. A seal coat shall be required on all street-paving projects. If pavement cuts occur after the final lift of asphaltic concrete then a chip seal will be required.
4. The developer shall be responsible for the installation of all regulatory, warning, and street signs for the orderly movement of vehicles and for public safety. Regulatory and warning signs shall be in conformance Manual on Uniform Traffic Control Devices. Street signs shall be in accordance with Town standards and include 911 or emergency addressing.

#### B. Drainage

1. Show the limits of the 100-year floodplain on the final plat in a readily retraceable manner with frequent ties to intersecting lot lines for all flows of 50 cubic feet per second or more.
2. Watercourses that are relocated, altered, or include any man-made improvements, should be developed with channel treatments that allow for the reestablishment of vegetation. The use of concrete will be limited to headwalls,



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cut-off walls, transitions, and areas with limited right-of-way because of existing improvements. The placement of concrete structures shall be at the discretion of the Public Works Director.

3. Culverts for streets shall be designed to convey at the 50 year peak discharge with no flow over the roadway, Additionally, the flow depth over the street shall be limited to 1.0 feet for 100 year peak discharge if the street provides all weather access.
4. A minimum pipe diameter of 18 inches shall be required for all street crossings and a minimum pipe diameter of 12 inches for all driveways.
5. Culvert outlet velocities should be kept below 15 feet per second unless special conditions exist. The maximum velocity should be consistent with the channel stability requirements at the culvert outlet. If the culvert velocities exceed permissible velocities for the proposed outlet (greater than five (5) feet per second for natural conditions depending on soil types), suitable outlet protection must be provided.
6. Drainage ditches or storm drains along streets and adjacent areas shall be required to avoid trapping water and to ensure positive drainage away from the streets. Street drainage shall be designed to provide for one lane of traffic on all local streets and one lane of traffic in both directions for all collectors and arterials for the 10-year peak discharge.

#### C. Water

1. New water facilities shall be designed in accordance with the Arizona Department of Environmental Quality (ADEQ) and the Arizona Department of Health Services Bulletin No. 10 (latest edition). Any deviation from the bulletin's requirements shall have the written approval of the Town.
2. All water mains shall be a minimum of six (6) inches in diameter or designated otherwise by the Public Works Director to minimum water flow requirements of the pressure zone or the Chino Valley Comprehensive Water Master Plan.
3. All water mains, valves, and fittings shall be constructed with materials having a working pressure rating of 200 pounds per square inch.
4. The longitudinal bending of water mains shall not be allowed. All changes in direction or angle will require the appropriate fittings.



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5. All dead ends on new mains shall be provide with a blow-off cock in the plug or cap, and reaction backing or thrust blocking shall be arranged not encased or covered by the concrete, if used.
  6. Fire hydrants shall be spaced at a distance no greater than 750 feet apart in residential areas and 500 feet apart in commercial and industrial areas. The measurement between fire hydrants shall be linear and the measurement will be effected along the centerline of the streets. The Chino Valley Fire District may adjust the distances between fire hydrants when circumstances dictate.
  7. The water system for the subdivision must be capable of supplying and sustaining the required flows for fire protection throughout all subdivided properties as approved by the Town. For residential areas, the minimum required fire flow capability is 1,000 gallons per minute for a duration of two hours with a minimum system pressure of 20 pounds per square inch while the required fire hydrant flow rate is being met. For all multifamily, industrial and commercial areas the chief Building Code official, in consultation with the Chino Valley Fire District, shall determine minimum fire flow capability and that flow will be provided with a minimum system pressure of 20 pounds per square inch.
  8. The approval of the final design of the water system rests with the Town Council and will be based on the conformity of the design to policy, standards, and specifications. The developer is responsible for all approvals with ADEQ and other regulatory agencies.
  9. The Town may issue building permits after the approval of the water system and the installation of an all weather road. Approval of the water system requires that the water lines have been successfully pressure tested and disinfected to Town standards and that fire flow can be provided to all subdivided properties. An all weather road for this purpose means that the sub-grade and aggregate base material has been constructed to the approved plans and specifications and the width of the road is a minimum of 20 feet wide. Water service shall not be connected to any structures until approval from ADEQ is received.
  10. The Town will not issue any certificates of occupancy until the subdivision improvements are accepted for maintenance and operation by Council.

#### D. Sewer

1. New sanitary sewerage facilities shall be designed in accordance with the Arizona Department of Environmental Quality (ADEQ) and the Arizona Department of Health Services Bulletin No. 11 (latest edition). Any deviations from the bulletins requirements shall have the written approval of the Town.



2. New sanitary sewers shall be designed to carry the designated peak wet weather flow from the area that will be ultimately tributary to the respective each of sewer.
3. No public gravity sewer lines shall be less than eight (8) inches in diameter. All gravity sewer line pipes shall be of bell and spigot and gasketed joints.
4. The longitudinal bending of PVC SDR 35 sewer pipe is allowable with a minimum allowable radius of 150 feet and no joint deflection. Because longitudinal bending is allowable for PVC sewer pipe, drop manholes shall be discouraged with elevational differences addressed by vertical sweeps of the sewer main.
5. Testing of gravity sewer lines and manholes may include multiple test methods to ensure a minimum of inflow and infiltration. Sewer lines shall be subject to but not limited to low pressure air testing, deflection testing, and closed circuit TV inspection. Manholes, at a minimum, shall be vacuum tested after the frame and cover are installed.
6. Low pressure pipe shall be PVC SDR 21 with gasketed joints or HDPE SDR 11 with welded joints. Substitution may be provided if the pipe is of equal or better quality.
7. Low pressure sewer system shall be pressure tested in accordance with applicable test procedures for potable water lines.
8. The outfall for all low-pressure sewer systems shall include adequate measures to prevent sulfide corrosion of manholes and to mitigate odors.
9. Pump stations that are to be operated and maintained by the Town shall be designed as a wet/dry well type system and include odor control, corrosion mitigation measures, and supervisory/control and data acquisition systems.
10. Sewer house service connection shall have adequate separation or protection from potable water house service connections. Sewer service lines should be installed at points ten feet from the lowest lot corner adjacent to the sewer main. Crossing of water and sewer service lines, especially a low-pressure sewer with water service line, may require that the sewer service line be sleeved.
11. The Town will not issue any certificates of occupancy until the subdivision improvements are accepted for maintenance and operation by Council.



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## 5.5 Modifications, Appeals and Enforcement

### 5.5.1 Modifications

#### A. Modification of Standards

Council may modify the standards required by this Ordinance as they apply to a particular property when there exist unusual conditions of topography, land ownership, adjacent development or other circumstances which would not be able to be addressed to best serve the interests of the citizens of the Town if the requirements of this Ordinance were strictly applied.

#### B. Modification of Final plat

The Community Development Director may approve, or refer to Council, the following minor modifications to the Final Plat:

1. Lot line adjustments that do not create new lots or reduce the size of any lot below the minimum for that district.
2. Minor changes related to public safety, infrastructure alterations, adjustments and conflicts or a documented change in conditions.
3. Minor changes of a technical or typographical nature.

No other change, erasure, modification or revision shall be made on or of any final plat after approval by the Council unless the Council first approves any proposed alteration; and any alteration shall be void unless approval thereof is endorsed upon the final plat by the Council.

### 5.5.2 Appeals

A. Appeals: Any decision, or interpretation, of this Ordinance may be appealed to the Town Manager; decisions of the Town Manager may be appealed to Board of Adjustments. The agency to which a decision has been appealed may either:

1. Uphold,
2. Reverse,
3. Modify, or
4. Refer the decision back to its author for reconsideration.



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- B. Time Limits: Appeals will only be considered if they are filed within ten (10) working days of a decision. Decisions are final after the ten (10) day appeal period has passed, if no appeal has been filed.
  - C. Stays of Proceedings: An appeal suspends the action taken and stays all proceedings in the matter, unless the Town certifies that a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by restraining order as injunctive relief granted by a court of record on application and notice to the Town. Proceedings shall not be stayed if the appeal requests relief that has been previously denied except pursuant to a special action in Superior Court.

### 5.5.3 Enforcement

- A. Fines/Imprisonment: Any person, as principal, owner, agent, tenant, employee, or otherwise found violating this Ordinance, or violating or failing to comply with any order or regulation made hereunder, shall be guilty of a civil violation punishable as provided in this Ordinance. Such person shall be deemed guilty of a separate offense for each and every day during which any such violation or failure to comply with these regulations is Committed, continued or permitted. All remedies provided for herein shall be cumulative and exclusive. A finding of guilty or responsible and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions. In addition to the other remedies provided herein, any adjacent or neighboring property owner who is damaged by the violation of any provision of this Ordinance may institute any action in law or equity to prevent or abate such violation.
- B. Enforcement Action: Any division of property contrary to this Ordinance is hereby declared to be a public nuisance and the Town Attorney may, upon order of Council, or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinder, and removal thereof in the manner provided by law; and may take such other lawful steps as may be necessary, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin, and restrain any person from violating this Ordinance.

## 5.6 Floodplain Management

The Town designates the Yavapai County Flood Control District as the enforcement authority for all floodplain management activities within its corporate limits. The district is hereby authorized to exercise the powers and duties set forth in Title 45, Chapter 10, Article 4, Arizona Revised Statutes, within all areas of the Town.



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## 6. Property Maintenance

### 6.1 Purpose

The purpose of this Ordinance is to promote the health, safety and welfare of the citizens of Chino Valley by establishing minimum property maintenance standards to eliminate those conditions that contribute to blight and deterioration.

### 6.2 Scope

These provisions apply to residential, commercial, and industrial properties and the responsibilities of persons for the use and maintenance of all buildings and structures, premises and vacant land.

### 6.3 Definitions

Where terms are not defined in this Ordinance, they shall have the meanings given to them in the Town Code, Unified Development Ordinance or Building Code. In the absence of any definition, all words and phrases shall be given their commonly understood meaning from accepted custom and usage.

*“Abate”* means to repair, replace, remove, destroy, or otherwise remedy the condition in question by such means, in such manner, and to such extent as the Zoning Administrator/Designee determines is necessary to bring the condition into compliance with this Ordinance in the interest of the general health, safety and welfare of the community.

*“Blight or Blighted”* means unsightly conditions of a building, structure, accessory building, fence, outdoor storage, landscaping; or property characterized by neglect, lack of maintenance, damage or any other similar conditions of disrepair or deterioration. Examples include but are not limited to the accumulation of debris, wood, scrap iron or other metal, boxes, paper, vehicle parts, tires, inoperable vehicles or equipment, discarded appliances; or any items that may harbor insect or vermin infestation or create a fire hazard; landscaping that is overgrown, dead or damaged; fences that are broken, rotted, damaged or leaning; buildings or structures exhibiting general disrepair or dilapidation including but not limited to deteriorated shingles, peeling paint, broken doors or windows or any other evidence of neglect or lack of maintenance.

*“Deterioration”* means lowering in the quality of the condition of a building, structure or parts thereof including but not limited to holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or lack of maintenance.

*“Fence” (includes screen walls and/or retaining walls)* means self standing structures constructed of wood, chain link, metal, masonry or similar materials designed for and



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commonly used to provide semi-privacy, security, screening or bank retention between grade separations.

*“Garbage”* means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

*“Inoperable vehicle”* means any vehicle for which required license plates and/or tags have expired and that is partially or wholly dismantled, discarded, wrecked, on blocks or similar devices, stripped, or scrapped; or a vehicle with a deflated tire or tires or from which a wheel or tire has been removed; or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly.

*“Litter”* means garbage, refuse and rubbish, animal feces and all other waste materials which, if thrown or deposited in a manner prohibited by this Ordinance, tends to create a danger to public health, safety and welfare, and includes, but is not limited to paper and metal, such as containers or cans.

*“Refuse”* means all putrescible and non-putrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes.

*“Rubbish”* means non-putrescible solid wastes consisting of both combustible and non-combustible wastes, including but not limited to, wrappings, cigarettes, cardboard, metal cans, yard clippings, leaves, metal, wood, glass, bedding, crockery and similar materials.

*“Responsible person”* means an owner, tenant, renter, lessor, lessee, manager, agent, or any fiduciary or person with power of attorney or other person who is occupying or having charge of, possession or control of the premises or has the authority and ability to act on behalf of, or in the interest of, the owner.

*“Town”* means the Town of Chino Valley.

*“Trash”* means any accumulation of refuse, rubbish, litter or garbage.

*“Weeds”* mean any vegetation that attains such large or uncontrolled growth as to become, when dry, a fire hazard or menace to adjacent property.



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#### **6.4 All Premises**

All commercial, residential, and industrial premises within the Town shall be maintained in a neat and attractive manner to prevent the appearance of a blighted or deteriorated condition or from becoming a threat to the safety and welfare of the adjacent property or surrounding area. All exterior property including yards, ground covers, trees, shrubs or other landscaping and any exterior surfaces of any buildings or structures including but not limited to fences, walls, or roofs, or appurtenances shall be properly maintained and shall not otherwise present a blighted or deteriorated appearance.

The responsible person of any residential, commercial or industrial premises shall maintain the entire premises free of debris, litter, trash and weeds up to the curb of a street or edge of pavement where curbs are not present.

#### **6.5 Fences, Screen Walls, and Retaining Walls**

All fences, screen walls and retaining walls on the property shall be maintained in a safe and structurally sound condition and shall not otherwise present a deteriorated or blighted appearance. This includes but is not limited to leaning or damaged fences, fences missing slats or blocks or any other materials that are otherwise broken or damaged in such amounts as to present a deteriorated or blighted appearance.

#### **6.6 Landscaping**

All property shall be free from any condition that contributes to visual blight including but not limited to vegetation of any kind that is substantially dead or damaged or characterized by uncontrolled growth, neglect, lack of maintenance or any similar conditions. An owner or responsible person shall maintain ground cover, trees, shrubs or vegetation of any kind so as not to interfere with the use and enjoyment or other public or private property.

#### **6.7 Vacant Land**

An owner or responsible person shall keep all vacant land free of any abandoned, inoperable, junked or wrecked vehicles, debris, garbage, junk, litter, trash, weeds, outcroppings, strippings or other excavated material, whether from the same or other property, so as not to present a deteriorated or blighted appearance.

#### **6.8 Keeping of Inoperable Vehicles**

It is unlawful for any responsible person to place, park or store an inoperable vehicle(s) or any major portion thereof, in or on any public or private property in any manner so as to be visible from without the property upon which it is stored.



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## **6.9 Littering**

It is unlawful for any business, corporation, firm or responsible person to fail to provide litter or trash receptacles for the containment of litter and trash generated within or upon their premises or to allow litter or trash from receptacles to become windblown and be disbursed into the surrounding area.

It is unlawful for any property owner, agent, contractor or subcontractor in charge of any construction or demolition site to cause, maintain, permit or allow the accumulation of any litter or debris on the site before, during, or after completion of the project or to allow any litter or debris to become windblown and deposited into the surround area.

## **6.10 Maintaining a Health Hazard**

It is unlawful for any responsible person to allow the accumulation on any property of the whole or any part of any dead animal, fish or fowl; or of any waste vegetable or animal matter in any quantity, garbage, animal or human excreta, sewage, or other offensive substances.

## **6.11 Outside Storage of Materials**

It is unlawful for any responsible person to store, keep or maintain on any residential, commercial or industrial property, materials or substances or any nature which contribute to the appearance of a blighted or deteriorated condition or is injurious to the health, safety, and welfare of property or persons.

It is unlawful for any responsible person to store, keep or maintain inside or outside of any premises in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snaplock or other locking device which may not be released from the inside, without first removing the door or lid, snaplock or other locking device from the icebox, refrigerator or container.