

# **The Promenade**

**Application No. FS20-829**

Major Amendment to PAD No. 08-015

+/- 44 acres generally located at the southwest corner  
of Cotton Lane and Waddell Road

Submitted: December 22, 2020

Resubmitted: April 13, 2021

## **PRINCIPALS and DEVELOPMENT TEAM**

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Commercial  
Developer:**

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## **REGULATORY FRAMEWORK**

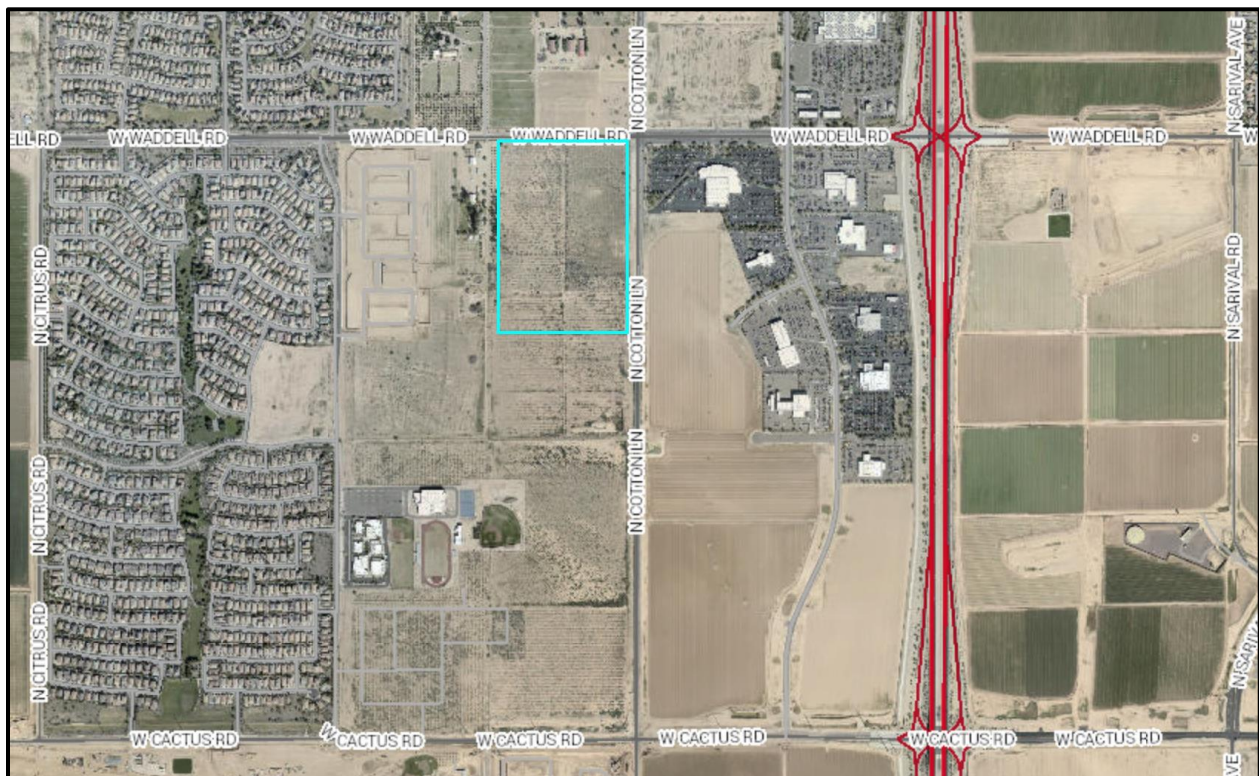
The Promenade PAD establishes the regulatory framework for the Property by creating development standards and other requirements specific to the context of the project site. The provisions within Promenade PAD are the governing zoning regulations for the Property provided that provisions related to allowed land uses, development standards, and other regulatory standards not included within the Promenade PAD shall be governed by the standards as provided in Chapter 125 of the Surprise Municipal Code, in effect at the time of approval of the Truman Ranch Marketplace Planned Area Development by City Council on September 25, 2008. The Promenade PAD specifically incorporates the provisions for the C-1—Neighborhood Commercial Zone, C-2—Community Commercial Zone, or MU-PD—Mixed-Use Planned Development District, as may be amended within the Promenade PAD. In the event of a conflict between a provision of Promenade PAD and a provision Chapter 125 of the Surprise Municipal Code, the provisions of the Promenade PAD prevail. Chapter 125 of the Surprise Municipal Code is attached as Tab A, and incorporated herein.

## **INTRODUCTION**

This application proposes a Major Amendment (“The Promenade PAD”) to the Truman Ranch Marketplace Planned Area Development (“Truman Ranch PAD”) (PAD) approved by the Surprise City Council on September 25, 2008 in Ordinance No. 08-37 (PAD case no. 08-015) for the approximate 44 acres generally located at the southwest corner of Cotton Lane and Waddell Road (“Property”). See below Aerial Map. This application proposes, The Promenade, a master-planned, horizontal mixed-use development integrating high-density residential uses with commercial activities, such as retail, restaurant, office, service, mini-warehouse, and other similar uses.

## **PROPERTY AND CONTEXT**

The Property was formerly part of Truman Ranch, a once larger ranch property, owned and operated by the Truman family. The Property is vacant, undeveloped with native vegetation. The Property gently slopes from the northwest to southeast. Along the Cotton Lane frontage is an irrigation ditch, along with a compacted-berm, which was designed many years ago for a railway track that ultimately never came to fruition.



The Property is located approximately one-half mile from the State Route 303 / Waddell Road interchange in an area of the City experiencing new growth and development interest, as signified by Prasada, State Route 303, and other recent development in the area. Bounding the north and east Property lines are Cotton Lane and Waddell Road, respectively, both classified as Major Arterial roadways. Immediate surrounding uses include: to the north, across Waddell Road, farmland zoned Maricopa County Rural-43 and vacant, undeveloped property at the immediate northwest corner of Cotton Lane and Waddell Road zoned PAD for commercial uses; to the east, across Cotton Lane, is Prasada Auto Mall zoned PAD (part of the larger Prasada master-plan); to the south is an undeveloped portion of Truman Ranch zoned for Residential High-Density (RH-15) for up to 15 dwelling units per acre; and to the west is the Truman Ranch homestead zoned Rural Residential and an undeveloped portion of Truman Ranch zoned for up to 9 dwelling units per acre (RM-9) (both not subject to The Promenade PAD).

Moving further outward, notable uses include the overall 800-acre Prasada master-plan development to the east, which allows for a wide variety of residential and commercial uses, Luke Air Force Base (“Luke AFB”) located nearly 5-miles to the southeast, and the Sarah Ann Ranch and Sierra Montana residential communities to the west.

## **GENERAL PLAN**

On July 24, 2008, the Surprise City Council approved a Major General Plan Amendment to the 2020 Surprise General Plan in GPA08-019 changing the land use designation on the Property to Mixed-Use (as part of the former development plans for Truman Ranch).

In May 2013, the Surprise City Council adopted General Plan 2035, the City’s current General Plan, which designated the Property *Neighborhood Character Area* land use. The *Neighborhood Character*



Area land use covers the largest geographic planning area of the City and can accommodate a variety of uses, such as residential, commercial/retail, employment, service, and other similar uses. The Promenade PAD is consistent with the *Neighborhood Character* land use designation, as well as furthers many of the goals and policies of General Plan 2035.

## **PERMITTED USES**

The Promenade allows for a variety of land uses, including high-density residential, commercial/retail, employment, service, and other similar uses.

In accordance with the approved Truman Ranch PAD (case no. 08-015), Principally Permitted Uses, Conditionally Permitted Uses, and Permitted Accessory Uses on the Property shall include C-1—Neighborhood Commercial Zone, C-2—Community Commercial Zone, or MU-PD—Mixed-Use Planned Development District as provided in Chapter 125 of the Surprise Municipal Code, in effect at the time of approval of the Truman Ranch PAD.

Principally Permitted Uses, Conditionally Permitted Uses, and Permitted Accessory Uses on the Property are provided at Tab A.

## **DEVELOPMENT PROPOSAL**

The Promenade is a 44 acre master-planned horizontal mixed-use development integrating high-density residential uses with commercial activities, such as retail, restaurant, office, service, mini-warehouse, and other similar uses. The Promenade PAD encourages development of a mix of residential and commercial uses that complement the Prasada development and transition to neighboring residential uses. The Promenade will advance development along the Cotton Lane corridor, while recognizing the demand for new residential and commercial development that is also compact and pedestrian-oriented. See Tab B—Conceptual Master Site Plan.

Development of the Property is planned to include two Development Units, referred to as the Residential Development Unit and the Commercial Development Unit. The Residential Development Unit consists of the south approximate 28 acres of the Property; the Commercial Development Unit consists of the remaining approximately north 16 acres. The Promenade PAD

encourages a thriving and vibrant master-planned shopping center that is responsive to the market and is supported by adjoining multi-family residences.

## **RESIDENTIAL DEVELOPMENT UNIT**

The Residential Development Unit is anticipated to be developed as two independent residential communities on the south approximate 28 acres of the Property. These include a 392 unit family-oriented multifamily community and a 221 unit senior living community, both of which are intended to provide affordable and attainable housing. Units within both the family-oriented and senior living communities will offered at 60 percent or less of the Area Median Income (AMI) in compliance with the Department of Housing and Urban Development regulations, as well as Section 42 Low-Income Housing Tax credit program. The communities will be cohesively planned and developed through a specific Site Plan Review application.

***Family-Oriented Community.*** The family-oriented community is planned within the “L” shaped, approximately 20 acres paralleling the south and west Property lines, with frontage along Cotton Lane. The family-oriented community will include 392 dwelling units in a series of 3-story buildings.

Amenities for the family-oriented community are anticipated to include a clubhouse and fitness center, pool and spa, cabanas, ramada, fire table/pit, tot lot, barbeque, dog park, and/or other active and passive open space areas. On-site amenities are planned to be distributed throughout the community so that they are convenient and accessible to residents. Additionally, on-site landscaping will include a blend of desert and desert-adapted plant materials and canopy trees that will provide shade relief, contrast, color and texture, and scale to the community.

Primary vehicular access to the Family-Oriented Community, along with the Senior Living Community, is planned to occur off of Cotton Lane via a shared full movement access drive punctuated by a landscaped, boulevard-type roundabout entry. A secondary vehicular access drive is planned to connect to and through the Commercial Development Unit providing residents vehicular access to Waddell Road. Both the Family-Oriented Community and the Senior Living Community will be gated.

**Senior Living Community.** An affordable, age-restricted, active independent senior living community is planned within the apex of the “L” shaped family-oriented community on approximately 8 acres, with frontage along Cotton Lane. The Senior Living Community will include 221 dwelling units spread throughout two (2) 4-story, “L” shaped, interlocking buildings.

Primary vehicular access to the the Senior Living Community is planned to occur off of Cotton Lane via a full movement access drive and roundabout entry shared by both the Family-Oriented and Senior Living Communities. A security gated secondary vehicular access drive to the north of the Senior Living Community connects to the Commercial Development Unit, providing residents an alternate vehicular access onto Cotton Lane.

Amenities are located in a courtyard setting and are planned to include a clubhouse, pool and spa with cabanas, ramada and fire table/pit, and turf open space areas capable of supporting active and passive uses. Pedestrian pathways are provided throughout the site with multiple pedestrian corridors, connecting the Residential Development Unit to the public streetscape and adjacent properties.

The final design, unit count, type, and/or mix, architecture, amenity programming, landscaping, etc. will be determined at time of Site Plan Review.

## **COMMERCIAL DEVELOPMENT UNIT**

The Commercial Development Unit, with its strong street front presence along both Cotton Lane and Waddell Road, is anticipated to be developed with a series of freestanding pads capable of supporting retail, restaurant, and service uses. Additionally, the Commercial Development Unit may include a “Warehouse, Residential Storage (mini-warehouse),” subject to obtaining a Conditional Use Permit, in accordance with Surprise Municipal Code, Section 125-188(c)(17) and meeting the required performance development standards, as outlined in said section.

As originally contemplated by the Truman Ranch PAD, The Promenade PAD provides for a broad range of land uses that enable the development of the Property consistent with market demands. At this time, convenience restaurant

uses, a fuel station, and a mini-warehouse are planned for the Property recognizing that The Promenade PAD allows for flexibility in the land uses necessary to respond to the desires of the market at the time of development.

The Conceptual Master Site Plan provided as Tab B presents an example of the mix of uses that could be incorporated into this horizontal mixed-use development. Other potential land uses include, but are not limited to, retail, sit-down restaurants, office, hotel, and grocery stores. The commercial developer is working to secure users for the Commercial Development Unit in a mix of land uses that will complement the adjacent residential communities, and each other. The Conceptual Master Site Plan at Tab B depicts a potential development under The Promenade PAD standards and guidelines. The layout emphasizes pedestrian connectivity to enhance synergy among the mix of uses and appropriate transition in scaling. Retail, fuel, and restaurant land uses have been placed along the street frontages to maximize convenience for visitors. As a buffer between these land uses and the Residential Development Unit, mini-storage—one of the least impactful commercial land uses—could be located internal to the Property where it creates an appropriate land use transition between uses. A shaded pathway with amenities circles the mini-storage site to allow safe and comfortable travel for pedestrians.

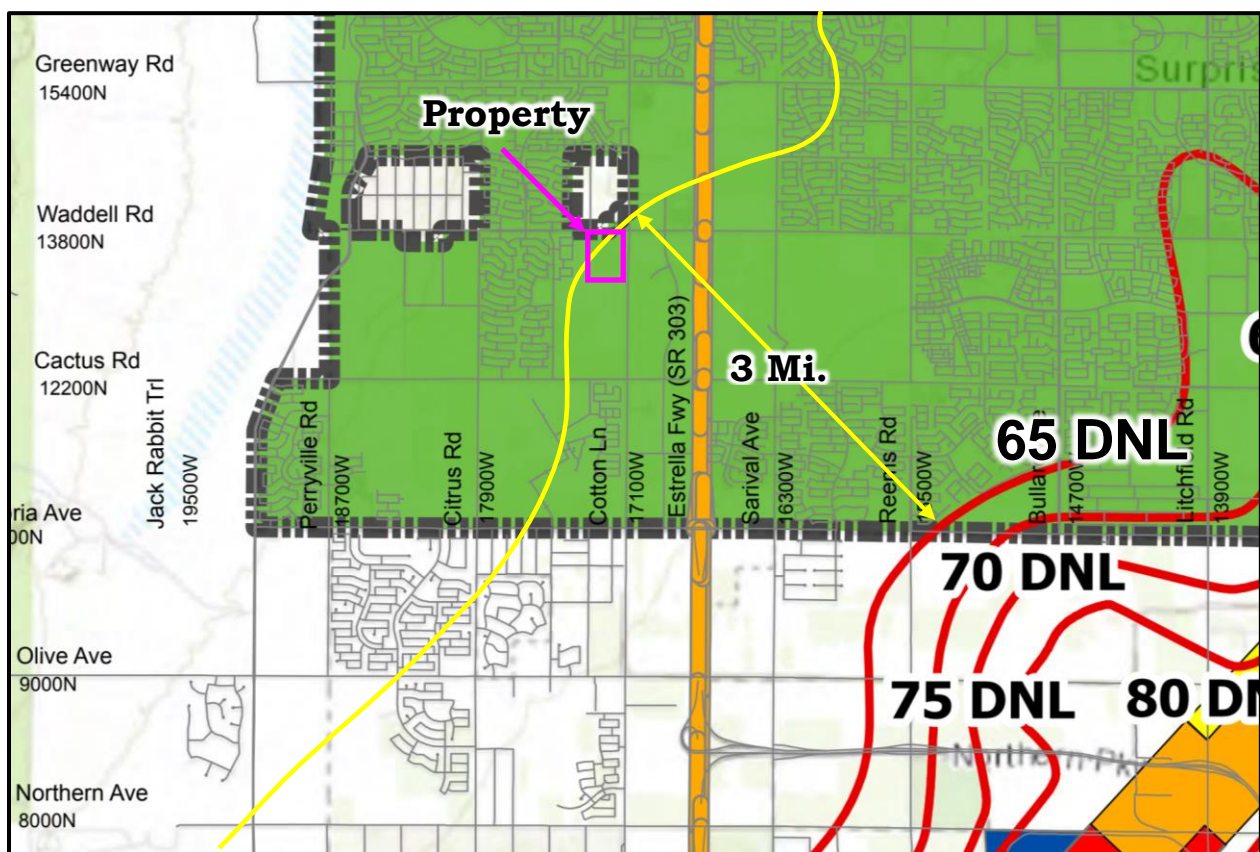
The final design, users, architecture, landscaping, etc. will be determined at time of Site Plan review.

## **DENSITY ALLOCATION**

The existing Truman Ranch PAD and the proposed The Promenade PAD permit the multi-family residential land use in a mixed-use setting by-right. This PAD amendment allocates a specific allowed density or residential unit count for the Property. Accordingly, The Promenade PAD establishes the permitted density within the Property, in accordance with the Surprise Municipal Code, Section 125-186(b). The Promenade PAD proposes an overall density across all 28 acres of the Property, yielding a density of 22 dwelling units per acre.

State law, through the Growing Smarter and Growing Smarter Plus measures, and the Arizona Military Regional Compatibility Project Policy Guidebook (“Policy Guidebook”) address growth and land development issues through changes in community planning and rezoning process where in proximity to the State’s various military airports and facilities. Specifically, Section 4-8 of the Policy

Guidebook includes the “Graduated Density Concept,” a concept developed by Luke AFB to address development outside the “high noise or accident potential zone.” The Graduated Density Concept recognizes that each political subdivision in proximity to Luke AFB faces unique circumstances and obstacles that prevent an aggressive implementation of low density residential within 10 miles of Luke AFB. As such, Luke AFB developed a concept of graduated development away from the 65 Ldn, including a maximum of 2 dwelling units per acre within ½ mile from the 65 Ldn, 4 dwelling units per acre from ½ mile to 1 mile, and 6 dwelling units per acre from 1 to 3 miles, and graduated densities beyond 3 miles.



The Property (as shown above) is generally located just inside 3 miles from Luke AFB’s 65 Ldn (with the northwest quadrant of the Property located just outside the 3 mile boundary). For the purpose of calculating density for compliance with the Graduated Density Concept, the density has been calculated based on the surrounding half-Section of land, inclusive of the Property, and taking into consideration existing entitlements. The Property is located within Section 14, Township 3 North, Range 2 West, generally bounded by Waddell and Cactus Roads (north-south) and Cotton Lane and Citrus Road (east-west). The east half-

Section is comprised of 320 total acres, of which 281 acres are within the Graduated Density Concept boundary. In order to maintain a conservative approach (even though 29 acres within the half section are not subject to the Graduated Density Concept), the recommended maximum of 6 dwelling units per acre as set forth in the Policy Guidebook was used for the 320 acre half-section resulting in an allowed density of 1,920 residential units. Taking into consideration both developed and entitled units within the half section, the proposed density for The Promenade PAD (613 units) results in an overall maximum density of just at or under 6 dwelling units per acre for the 320 acres. The Promenade PAD and attendant density conform with the Graduated Density Concept established by Luke AFB.

## **ARCHITECTURAL CHARACTER**

The architectural character of The Promenade will include simple, contemporary architecture. The Promenade, as a horizontally integrated mixed-use development with both residential and commercial components in separate buildings, will include unifying architectural character (e.g., style, form, colors, materials), as well an integrated pedestrian network. Master design guidelines shall be submitted as part of the Master Site Plan to ensure architecture, colors, and materials that is consistent and complimentary throughout the Property.



The architecture utilizes simple forms with varied façade planes to enhance the built environment. “Heavier” materials with larger grain textures at the base to ground the buildings. These materials and finishes include plank lap siding, smooth face CMU, and metal. Atop this base are “lighter” materials with an emphasis on fine-grained scale and texture. Additionally, the forms are intended to integrate into the existing context of the area by breaking up the volume of the overall building proportions. The façade is kept varied and interesting through articulation of building planes and heights, and the use of multiple details, colors, and other architectural elements. This façade is also expressed in other ways which helps to establish an appropriate scale in relation to the context, including a rhythm and pattern of windows and defining the position of each floor through horizontal expression lines, awnings, and balconies. See [Tab D—Streetscape Perspectives](#).



The Residential Development Unit will include massing and architecture purposely designed with materials, colors, composition of windows, and architectural detail such as buildings recesses, “rhythms” and “runs” to ensure that the buildings are inviting and visually interesting from the streetscape. The family-oriented community will also contain detached buildings consisting of a leasing office/clubhouse, fitness center, and maintenance building. See [Tab D](#) and [Tab E—Senior Living Community and Family-Oriented Community](#).



## **DEVELOPMENT STANDARDS**

Development Standards for Permitted Uses, Conditionally Permitted Uses, and/or Accessory Uses within the Commercial Development Unit and the Residential Development Unit shall comply with the C-1—Neighborhood Commercial Zone, C-2—Community Commercial Zone, or MU-PD—Mixed-Use Planned Development District, respectively, as provided in Chapter 125 of the Surprise Municipal Code in effect at the time of approval of the Truman Ranch PAD (see Tab A), except as follows:

**SETBACKS:** Primary Setbacks are defined as building setbacks from the overall (perimeter) boundary of the Property.

### **PERIMETER BUILDING SETBACKS:**

West: Minimum 45 Feet

South: Minimum 20 Feet, unless adjacent to a residential zone the setback shall be a minimum 45 Feet

North / Minimum 10 Feet  
East:

## **PERIMETER ACCESSORY BUILDING/STRUCTURE SETBACKS:**

West / Minimum 15 Feet for buildings/structures 12 Feet in height  
South: or less. Buildings/structures in excess of 12 Feet in height  
shall comply with Perimeter Building Setbacks

North /  
East: Per Perimeter Building Setbacks

## **BUILDING HEIGHT:**

Buildings shall be limited to a maximum 40 Feet for occupiable (habitable) space within 150 Feet of the west perimeter Property line; non-occupiable roof components, projections, or other architectural elements up to a maximum 50 Feet.

Primary structures located more than 150 Feet or more from the west perimeter Property line shall be limited to a maximum 55 Feet.

## **PERIMETER LANDSCAPE SETBACKS:**

Landscape Standards for Permitted Uses, Conditionally Permitted Uses, and/or Accessory Uses within the Commercial Development Unit and the Residential Development Unit shall comply with the C-1—Neighborhood Commercial Zone, C-2—Community Commercial Zone and MU-PD—Mixed-Use Planned Development District, respectively, as provided in Surprise Municipal Code, Chapter 125 in effect at the time of approval of the Truman Ranch PAD, except as follows:

Cotton Lane : Minimum 22 Feet

Waddell Road: Minimum 15 Feet

South / West: Minimum 15 Feet

Landscape Setbacks may include sidewalks, pedestrian, and/or multi-use pathways, maximum 3 Feet high screen walls, and/or other decorative hardscape/landscape features.

Landscape shall be drought tolerant to improve water conservation. Plant species located in City right-of-way shall comply with all applicable Engineering Development Standards in effect at the time of Site Plan review.

Landscape within 50 Feet of the west perimeter Property line shall include native plant materials and planted to break-up building elevations upon maturity.

#### **RESIDENTIAL DEVELOPMENT UNIT OPEN SPACE/COMMON AREA:**

Minimum 20%; may include active and passive open space/common area, perimeter landscape setbacks, and other landscaped areas within the Residential Development Unit.

#### **OFF-STREET PARKING REQUIREMENTS:**

To ensure a vibrant and successful mixed-use development, it is important to provide adequate parking, but reduce the standard ordinance requirements appropriately to eliminate large blocks of unused pavement and promote and integrate that space into open space or building space areas. In order to promote a greener and healthier development, the parking space requirements may be reduced appropriately, but the Commercial Development Unit and Residential Unit will be parked independently. If parking is reduced or shared, a parking study will need to be provided at the time of site plan review.

#### **FENCES / WALLS:**

Parking within the Commercial Development Unit that is immediately adjacent to Waddell Road and/or Cotton Lane shall be screened with solid screen walls 40 Inches in height.

Fencing / walls adjacent to Cotton Lane within the Residential Development Unit may include 3 Feet view fence overtop 3 Feet block wall, provided such wall(s) is setback a minimum 22 Feet from the east perimeter Property line.

A solid freestanding wall(s), up to a maximum 7 Feet, shall be constructed along the south and west perimeter Property lines.

Other fencing / walls within the Residential Development Unit (except as required above) may include block and/or view fencing and shall not exceed 7 Feet.

Fencing or freestanding wall(s) may be constructed on top of a maximum 3 Foot retaining wall, so long as the height of the fence(s) or freestanding wall(s), including the retaining wall, does not exceed 9 Feet in height.

### **LIGHTING:**

All lighting on the Property shall comply with Surprise Municipal Code, Chapter 125 in effect at the time of approval of the Truman Ranch PAD.

### **PEDESTRIAN PATHWAYS:**

The Cotton Lane and Waddell Road streetscapes are planned to promote a stronger sense of community and a more-pedestrian friendly, comfortable, and safe environment in which residents of the family-oriented community and senior living community have access to commercial/retail, dining, and other services within the Commercial Development Unit. Both streetscapes will include detached sidewalks (except where adjacent to right-turn lanes), along with a landscaped parkway between back-of-curb and sidewalk). Additionally, both frontages will include shade trees promoting comfort and enhancing the pedestrian experience.

In addition to the Cotton Lane and Waddell Road frontage improvements, The Promenade, as a horizontal mixed-use development, promotes multi-modal connectivity and interaction between the Development Units. The extensive pedestrian pathway network planned throughout the Residential Development Unit tie into the Commercial Development Unit at two strategic locations, conveniently connecting residents with uses and services in the Commercial Development, and importantly, encouraging residents to walk or bike between both Development Units.

The first is a nature trail corridor, as conceptually shown on the Conceptual Master Site Plan, which connects to a sidewalk within the Commercial Development Unit. This pedestrian corridor will be stabilized decomposed granite, with landscaping, resident seating area, and pedestrian portal, helping to create a unified theme and seamless transition for pedestrian between Development Units.



The second connection between Development Units is planned near the northwest corner of the Residential Development Unit and retention basin within the Commercial Development Unit. The retention basin will include landscape and hardscape to activate this area as an amenity, as well as to soften the “feel” and improve the transition between the Development Units. From there, the Commercial Development Unit provides a network of sidewalks, including pedestrian portions, providing for residents with access to uses and services.

Sidewalks immediately adjacent to parking shall either be a minimum of 5 Feet separated by 2 Feet of hardscape, decomposed granite, landscape, or other material, or a minimum of 7 Feet in width. Secondary pedestrian pathways and gathering areas may include a mix of concrete and compacted/stabilized 1/4"- decomposed granite. Shade structures or other street furnishings shall be incorporated into the pathway system to create a comfortable pedestrian network.

## **MAIN ENTRY & CORNER TREATMENTS:**

All driveways to/from public rights-of-way will include decorative pavement, pavers, stamped asphalt, or other similar finish. The intersection of Cotton Lane/Waddell Road will include a primary corner treatment, which may also be integrated with corner signage. Common landscaping theming along entryways will reinforce the identity and continuity of the development.

## **SIGNAGE**

Signage shall comply with Surprise Municipal Code in effect at the time of Site Plan review.

## **PRELIMINARY UTILITIES**

Utility providers are anticipated to include:

Water:	Maricopa Water District
Sewer:	City
Electricity:	APS
Communications:	Cox

## **PHASING**

It is anticipated that the first phase of development will include the Residential Development Unit, including the construction of all residential buildings, together with necessary on- and off-site work (amenities, landscape, hardscape, lighting, parking, infrastructure, etc.). A future phase (or phases) will include the development of the Commercial Development Unit. Plans for each phase will be submitted to the City to ensure proper and orderly development.

**Tab A**

## Chapter 125

### **ZONING\***

#### **Article I. In General**

- Sec. 125-1. Definitions.
- Sec. 125-2. Intent and purpose.
- Sec. 125-3. Relation to general plan.
- Sec. 125-4. Violations and penalties.
- Secs. 125-5—125-26. Reserved.

#### **Article II. Administration and Enforcement**

##### Division 1. Generally

- Sec. 125-27. Community development director.
- Sec. 125-28. Duties of the community development director.
- Sec. 125-29. Nonconforming uses and structures.
- Sec. 125-30. Procedure for rezoning.
- Sec. 125-31. Procedure for amendments.
- Sec. 125-32. Procedure for variances.
- Sec. 125-33. Procedures for site plan approval.
- Sec. 125-34. Procedure for conditional use permit.
- Sec. 125-35. Procedure for planned area development (PAD).
- Sec. 125-36. Procedure for appeals to board of adjustment.
- Sec. 125-37. Procedures for temporary use permit.
- Sec. 125-38. Administrative permits.
- Sec. 125-39. Community outreach process.
- Secs. 125-40—125-66. Reserved.

##### Division 2. Board of Adjustment

- Sec. 125-67. Established.
- Sec. 125-68. Membership.
- Sec. 125-69. Adoption of rules.
- Sec. 125-70. Appeals to the board.
- Secs. 125-71—125-98. Reserved.

#### **Article III. Zoning Districts Established; Zoning Maps**

- Sec. 125-99. Zone classifications.
- Sec. 125-100. Interpretation of zone boundaries.
- Secs. 125-101—125-128. Reserved.

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\*State law reference—Municipal zoning, A.R.S. § 9-462 et seq.

## **SURPRISE CODE**

### **Article IV. Zoning District Regulations**

#### **Division 1. Generally**

Secs. 125-129—125-154. Reserved.

#### **Division 2. Tables of Permitted Uses**

Sec. 125-155. Zoning use matrix.

Secs. 125-156—125-178. Reserved.

#### **Division 3. Specific Districts**

Sec. 125-179. Single-family residential zone (R1-43).

Sec. 125-180. Single-family residential zone (R1-18).

Sec. 125-181. Single-family residential zone (R1-12).

Sec. 125-182. Single-family residential zone (R1-8).

Sec. 125-183. Single-family residential zone (R1-5).

Sec. 125-184. Multifamily residential zone (R-2).

Sec. 125-185. Multifamily residential zone (R-3).

Sec. 125-186. Mixed use planned development district (MU-PD).

Sec. 125-187. Neighborhood commercial zone (C-1).

Sec. 125-188. Community commercial zone (C-2).

Sec. 125-189. General commercial zone (C-3).

Sec. 125-190. Business park zone (BP).

Sec. 125-191. Light industrial zone (I-1).

Sec. 125-192. Heavy industrial zone (I-2).

Sec. 125-193. Landfill and mineral extraction zone industrial zone (I-3).

Sec. 125-194. Planned area development zone (PAD).

Sec. 125-195. Age-restricted overlay zone (AR).

Sec. 125-196. Floodway overlay zone (F-1).

Sec. 125-197. Floodplain overlay zone (F-2).

Sec. 125-198. Original town site overlay district.

Sec. 125-199. Governmental use zone (GU).

Secs. 125-200—125-221. Reserved.

#### **Division 4. Design Guidelines**

Sec. 125-222. Single-Family Residential Design Guidelines.

Sec. 125-223. Planning and Design Guidelines.

Sec. 125-224. Single-Family Home Product Design Guidelines.

Secs. 125-225—125-241. Reserved.

### **Article V. General Building and Performance Standards**

Sec. 125-242. Purpose.

Sec. 125-243. Screening.

Sec. 125-244. Landscaping requirements.

Sec. 125-245. Dwelling unit restrictions.

Sec. 125-246. Accessory buildings, uses and equipment.

Sec. 125-247. Fences.

## ZONING

- Sec. 125-248. Setback and height encroachments, limitations and exceptions.
- Sec. 125-249. Off-street parking requirements.
- Sec. 125-250. Off-street loading.
- Sec. 125-251. Signs.
- Sec. 125-252. Home occupations.
- Sec. 125-253. Miscellaneous performance requirements.
- Sec. 125-254. Manufactured home subdivisions.
- Sec. 125-255. Personal wireless service facilities.
- Sec. 125-256. Sexually oriented businesses.
- Sec. 125-257. Temporary uses.
- Sec. 125-258. Residential setting care facility.
- Sec. 125-259. Conflicts with article IV, division 4 of this chapter.



**ARTICLE I. IN GENERAL****Sec. 125-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "lot" includes the words "plot" or "parcel"; the word "building" includes the word "structure"; the words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied"; the words "map" or "zoning map" mean the zoning map of the city that delineates the area to be governed by these regulations.

*Accessory building or use* means a subordinate building, or portion of the principal building, located on the same lot as the principal building, or a subordinate use of land, either of which is customarily incidental to the principal building or to the principal use of land. Where part of an accessory building is connected to part of the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building. Individual public utility installations aboveground are considered accessory buildings.

*Agricultural/ranching* means the cultivation of the soil or the raising of livestock and all activities incidental thereto. The terms "farming" and "ranching" shall be interchangeable for purposes of this chapter.

*Alley* means a permanent public thoroughfare providing a secondary means of access to abutting lands.

*Apartment building* means a building other than a hotel or motel containing five or more dwelling units that have primary entrances from common hallways.

*Area of shallow flooding* means a designated AO zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

*Assisted living facility* means a facility designed for individuals who need significant assistance with activities of daily living (i.e., bathing, dressing, and supervision of medications), but do not require continuous skilled nursing care.

*Auto reduction yard* means a lot or yard where three or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

*Auto salvage yard* means a junkyard primarily containing inoperable vehicles. (See *Junkyard*.)

*Automobile service center, major*, means a facility where the following types of services are performed: engine or drive train rebuilding or major reconditioning, and collision service, including body, frame or fender straightening or repair and/or painting of vehicles.

*Automobile service center, minor*, means a facility where the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles are performed, but not including any operation specified under *Automobile service center, major*.

*Automobile service station* means an establishment with the primary business function of the retail sale of gasoline for passenger car use with or without minor service and repair work incidental to the operation of passenger automobiles.

*Automobile washing establishment* means a building that has its primary purpose as washing automobiles. Such facilities shall be considered incidental to automobile service stations if no more than one auto may be washed at one time and if the service station is clearly the principal use.

*Base flood, 100-year*, means the flood having a one percent chance of being equaled or exceeded in any given year.

*Basement* means a portion of a building located partly underground but having not less than half its floor-to-ceiling height below the average grade of the adjoining ground.

*Block frontage* means all of the property of a given lot or any portion thereof lying adjacent to a public street or highway.

*Board* means the board of adjustment of the city.

*Building* means any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels, except mobile homes, recreational vehicles and mobile offices.

*Building area* means the maximum horizontal projected area of the principal and accessory building, excluding open steps, terraces, unenclosed porches of one story, and architectural appurtenances projecting not more than two feet. Building area, as that portion of a lot upon which construction is permitted, is as follows: that area of a lot that lies within the boundaries of the front, side and rear yard setback requirements measured from the actual lot line.

*Building, attached*, means a building having one or more party walls in common with another building when the principal use of each building is independent of the other and when no interior access exists from one building to another.

*Building, detached*, means a building having no party wall in common or structural connection with another building.

*Building envelope* means that area of a lot lying between the front, rear and side yard setback lines and between ground level and the maximum allowable building height, amounting to a three-dimensional area available for potential building construction.

*Building, front line of*, means the line of the face of a building nearest the front lot line.

*Building, height of*, means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable and hip or gambrel roofs.

*Building line, front*, means the line nearest to the front and across a lot establishing the minimum open space to be provided between the front line of a building and the front lot line.

*Building line, rear*, means the line nearest to the rear and across a lot establishing the minimum space to be provided between the rear line of a building and the rear lot line.

*Building, nonconforming*, means a legally existing building which fails to comply with the regulations set forth in this chapter applicable to the zone in which the building is located.

*Building, principal*, means a building in which is conducted the main, or principal, use of the lot on which said building is situated.

*Building, public*, means a building, supported by government funds, to be used in an official capacity on behalf of the entire community.

*Business* means the engaging in of the purchase, sale, barter or exchange of goods, wares, merchandise or service; the maintenance or operation of offices or recreational or amusement enterprises.

*Campground* means any area of land used to temporarily accommodate two or more camping parties, including cabins, tents, recreational vehicles or other camping outfits.

*Carport* means a structure, open on at least two sides, consisting of a roof and either walls or columns for the purpose of housing automotive vehicles and other chattels. Said structure shall be considered as an accessory building when detached from the principal building and as a part of the principal building when attached to the principal building along one or more sides of the carport or principal building.

*Cemetery* means land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

*Church* means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

*Clinic or medical center* means an establishment where patients are admitted for special study and treatment by one or more licensed physicians and/or dentists and their professional associates, as distinguished from a professional office for general consultation purposes.

*Club, private (nonprofit)*, means a nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building, or a portion thereof, the use of such premises being restricted to members and their guests.

*Commission* means the city planning and zoning commission.

*Community correctional facility* means a facility where lodging, meals, counseling, treatment, rehabilitation, and educational instruction or training is provided to adjudicated delinquents, parolees, and individuals in pre-release (transitional) or diversionary programs from, or in lieu of confinement in, correctional institutions.

*Conditional use permit* means legal authorization to undertake a conditional use as defined by this chapter.

*Congregate care facility* means a facility designed for individuals who pay for some congregate services (i.e., housekeeping, transportation, and meals) as part of the monthly fee or rental rate, and

who require little, if any, assistance with activities of daily living. Residents of congregate unity may have some home health care type services provided to them by in-house staff or an outside agency.

*Convenience food restaurant* means an establishment whose principal business is the sale of foods, frozen desserts or beverages to the consumer in a ready-to-eat state for consumption either within the premises or for carry-out with consumption either on or off the premises and whose design or principal method of operation includes both of the following characteristics:

- (1) Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
- (2) The customer is not served food at his table by an employee but receives it at a counter, window or similar facility for carrying to another location for consumption either on or off the premises.

*Corporate counsel* means the attorney of the city or any assistant or special counsel of said city.

*Day care center* means a use where care is provided for pay for five or more unrelated children subject to the requirements of the state.

*Density, gross*, means the number of residential dwelling units per unit of residential land.

*Density, net residential*, means the number of residential dwelling units per unit of land, excluding any land used or to be used as arterial street rights-of-way or private nonresidential uses except parks, open space and recreational areas. For calculating net residential density, the following formula shall apply:

$$D = \frac{du}{A - (c+n+s+a+u)}$$

Where:

D = Residential density

du = Total number of dwelling units in project

A = Total site area (acres)

c = Total commercial land area (acres)

n = Total nonresidential land area (acres)

s = Reserved but undedicated school sites (acres)

a = Arterial rights-of-way (acres)

u = Unbuildable area (acres)

*Development* means any manmade change to improve or alter real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Domestic animals* means dogs, cats, birds, snakes, small rodents, rabbits, goats, pygmy goats, pot-bellied pigs, chickens (including roosters), miniature horses not exceeding 40 pounds, and ducks and other fowl, which can be and are continually kept or raised in a home or on a lot and where those animals are to live and breed in a tame condition. Animals not considered to be domestic animals include, but are not limited to, the following: horses, cows, donkeys, and any endangered or exotic species of animals.

*Drive access* means that area between the curb of a street, or edge of the traveled portion of a street when no curb exists, and the right-of-way/property line over which the city will permit vehicular travel from the traveled portion of a street to an individual property, or off-street parking space.

*Drive-in business* means any business in which people are provided a service or a product, where a sale is made without the customer being required to leave the vehicle. Such businesses include, but are not limited to, the following: drive-in theater, drive-in bank, drive-in laundry or dry cleaning pickup station, drive-in restaurant and any business offering take-home food services.

*Duplex.* See *Dwelling, two-family*.

*Dwelling* means a building or portion thereof, used primarily for residential occupancy, including single-family, two-family, and multiple-family dwellings and group homes, but not including hotels, motels or tourist homes.

*Dwelling, multifamily,* means a building, or portion thereof, used for occupancy by three or more families living independently of each other, with the units completely separated by a common wall, floor and/or ceiling.

*Dwelling, single-family,* means a building used for residential occupancy by one family.

*Dwelling, two-family,* means a building, or portion thereof, used for occupancy by two families living independently of each other with the units completely separated by a common wall, floor and/or ceiling. Also referred to as "duplex."

*Dwelling unit* means a dwelling, or portion of a dwelling, used by one household for residential purposes.

*Family* means one or more persons related by blood, marriage or adoption or not more than three unrelated persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, motel, club, fraternity, sorority, lodge, or nursing home.

*Fence* means a barrier constructed of materials erected for the purpose of protection, confinement, enclosure or privacy.

*Flood insurance rate map (FIRM)* means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study* means the official report in which the Federal Insurance Administration has provided flood profiles as well as the flood boundary-floodway map and the water surface elevation of the base flood.

*Floodplain* means that area encompassing the floodway area and the floodway fringe.

*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage or potential flood damage to lands, water and sanitary facilities, structures and contents of buildings.

*Floodway, 100-year,* means the channel of a river or other watercourse and the adjacent land areas which must be kept free of encroachment in order to carry and discharge a flood of 100-year magnitude without substantial increases in flood height.

*Floodway encroachment lines* means the lines marking the limits of floodways on the zoning map.

*Floodway fringe, 100-year,* means the area between the floodway and the 100-year flood boundary.

*Garage, private,* means a detached accessory building, or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles per family housed in the building to which such garage is accessory and not more than one-third of the total number of vehicles stored in such garage shall be commercial vehicles.

*Garage, public,* means any building or premises, except those defined herein as a private garage, used for the storage or care of motor vehicles; or where such vehicles are equipped for operation, repaired, or kept for rental, hire or sale.

*General plan* means a municipal statement of land development policies, which may include maps, charts, graphs and text which set forth objectives, principles and standards for local growth and redevelopment.

*Governmental use* means any use by the state or any political subdivision of the state for a governmental purpose, including, but not exclusively, parks, schools, administrative offices, police or fire departmental use, water storage, pumping or recharge, sewage collection and treatment, maintenance yards, court facilities, libraries, community centers, youth centers, or recreational facilities.

*Ground floor area* means the square foot area of a building within its largest outside dimension computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior stairways and secondary stairways.

*Group home* means a single, residential structure having common kitchen facilities occupied by persons having physical, mental, emotional or social problems and living together for the purpose of training, observation and/or common support.

*Habitable floor* means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

*Hardware store* means a business that sells goods or merchandise directly to the consumer that includes, but is not limited to, electrical components, plumbing components, mechanical components, lighting fixtures, exterior finishes, interior and exterior doors, windows, roofing material,

lumber, interior decorating material, flooring, bathroom and kitchen fixtures, garden equipment/supplies and material, plants and flowers, fencing material, professional services as related to home improvements, and minor educational services.

*Home occupation or profession* means any use conducted entirely within a dwelling and carried on solely by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which meets the requirements of this chapter.

*Hospital* means an institution for the diagnosis, treatment or other care of human ailments and includes sanitarium or clinic; provided that such institution is operated by, or treatment is given, under direct supervision of a physician licensed to practice by the state.

*Hotel or motel* means a building or portion thereof, or a group of buildings, in which lodging is provided and offered to transient guests for compensation; the term "hotel" or "motel" shall not include a lodginghouse.

*Industry, heavy*, means those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes, or glare, odor, noise or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.

*Industry, light*, means those industries whose processing of products results in none of the conditions described for heavy industry.

*In-home child care center* means a use where child day care services are provided for compensation within a residential dwelling unit. In-home child care centers shall not provide services to more than four unrelated children.

*Junkyard* means any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or sorted, including, but not limited to, use of salvaged base metal or metals, their compounds or combinations; used or salvaged rope, bags, rags, glass, rubber, lumber, millwork, brick, automobiles, and similar property, which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

*Kennel* means any lot or premises on which three or more dogs, cats or small domesticated animals of a single species over the age of eight weeks are kept; except that, in an R1-43 zone, a kennel shall not be considered to exist unless the number of such animals kept on a lot or premises is five or more per acre.

*Loading and unloading bays* means the off-street area required for the receipt of or distribution by vehicles of material or merchandise.

*Lodginghouse* means a building with more than two but not more than ten guestrooms where lodging with or without meals is provided for compensation.

*Lot* means a piece, parcel, plot, tract or area of land occupied or capable of being occupied by one or more principal buildings, and the accessory buildings or uses customarily incidental to them, and including the open spaces required under this chapter, and having its principal lot frontage on a street.

*Lot, corner,* means a lot at a junction of and fronting on two or more intersecting streets.

*Lot coverage* means the percentage of the lot area covered by buildings.

*Lot depth* means the horizontal distance of a line measured at a right angle to the front lot line and running between the front lot line and the rear lot line of a lot.

*Lot ground level* means, for buildings having walls fronting on only one street, the elevation at the front lot line at the center of a wall fronting on the street; for buildings having walls fronting on more than one street, the average of the elevation of the front lot line at the center of all walls fronting on the streets; for buildings having no walls fronting on the street, the average level of the ground adjacent to the exterior walls of the building.

*Lot, interior,* means a lot other than a corner or through lot.

*Lot line, front,* means, in the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street.

*Lot line, rear,* means a lot line that is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

*Lot line, side,* means any lot boundary line not a front lot line or a rear lot line.

*Lot, through,* means a lot having frontage on two parallel or approximately parallel streets.

*Lot width* means the distance as measured in a straight line, between side lot lines at the points of intersection with the building line.

*Manufactured home* means a structure built after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development and the state building and fire safety department specifications.

*Manufactured housing subdivision* means a subdivision, of not less than ten acres, designed and intended for the sale of lots for residential occupancy in manufactured or modular homes.

*Manufacturing* means the creation of products either with machinery or by hand according to an organized plan and with the division of labor.

*Mining* means the extraction of sand, gravel or other material from the land in the amount of 400 cubic yards or more and the removal thereof from the site without processing.

*Mobile home* means a structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling unit when connected to on-site utilities, except recreational vehicles and factory-built buildings.

*Mobile home park* means a parcel of land not less than ten acres, licensed and designed in whole or part, with or without charge, for the accommodations of mobile and/or manufactured homes.

*Mobile home space* means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

*Mobile home stand* means that portion of an individual mobile home space that has been reserved for the placement of a mobile home and structures or additions appurtenant to the mobile home.

*Mobile office* means a factory-assembled structure exceeding eight feet in width, originally equipped with the necessary service connections, and originally made so as to be readily movable as a unit or units on its own running gear and designed to be used as an office without a permanent foundation, whether or not said running gear has been removed.

*Modular or sectional home* means a multisectional unit built to the standards of the building code as adopted and amended by the city, not to exceed two stories in height, that when joined together forms a residence (dwelling unit) for human occupancy that measures not less than 24 feet in width and 40 feet or longer in length and placed on a permanent foundation, as defined in the state manufactured housing standards. The space between the floor line and the grade must be enclosed to resemble a permanent wall. The roof shall have a pitch of not less than two inches vertical rise to each 12 inches of horizontal run. Roofing, siding and elevations shall be similar in appearance and kind to those used in conventional homes.

*New construction* means structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.

*Noxious matter or material* means material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects on the physical or economic well-being of individuals.

*Nursing home* means a health care facility designed to provide lodging, meals, treatment, and skilled nursing care on a longterm basis to individuals who, because of advanced age, chronic illness, or infirmity, are unable to care for themselves.

*Office* means structures, or portions of structures, in which commercial activities take place but where goods are not produced, sold or repaired. These include: banks, general and professional offices, governmental offices, insurance offices, real estate offices, taxicab offices but not taxi stands, travel agency or transportation ticket offices, telephone exchange, utility offices, radio broadcasting and similar uses.

*100-year flood* means the highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year).

*Open sales (or rental) lot* means any land used or occupied for the purpose of buying, selling or renting for use away from the premises, any goods, materials or merchandise, and for the exterior storing of same prior to sale or rental.

*Overlay zone* means a zone superimposed upon an underlying zone and which establishes special requirements in addition to those of the underlying zone. Development or use of land or structures must conform to the requirements of both zones or the more restrictive of the two, if in conflict.

*Parking area, public*, means an open area, other than a street or alley designated for use, or used, as temporary parking of four or more vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers.

*Parking space, off-street*, means a space designated for the temporary parking of a motor vehicle not on the right-of-way or alley but accessible from a street or alley.

*Party wall* means any wall of a building or structure that is common to two or more buildings.

*Paved parking space or surface* means an area covered by an impervious dust-free surface of asphalt or concrete designed to specifications of the city engineer.

*Personal and convenience services* means businesses offering services such as barbershops, beauty shops, laundromats, laundry and dry cleaning pickup and delivery stations (but excluding actual laundry operations), and similar uses.

*Persons* means and includes any individual or group of individuals, corporations, partnerships, associations, or any other organized group of persons, including state and local governments and agencies thereof.

*Plant nursery, wholesale*, means a facility where live plants are grown or propagated for sale to retail operators.

*Property, personal*, means property, other than real property, consisting of things temporal and movable.

*Property, real*, means property consisting of buildings and/or land.

*Recreational facility, outdoor*, means a longterm facility providing outdoor amusement and entertainment, including, but not limited to, miniature golf, skateboard park, amusement park, go-cart race track, and batting cages.

*Recreational vehicle* means a vehicular type of portable structure without permanent foundation, which can be towed, hauled or driven, primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

*Recreational vehicle park* means a plot of ground upon which two or more sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation, education or vacation purposes.

*Residential setting care facility* means a facility licensed by the state department of health services that provides supervisory care services, personal care services or directed care services for ten or fewer persons in a residential setting. The limitation of ten or fewer persons does not include the operator of the facility, members of the operator's family or persons employed as staff, except that the total number of all persons living and working at the facility shall not exceed 12 at any given time.

*Restaurant* means any restaurant (except a drive-in restaurant or a convenience food restaurant as defined in this section), coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, drugstore and soda fountain serving food, and all other eating or drinking establishments; provided that at least 40 percent of the total sales are derived from the sale of food.

*Retail membership store* means a retail store that sells goods or merchandise directly to the consumer via special membership requirement of the store, other than for resale.

*Retail store* means a business that sells goods or merchandise directly to the consumer, other than for resale.

*School* means any preprimary, primary or grammar, public, parochial or private school, high school, preparatory school or academy, public or founded, or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation of admission to college or universities which award B.A. or B.S. degrees; junior college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or private school when not conducted as a commercial enterprise for the profit of individual owners or stockholders.

*Screening* means a solid or nearly solid barrier (i.e., wall, fence, or plantings) constructed or installed for the purpose of visual separation.

*Setback* means the minimum horizontal distance between a building line and the street or lot line.

*Sewer, public*, means any sanitary sewer line owned and maintained by the city, whether or not installed by the city.

*Sewer system, community*, means any sanitary sewer system, whether treatment plant, septic tank or lagoon, designed with a sewer collection system to be used by a legally constituted association of property owners. The system may or may not be a public system.

*Shelter care facility* means a facility where shortterm residential care services, including, but not limited to, temporary lodging, meals, and counseling, are provided to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children, and runaways, for a time typically less than 30 days.

*Shopping center* means any grouping of two or more principal retail uses, whether on a single lot or on abutting lots under multiple or single ownership and whether contained in one building or multiple buildings.

*Sign* means any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building. Included in this definition are graphic devices such as logos, attention-attracting media such as banners or logo sculpture and obtrusive colored fascia or architectural elements.

*Sign, freestanding*, means any nonmovable sign not affixed to a building.

*Sign, nonaccessory*, means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

*Sign, wall*, means a sign fastened to or painted on the 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 and which does not project more than 12 inches from such building or structure.

*Site plan* means a drawing to a scale not less than one inch equals 100 feet showing the accurate location of all structures, streets, alleys and parking areas existing and proposed on subject property or any other information as may be required by this chapter.

*Stable, private*, means any building located on a lot which is designed, arranged, used or intended to be used for not more than four horses for the private use of the owner of the lot but shall not exceed 6,000 square feet in area.

*Stable, public*, means a stable where horses are kept for remuneration, hire or sale.

*Start of construction* means the following:

- (1) The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.
- (2) For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.
- (3) For mobile homes not within a mobile home park or mobile home subdivision, the term "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

*Street* means a right-of-way, other than an alley, dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

*Street frontage* means any property line separating a lot from a street.

*Street, public*, means any street that has been dedicated or is otherwise publicly owned by the city.

*Structural alteration* means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any change in the exterior walls or the roof.

*Structure* means anything constructed or erected which requires location on the ground.

*Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not alteration affects the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places.

*Tattoo and/or body piercing establishment* means:

- (1) Any establishment offering indelible designs, letters, scrolls, figures, symbols or other marks that are placed on or under the skin with ink or colors by the aid of needles or other instruments and that cannot be removed without a surgical procedure;
- (2) Any establishment offering designs, letters, scrolls, figures or symbols or other marks done by scarring on or under the skin;
- (3) Any establishment where decorations or other devices are inserted into human or animal skin;
- (4) Any establishment using techniques such as penetrating, perforating, boring or creating a hole in the skin or another human body part; or
- (5) Any establishment the primary function of which is permanent body alteration for nonsurgical purposes.

For purposes of this chapter only, businesses offering permanent facial cosmetics as a service to their customers shall be exempted from this definition, so long as less than 20 percent of their business is comprised of permanent facial cosmetics. For purposes of this chapter only, the following establishments shall be exempted from this definition: those where procedures are performed by a person authorized by the laws of this state to practice medicine, osteopathy, chiropractic, podiatry, naturopathy or acupuncture and the procedures are performed in conformity with the standards of that profession; those where procedures are performed by registered nurses, licensed practical nurses or technicians, when acting under the supervision of a licensed physician or osteopath; and those where the only type of piercing offered is ear piercing.

*Towed vehicle impound storage* is the use of any portion of any lot, whether inside or outside a building, for storage or keeping of automobiles or other motor vehicles not including recreational vehicles, heavy equipment, trucks and load, and utility trailers.

*Townhouse* means a single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent building and/or buildings by party walls, or are located

immediately adjacent thereto without any visible separation between walls or roof; all of which dwellings may be located on individual separate lots, if individually owned, or upon a single lot, if under common ownership.

*Townhouse cluster* means a building consisting of three or more noncommunicating, attached one-family units placed side by side and/or back to back having a common wall between each two adjacent dwelling units.

*Use* means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

*Use, conditional*, means either a public or private use as listed herein that, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After consideration in each case of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, a permit for such conditional use may or may not be granted, with or without time limits, pursuant to the requirements of this chapter. A conditional use may be a principal use or an accessory use.

*Use, nonconforming*, means an existing use of land or building which was legal prior to the effective date of the ordinance from which this chapter is derived but which fails to comply with the requirements set forth in this chapter applicable to the zone in which such use is located.

*Use, permitted*, means a use that is lawfully established in a particular district and which conforms to all requirements, regulations and performance standards of such district. A permitted use may be a principal use or an accessory use.

*Use, principal*, means a use or structure that determines the predominant or major use of the lot on which it is located. A principal use may be either a permitted or a conditional use.

*Variance* means a modification or variation of the provisions of this chapter as applied to a specific piece of property. Dimensional variances only may be allowed; no variance regarding use of property shall be permitted; no variance decreasing lot area requirements shall be allowed. Variance may be permitted only by the board of adjustment.

*Variance, dimensional*, means departure from the terms of the zoning regulations pertaining to height or width of structures and size of yard and open spaces where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

*Warehouse* means an enclosed building designed and used primarily for the storage of goods and materials.

*Warehouse, residential storage (miniwarehouse)*, means a building or group of buildings in a controlled access and fenced or screened compound that contains relatively small storage spaces of varying sizes and/or spaces for recreational vehicles or boats, having individual, compartmentalized and controlled access for the dead storage of excess personal property of an individual or family generally stored in the residential accessory structures, when such building or group of buildings are not located on the lot of the residence.

*Wrecking yard* means a place, lot or area where the primary function is that of dismantling, storage, abandonment or sale of goods and materials as parts or scraps.

*Yard* means on the same lot with a principal building, which is open and unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, and unobstructed by structures, except as otherwise provided in this chapter.

*Yard, corner side*, means a yard on a corner lot the area of which is bounded by a line extending from the front of the principal building (the front building line) to a point intersecting the side street right-of-way line (side lot line), then along said side lot line to a point intersecting the rear lot line, then along said rear lot line to a point intersecting the line formed by extending the wall of the nearest principal building paralleling the side lot line.

*Yard, front*, means a yard extending across the full width of the lot between two side lot lines the depth of which is the least distance between the street right-of-way and the building line.

*Yard, rear*, means a yard extending across the full width of the lot between two side lot lines and between the rear line and a parallel line tangent to the rear of the principal building and the depth of which is the least distance between the rear lot line and the parallel line.

*Yard, side*, means a yard extending between the front building line and the rear building line, the width of which is the least distance between the side lot line and the nearest part of the principal building.

(Code 2007, § 17.20.010)

#### **Sec. 125-2. Intent and purpose.**

The intent of this chapter is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use of land. This chapter shall divide the city into districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land. Such regulations are established to protect such use areas; to promote orderly development and redevelopment; to provide adequate light, air and access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this chapter; to provide for amendments; to prescribe penalties for violation of such regulations; and to define powers and duties of the city staff, the planning and zoning commission, the board of adjustment, and the city council in relation to this chapter. Extensions and improvements shall be in accordance with the city's specifications and standards and approved by the city.

(Code 2007, § 17.04.030)

#### **Sec. 125-3. Relation to general plan.**

The enforcement of, amendments to, and the administration of this chapter shall be accomplished in accordance with the recommendations contained in the general plan, as developed and amended on a regular basis by the planning and zoning commission and city council.

(Code 2007, § 17.04.040)

**Sec. 125-4. Violations and penalties.**

(a) No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or structure, or use any land in violation of this chapter.

(b) The community development director shall order, in writing, the correction of any violation. Such order shall state the nature of the violation, the chapter provision violated, and the time by which the violation must be corrected. After such order has been served, no work shall proceed on any structure or tract of land covered by such an order except to correct such violation or to comply with the order.

(c) Decisions of the community development director may be appealed to the board of adjustment in accordance with section 125-36.

(d) In addition to or in lieu of the procedures outlined above, this chapter shall be enforceable in a court of proper jurisdiction, and any or all appropriate remedies at law or in equity shall be available for the enforcement thereof.

(e) Any and all persons who shall violate any of the provisions of this chapter or fail to comply therewith, or who shall fail to comply with any lawful order or regulation made thereunder, shall severally for each and every violation and noncompliance respectively, be guilty of a class 2 misdemeanor under the criminal code of the laws of the state. In addition, the costs of any such action may be imposed at the discretion of the court. The imposition of one penalty for any violation of this chapter shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations and defects within a reasonable time; and each day that the prohibited condition is not corrected or remedied shall constitute a separate offense; and the court shall impose a fine on a per diem basis for each day that the violation is maintained. Application of the above penalty shall not be held to preclude the forced removal of prohibited conditions.

(f) This chapter shall not be construed to hold the city, its community development director, city engineer or any other city official responsible for any damage to persons or property by reason of any inspection or reinspection authorized herein or the failure to so inspect or reinspect or by reason of the issuance to a building permit as herein required.

(Code 2007, § 17.40.010)

**Secs. 125-5—125-26. Reserved.**

**ARTICLE II. ADMINISTRATION AND ENFORCEMENT****DIVISION 1. GENERALLY****Sec. 125-27. Community development director.**

The staff position of community development director shall be and is established for the general and specific administration of this chapter. The community development director shall perform such duties as set forth in this chapter under the direction of the city manager or delegate such duties. The director shall perform the duties under the direction of the city manager.

(Code 2007, § 17.16.010)

**Sec. 125-28. Duties of the community development director.**

It shall be the responsibility of the community development director to perform the following duties or to delegate such duties:

- (1) Receive, process, record and administer all requests for approvals and permits, as governed by this chapter;
- (2) Advise and recommend to the planning and zoning commission, the board of adjustment and the city council regarding requests for approvals and permits as required by this chapter;
- (3) Direct such inspections, observations and analyses of any and all erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the city relating to the regulations and restrictions as set forth by this chapter;
- (4) To take such action as is necessary for the enforcement of this chapter relating to violations of the regulations and restrictions.

(Code 2007, § 17.16.020)

**Sec. 125-29. Nonconforming uses and structures.**

(a) Any structure or use lawfully existing upon the effective date of the ordinance from which this chapter is derived may be continued at the size and in the manner of operating existing upon such date except as hereinafter specified.

(b) When a structure has been declared unsafe by the building safety department it may be placed in a safe condition unless such condition was created as described in subsection (d) of this section.

(c) When any unlawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

(d) Whenever a lawful nonconforming use of a building or structure has been damaged by fire, flood, explosion, earthquake, war, riot or act of God to an extent greater than 60 percent of its originally appraised value, it shall not be reconstructed, but such property shall revert to a conforming use.

(e) Whenever a lawful nonconforming use of a building or structure or land is discontinued for a period of 90 days, any future uses of said building or structure or land shall be in conformity with the provisions of this chapter.

(f) Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary structural repairs provided such structural repairs do not enlarge or intensify the nonconforming use.

(g) A lawful nonconforming use shall not be changed except in conformance with the use requirements of the zone in which it is located.

(h) Alterations may be made to a structure or building containing lawful nonconforming residential units when they will improve the livability thereof; provided they will not increase the number of dwelling units or enlarge or intensify the nonconforming use.

(i) Existing lots.

(1) At the time of the enactment of the ordinance from which this chapter is derived, if any owner of a plot of land consisting of one or more adjacent lots in a subdivision of record does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements or does not have sufficient lot width to conform to the minimum lot width requirements, such plot of land may nevertheless be used as a building site. The dimensional requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit a structure of acceptable size to be built upon the lot, such reduction to be determined by the board of adjustment.

- a. In the R1-43, R1-18, R1-8 and R1-5 zones, the reductions shall permit only a single-family residence.
- b. In the R-2 zone, the reduction shall permit only a duplex.
- c. In the R-3 zone, the reduction shall permit only a townhouse cluster or apartment containing no more than four units.

(2) No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of the ordinance from which this chapter is derived, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirement of this chapter is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(Code 2007, § 17.32.130)

**State law reference**—Nonconformities, A.R.S. § 9-462.02.

#### **Sec. 125-30. Procedure for rezoning.**

(a) *Generally.* In accordance with the provisions of state statutes, the city council may from time to time change the zoning of parcels of land within the municipality. These changes in zoning classification are for the purpose of meeting the land use needs of the residents of the city in

conformance with the city's general plan. Rezoning may be initiated by the city council, the planning and zoning commission, or by petition of the person whose property would be affected by the rezoning.

(b) *Application for rezoning.* A rezoning application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the rezoning application packet. The rezoning application shall not be accepted for processing until all required information as described in the rezoning application packet is provided to the community development department and appropriate fees are paid.

(c) *Notice of hearing.*

- (1) No rezoning may be adopted until a public hearing has been held on the matter by the planning and zoning commission, and if required under subsection (f) of this section, by the city council.
- (2) A notice of the time, date, place and purpose of the hearings shall be published in the official newspaper of the city at least 15 days prior to the date of the first hearing and at least 15 days prior to the date of any subsequent hearing.
- (3) A similar notice shall be mailed at least seven days before the day of the first hearing to each owner of property situated wholly or partly within 300 feet of the property to which the rezoning relates. The community development director shall be responsible for placing and mailing such notices. For the purpose of giving mailed notice, the community development director shall require the applicant to furnish the names and addresses of all owners of real property within 300 feet of the subject property, as disclosed on the most recent county assessor records. The zoning administrator shall make a copy of the notice and a list of the owners and addresses to which the notice was sent, and such shall become a part of the record of the proceedings. The failure to receive notice by any individual property owner shall not invalidate the proceedings.

(d) *Additional notice in certain circumstances.*

- (1) In the event a proposed change of this chapter involves one or more of the following changes to zoning classification or land use restrictions, notice of the public hearing thereon shall be given as set forth hereinbelow:
  - a. An increase or decrease by ten percent or more in the number of units or square footage that may be developed;
  - b. An increase or decrease by ten percent or more in the allowable height of buildings;
  - c. An increase or decrease in the number of stories allowed for buildings;
  - d. An increase or decrease of ten percent or more in the setback or open space requirement;
  - e. A change in permitted uses.

(2) Any notice required to be given by this subsection shall be given by one or more of the following means:

- a. First class mail to each real property owner as shown on the records of the last assessment by the county whose real property would be directly governed by the proposed change or changes;
- b. A notice enclosed in any mass mailing of utility bills or other mass mailings that would be calculated to reach owners of real property whose property would be governed by the change;
- c. Publication of the proposed changes in a newspaper of general circulation in the city, such publication to be in the form of a display ad of not less than one-eighth of a page.

(3) In the event that notice required by this subsection is given by the method set forth in subsection (d)(2) of this section, notice shall also be given by first class mail to all persons who register their names and addresses with the city clerk requesting such notice. Such registration shall be on a calendar year basis, and each registration shall be accompanied by a fee in the amount established by resolution for such registration.

(e) *Hearing and recommendation by the planning and zoning commission.* A rezoning not initiated by the planning and zoning commission shall be referred to the commission for study and public hearing. In its deliberations on the matter, the commission shall consider oral and written statements from the applicant, the public, city staff and its own members. The commission may recommend approval or disapproval, or it may table the rezoning application. The application may not be tabled more than two meetings in succession. The planning and zoning commission shall notify the city council, in writing, of its recommendation, noting in its recommendation the basis therefor.

(f) *Hearing and decision by the city council.* The city council may, after receipt of the report and recommendation of the planning and zoning commission, consider the rezoning request. If requested in writing by any member of the public or of the city council, the council shall hold a public hearing on the request. A rezoning that has been recommended for denial by the commission shall not be reviewed by the council except upon written request by the applicant, and shall then require a public hearing. During any public hearing on the matter, the council shall consider oral or written statements from the applicants, city staff, the public and its own members. The council may approve any request for rezoning, deny the request, or table the request. The application may not be tabled more than two meetings. If approved, the city engineer shall revise the official zoning map accordingly.

(g) *Duration of zoning approval.* Approval of a rezoning request may be conditioned upon the start of construction beginning within a specified period of time designated by the council that shall not exceed a maximum of two years after the date of approval action taken by the city council. If, at the expiration of this period, the start of construction has not begun for the use based upon the commission's approved site plan for which the zoning was conditionally approved, the property shall revert to its former zoning classification without council or commission action. The city may authorize extensions when deemed necessary.

(h) *Public protest against amendment.* If there is a written protest against a change in the zoning classification of a parcel of land, signed by the owners of 20 percent or more of the area of the lots included in the proposed change, or by 20 percent or more of the owners of property within a distance of 150 feet on any side thereof, not including street rights-of-way, the change shall not be approved except upon the affirmative vote of three-fourths of all the members of the city council.

(i) *Zoning of newly annexed property.* With respect to newly annexed property, the zoning classification of such property prior to annexation shall continue in full force and effect until a zoning classification as provided in this chapter is made applicable to such property by the city council. In the event no new zoning designation is adopted by the city council within six months of annexation, any property that is not so zoned by the city shall be deemed to be within the zoning classification that most closely approximates the zoning of such property prior to annexation.

(Code 2007, § 17.36.020)

**State law reference**—Amendments, A.R.S. §§ 9-462.03, 9-462.04.

#### **Sec. 125-31. Procedure for amendments.**

(a) *Generally.* In accordance with the provisions of state statutes, the city council may from time to time adopt amendments to this chapter. An amendment to this chapter may involve changes in its text and wording, including, but not limited to, changes in the regulations regarding uses, setbacks, heights, lot areas, definitions, administration and/or procedures. Zoning amendments do not, however, include the rezoning of property. Amendments may be initiated by the council, the planning and zoning commission, or by petition of a person whose property would be affected by the amendment.

(b) *Application of amendment.* If an individual or other party initiates a request for an amendment to this chapter, the request must be made on a form provided by the zoning administrator. The request must state the exact section of the chapter proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted if it will assist in understanding the benefits of the amendment. The submittal must be made to the zoning administrator and the processing fee paid at least 21 days prior to the date of the public hearing by the planning and zoning commission.

(c) *Notice of hearing.* No amendment to this chapter shall be adopted until a public hearing has been held thereon by the planning and zoning commission and, if appropriate under subsection (e) of this section, by the city council. A notice of the time, date, place and purpose of any hearing shall be published in the official newspaper of the city at least 15 days prior to the date of the hearing.

(d) *Hearing and recommendation by the planning and zoning commission.* An amendment not initiated by the planning and zoning commission shall be referred to the commission for study and public hearing. In its deliberations on the matter, the commission shall consider oral and written statements from the petitioner, the public, city staff and its own members. The commission may approve, disapprove or table an amendment application. The commission shall notify the city council, in writing, of its recommendation.

(e) *Hearing and decision of the city council.* The city council may, after receipt of the report and recommendation of the planning and zoning commission, set a date for a public hearing on the amendment request. An amendment that has been recommended for denial by the commission shall not be reviewed by the council except upon written request by the applicant. In its deliberations on the matter, the council shall consider oral and written statements from the petitioner, the public, city staff members, and its own members. The council may approve the request by ordinance, deny the request, or table the request.

(Code 2007, § 17.36.010)

**State law reference**—Amendments, A.R.S. §§ 9-462.03, 9-462.04.

#### **Sec. 125-32. Procedure for variances.**

(a) *Application for variance.* A variance application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the variance application packet. The variance application shall not be accepted for processing until all required information as described in the variance application packet is provided to the community development department and appropriate fees are paid.

(b) *Notice of hearing.* Notice of the time, date, place and purpose of the variance hearing shall be published once in the official newspaper of the city and posted in a conspicuous place close to the property affected at least 15 days before the hearings, and shall be mailed at least seven days prior to the board meeting to each owner of property situated wholly or partly within 200 feet of the property to which the variance relates. The zoning administrator shall be responsible for mailing such notices. For the purpose of giving mailed notice, the zoning administrator shall require the applicant to furnish the names and addresses of all property owners within 200 feet of the property.

(c) *Review and decision by the board of adjustment.* In considering applications for a variance, the board shall consider the effect of the proposed variance upon the health, safety and welfare of the community, traffic conditions, light and air, danger of fire, risk to the public safety, and the effect on values of property in the surrounding area. The board shall hear oral and written statements from the applicant, the public, city staff or its own members. If the board determines by motion that the special conditions applying to the structure or land in question are peculiar to such property of the immediately surrounding area and do not apply generally to other land or structures in the district in which said land is located, that granting the proposed variance will not in any way impair health, safety, welfare, or in any other respect be contrary to the intent of this chapter and the city general plan, and that the granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate demonstrable hardship or difficulty, the board may grant such variance and impose conditions and safeguards therein. A variance shall not be approved except upon the affirmative vote of three-fourths of all members of the board.

(Code 2007, § 17.36.030)

**State law reference**—Variances, A.R.S. § 9-462.06.

**Sec. 125-33. Procedures for site plan approval.***(a) Generally.*

- (1) For purposes of this chapter, site plans may be classified as major or minor site plans. All developments within the city except individual single-family and duplex residential units shall be subject to this chapter. A major site plan involves one or more of the following:
  - a. Forty or more dwelling units in a multiple-family structure;
  - b. Fifteen thousand or more square feet of office space, retail commercial space, service commercial space or industrial space;
  - c. One or more buildings on one site for office use, retail commercial use, service commercial use or industrial use;
  - d. Twenty thousand or more square feet of exterior storage of materials or goods;
  - e. Parking for more than 80 vehicles.
- (2) Any other site plan, except for a planned area development, is considered a minor site plan. Any planned area development shall be reviewed according to the regulations of section 125-35.
- (3) The planning and zoning commission has the right to review, and require revisions to, any proposed site plans, major or minor. The purpose of this review is to relieve demonstrable adverse impacts of the development upon public safety, health or welfare; to protect public investments in roads, drainage facilities, sewage facilities, etc.; to conserve the value of buildings; and to ensure that the regulations of the city are upheld.
- (4) Additionally, the planning and zoning commission may authorize the community development director to conduct review of any site plans. Any needed variances for major or minor site plans must be appealed to the board of adjustment.

*(b) Application of these procedures.* These procedures shall apply to all R-2, R-3, C-1, C-2, C-3, BP, I-1, I-2, and I-3 rezoning and all development within the city.

- (1) For those rezoning requests that may not comply with the city development guide plan (e.g., R-2 or R-3 in a low-density residential district), the site plan shall be submitted in conjunction with the rezoning application.
- (2) For those rezoning requests that may comply with the development guide plan (e.g., C-1 or C-2 request in a community commercial district), the site plan shall be submitted prior to any construction or development.
- (3) For those areas with desired zoning, the site plan shall be submitted prior to any construction or development.

*(c) Application for major or minor site plan approval.* A site plan application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the site plan

application packet. The site plan application shall not be accepted for processing until all required information as described in the site plan application packet is provided to the community development department and appropriate fees are paid.

(d) *Site plan review.*

- (1) In considering applications for site plan approval under this chapter, the city staff, if authorized by the commission, shall consider the following relationship of the plan elements to conditions both on and off the property: conformance to this chapter; conformance to the city's general plan; the impact of the plan on the existing and anticipated traffic and parking conditions; the adequacy of the plan with respect to land use, pedestrian and vehicular ingress and egress; building location and height; landscaping, lighting, provisions for utilities; site drainage; open space; loading and unloading areas; grading; signage screening; setbacks; and other related matters.
- (2) The city staff shall meet with the applicant upon request. The city staff shall also consider oral or written statements from the public or other city staff members. A decision shall be made on a site plan within 15 days of the date of application.
- (3) If the city staff shall determine that the proposed site plan will not be detrimental to the health, safety or welfare of the community nor will cause traffic congestion or seriously depreciate surrounding property values and at the same time is in harmony with the purposes and intent of this chapter, the plan for the area, and the general plan, the staff may grant such site plan approval, and such conditions and safeguards may be imposed as they deem necessary. Staff shall notify the planning and zoning commission at its next regular meeting of any site plan approvals made by staff.
- (4) Site plan approval applications may be denied by city staff upon finding and determination by the staff that the conditions required for approval do not exist.
- (5) When a site plan approval application is denied by city staff, an appeal may be taken to the planning and zoning commission. If unusual or significantly difficult conditions exist which affect the site plan, the community development director may determine and require that the site plan be reviewed and acted upon by the planning and zoning commission.

(e) *Duration of site plan approval.* An approved site plan shall be valid for one year from its date of approval, or until the zoning on a particular site lapses, whichever occurs first.

(f) *Amendments to approved site plans.*

- (1) Any amendment or modification to an approved site plan shall be submitted for approval. All amendments shall be shown on a revised site plan drawing.
- (2) Amendments to site plans shall be submitted to city staff who may, if authorized by the commission, approve such amendments if they determine that such amendments are acceptable to the city.
- (3) Amendments to site plans previously approved by the planning and zoning commission may be approved by the chair and secretary of the commission upon finding by the chair and secretary of the commission that the amended site plan is in substantial compliance with the

originally approved site plan. If it is determined that the amended site plan is not in substantial compliance with the originally approved site plan, the application shall be resubmitted and shall be subject to subsections (c) and (d) of this section.

(Code 2007, § 17.36.040)

**Sec. 125-34. Procedure for conditional use permit.**

(a) *Generally.* Certain uses, while generally not suitable in a particular zoning district, may, under certain circumstances, be acceptable. When such circumstances exist, a conditional use permit may be granted. The permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person.

(b) *Application.* A conditional use permit application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the conditional use permit application packet. The conditional use permit application shall not be accepted for processing until all required information as described in the conditional use permit application packet is provided to the community development department and appropriate fees are paid.

(c) *Notice of hearing.*

- (1) No conditional use permit shall be adopted until a public hearing has been held on the matter by the planning and zoning commission.
- (2) A notice of the time, date, place and purpose of the hearings shall be published in the official newspaper of the city at least 15 days prior to the date of the first hearing.
- (3) A similar notice shall be mailed at least seven days before the day of the first hearing to each owner of property situated wholly or partly within 300 feet of the property to which the conditional use permit relates. The community development director shall be responsible for placing and mailing such notices. For the purpose of giving mailed notice, the community development director shall require the applicant to furnish the names and addresses of all owners of real property within 300 feet of the subject property, as disclosed on the most recent county assessor records. The community development director shall make a copy of the notice and a list of the owners and addresses to which the notice was sent, and such shall become a part of the record of the proceedings. The failure to receive notice by any individual property owner shall not invalidate the proceedings.
- (4) A similar notice shall be posted at two locations on the site for which the conditional use permit is proposed at least 15 days prior to the date of the first hearing, pursuant to the procedures as set forth by the community development director.

(d) *Review and decision by planning and zoning commission.*

- (1) No conditional use permit shall be given for a use that is not listed in this chapter as a conditional use or is not deemed by the commission as equivalent to a listed conditional use in the particular district in which it is proposed to be located. The commission shall consider

the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding land, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect of the proposed use on the general plan. The commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application.

- (2) Applications for conditional use permits may be approved or denied by motion of the commission. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist. No application for a conditional use permit which has been denied wholly or in part shall be resubmitted for a period of six months from the date of said order of denial, except on grounds of new evidence or proof of a change of conditions found to be valid by the commission.

(e) *Notification of commission action.* The applicant shall be notified in writing of the action taken by the commission within seven days of its action. If the application has been granted, the permit shall be issued upon the signature of the community development director or his designee, and any conditions shall be included as an attachment to all permits related to the conditional use permit approval, including automatic termination date or period of review.

(Code 2007, § 17.36.050)

#### **Sec. 125-35. Procedure for planned area development (PAD).**

(a) *Generally.* Any development proposal that meets the requirements of section 125-194 shall be reviewed according to the provisions of this section. All PAD applications shall be reviewed and approved by the planning and zoning commission and city council prior to any physical development on the subject property.

(b) *Application.* A planned area development application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the planned area development application packet. The planned area development application shall not be accepted for processing until all required information as described in the planned area development application packet is provided to the community development department and appropriate fees are paid.

(c) *Planning commission review and hearing.*

- (1) *Notice of hearing.* The commission shall hold a public hearing on the preliminary development plan. A notice of the time, date, place and purpose of the hearing shall be published in the official newspaper of the city at least 15 days prior to the date of the hearing. A similar notice shall be mailed at least seven days before the day of the hearing to each owner of property situated wholly or partly within 200 feet of the property to which the PAD relates. The community development director shall be responsible for placing and mailing such notices. For purposes of giving mailed notice, the community development director shall require the applicant to furnish the names and addresses of all property owners within 200 feet of the property.

(2) *Review.* In considering applications for PAD approval, the commission shall consider the following:

- a. Interrelationship with the plan elements to conditions both on and off the property;
- b. Conformance to the general plan;
- c. The impact of the plan on the existing and anticipated traffic and parking conditions;
- d. The adequacy of the plan with respect to land use;
- e. Pedestrian and vehicular ingress and egress;
- f. Architectural design;
- g. Landscaping;
- h. Provisions for utilities;
- i. Site drainage;
- j. Open space and/or public land dedications;
- k. Grading;
- l. Other related matters.

The commission shall consider oral or written statements from the applicant, the public, city staff or its own members. It may question the applicant and approve, disapprove or table the preliminary development plan. The application may not be tabled for more than two regular meetings of the commission. If the commission shall determine by motion that the proposed preliminary development plan will not be detrimental to the health, safety or welfare of the community, will not cause traffic congestion or depreciate surrounding property values and, at the same time, is in harmony with the purposes and intent of this chapter, the plan for the area; and the general plan, the commission may recommend granting preliminary development plan approval, along with necessary conditions and safeguards, including provisions, as applicable, for public land dedications. The commission shall notify the city council, in writing, of its recommendation.

(d) *City council consideration and hearing.*

(1) *Consideration and hearing.* The city council, after receipt of the report and recommendation of the planning and zoning commission, may consider the PAD request. If requested in writing by any member of the public or the city council, the council shall hold a public hearing on the request. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the city at least 15 days prior to the date of the hearing. A preliminary development plan that has been recommended for denial by the commission shall not be reviewed by the council except upon written request by the applicant and shall require a public hearing.

(2) *Review and approval.* In its deliberations on the preliminary development plan, the council shall consider oral or written statements from the applicant, city staff, the public and its own members. The council's review shall encompass the same spectrum of considerations as did the commission's. The city council may approve the preliminary development plan, deny

the request, or table the request. The application may not be tabled for more than two meetings in succession. Conditions may be applied to the approval and/or periodic review of the approval may be required. Approvals, if granted, shall be for a particular development, not for a particular applicant.

- (3) *Public protests against a PAD.* If there is written protest against the preliminary development plan signed by the owners of 20 percent or more of the property within 150 feet of the proposed PAD, the preliminary development plan shall not be approved except upon affirmative vote of three-fourths of all members of the city council. If the above protest requirements are not met, approval may be by majority vote of the membership of the city council.
- (4) *Duration of PAD zoning.* Approval of a PAD rezoning request shall be conditioned upon the start of substantial construction beginning within one year of the date of approval action taken by the city council. If, at the expiration of this period, the start of substantial construction has not begun, the property shall revert to its former zoning classification without council or commission action. In the case of a proposed phased development, start of substantial construction for the first phase must commence within one year, with the remaining phases commencing according to the approved phasing plan. The community development director may authorize extensions when deemed necessary.

(e) *Final development plan.*

- (1) *Approval.* Final PAD development plan approval and the issuance of a development permit for any portion of a PAD shall occur only when:
  - a. A reproducible copy of the approved preliminary development plan with appropriate signatures is received.
  - b. The design and construction specifications for all utilities, property and street improvements have been approved by the city engineer.
  - c. A site plan, subject to the requirements of section 125-33, for the specific portion of the PAD in question has been submitted and has been approved by the planning and zoning commission, as in conformance with the preliminary development plan. (Upon approval of the site plan, a reproducible copy shall be submitted.)
  - d. Architectural elevations of the buildings, with materials lists, are submitted and approved by the planning and zoning commission.
  - e. A landscaping plan is submitted and approved by the planning and zoning commission.
  - f. A performance bond, cash escrow agreement or other acceptable instrument has been deposited with the city in an amount as set by the city council based upon the city engineer's recommendation. This financial guarantee shall be used to ensure the full completion, as specified, of:
    - 1. Public and private streets and utilities;
    - 2. Landscaping; and

3. Privately owned and maintained recreational facilities.

g. Any land dedication agreements made as part of the preliminary development plan approval are fulfilled.

(2) *Platting requirements.* All applicants for a planned area development permit shall be required to file with the county a final plat of said planned area development complying with all of the requirements of chapter 121, except to the extent that the council may give specific permission to the effect that the specific portions of chapter 121 need not be complied with. Such required plats shall contain on their face a cross reference to the PAD development plan.

(f) *Method of withdrawing an application for PAD approval.* Any application for a planned area development permit may be withdrawn by the applicant at any time prior to filing the final plat upon written notification to the community development director and/or city clerk. The PAD shall be null and void upon receipt of such notice by the city.

(g) *Amendments to PAD approval.*

(1) *Minor changes.* Minor changes in the location and placement of buildings may be authorized by the community development director and city engineer where unforeseen circumstances such as engineering requirements dictate such change. When in question, the community development director and the city engineer may determine whether the changes shall be classified as minor or major, or may refer the question to the planning and zoning commission, if they deem it necessary.

(2) *Major changes.* Major changes, such as alterations in structural types, in the shapes and arrangements of lots and blocks, in the allocation of open space or other land uses which increase density and/or intensity of the project, and all other changes which significantly affect the overall design or intent of the project shall be referred to the planning and zoning commission, after which the commission shall consider and shall either approve or deny the changes in the final development plan. If such changes are authorized, the developer shall submit a revised plan showing the authorized changes. Requirements of section 125-33(c) and (d) shall apply to requests for major changes.

(h) *Denial of PAD approval.* If an application for planned area development approval is denied at either the preliminary development plan or final development plan stage, a new application for a PAD approval by the same applicant on the same site or portion of the site cannot be filed prior to 90 days after the date of denial.

(Code 2007, § 17.36.060)

#### **Sec. 125-36. Procedure for appeals to board of adjustment.**

(a) *Application for appeal.* Any aggrieved person or any officer or department of the city affected by a decision of an administrative officer, pertaining to this chapter, may appeal to the board of adjustment by filing an application with the community development director. The application shall state the name and address (or city office) of the applicant and the reasons for filing the appeal. The

application shall be made within 21 days of the date of the decision that is being appealed. The zoning administrator shall then transmit to the board the complete record of the action for which the appeal is made. Appeals to the board may be made only in conjunction with an action.

(b) *Stay of proceedings.* An appeal to the board stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the board that, by reason of facts stated in the certificate of stay, the stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the superior court on notice to the zoning administrator and with due cause shown.

(c) *Notice of hearing.*

- (1) No appeal may be granted by the board until a public hearing has been held on the application. A notice of time, date, place and purpose of the hearing shall be published in the official newspaper of the city at least 15 days prior to the date of the hearing.
- (2) If the appeal relates to a decision on a specific site, a similar notice shall be posted in conspicuous places close to the site affected and shall be mailed at least seven days prior to the date of the hearing to each owner of the property situated within 200 feet of the property to which the appeal relates. The community development director shall be responsible for mailing such notice. For the purpose of giving mailed notice, the board may require the applicant to furnish the names and addresses of all property owners within 200 feet of the property. The failure to receive notice by individual property owners will not necessarily invalidate the proceedings.

(d) *Review and decision by the board.* Within 45 days of the date of application, but no sooner than 15 days from the date of public notice, the board shall hear and decide arguments for appeal to the decision in question. The board shall consider oral or written statements from the appellant, his agent or attorney, the public and city staff members. The board shall also study the record of the action from which the appeal is taken. The board may, by three-fourths majority of the entire board, approve an appeal or, by simple majority, table the appeal. If tabled, the board shall make a decision on the appeal at its next regularly scheduled meeting. The board may impose such conditions and safeguards on its decision as it deems necessary to satisfactorily correct the situation in question, but it shall not attempt to infringe upon matters not specifically contained in the appeal.

(e) *Notice of board decision.* The board shall issue a written notice of its decision to all concerned parties and to the community development director and the city clerk, who shall notify the city council and make official record of the decision. The notice shall state the facts of the matter as determined by the board, the reasons for its decision, and any conditions applied to the decision.  
(Code 2007, § 17.36.070)

#### **Sec. 125-37. Procedures for temporary use permit.**

(a) *Generally.* The temporary sale or display of goods or special event use or fundraising use is allowed if related to a particular seasonal, cultural, traditional, or community activity or event. Temporary sales and office buildings are also allowed if they are incidental to construction work or to a model home complex. When such circumstances exist, a temporary use permit may be granted.

The permit may be issued for a specific period of time, with automatic cancellation at the end of the time, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit may be granted for a particular use and not for a particular person or company.

(b) *Application.* The person applying for a temporary use permit shall complete and submit to the community development director the appropriate form together with the required fee. The request for a temporary use permit shall be reviewed and approved by the community development director.

(c) *Appeals.* The applicant or any affected property owner may appeal the decision of the community development director to the planning and zoning commission in writing within ten days of such decision.

(d) *Fees.* Fees for the temporary use permit shall be established by city council and approved by resolution.

(Code 2007, § 17.36.080)

**Sec. 125-38. Administrative permits.**

(a) *Purpose.* The purposes for requiring administrative use permit approval are to assure certain specified uses are permitted where there is community need, and to assure said uses occur in maximum harmony with the area and in accordance with official city policies. Unless specifically indicated otherwise by the community development director, all conditions of approval shall be completed prior to occupancy of structures and onset of business.

(b) *Application.* All uses which require the issuance of an administrative use permit shall be subject to the regulations and procedures contained herein. An application for an administrative use permit shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the application packet. The application shall not be accepted for processing until all required information as described in the application packet is provided to the community development department and appropriate fees are paid.

(c) *Administrative options.* The community development director may approve, conditionally approve, disapprove, or refer an administrative use permit application to the planning and zoning commission, with or without a recommendation. If after applying for an administrative permit the applicant fails to provide changes or additional information necessary to make a decision on the project and there is no activity taking place in connection with the application for a period of six months, the application shall be closed and the applicant so informed.

(d) *Findings for approval.* The approving authority may approve or conditionally approve an application when all specific findings related to the type of administrative permit are made and the following general findings are made:

- (1) The proposed use will not impair the character and integrity of the zoning district and surrounding area;
- (2) The proposed use will not be detrimental to the public health, safety, or general welfare; and
- (3) The proposed use is in harmony with applicable city policies and the intent and purpose of the zoning district involved.

(e) *Conditions.* In the event of conditional approval, such conditions as may be reasonably necessary to achieve a beneficial effect may be imposed and may include, but not be limited to:

- (1) Site plan architectural requirements such as building arrangement, safe and efficient pedestrian and vehicular access, adequate open spaces, landscaping, screening, parking and yards, shielded lighting, compatible signs, harmonious external building design, and sufficient variety to avoid monotony in external appearance;
- (2) Activities and equipment permitted;
- (3) Time of day activities shall be permitted;
- (4) Specified time period within which approval is valid;
- (5) Furnishing of guarantees assuring compliance with conditions;
- (6) Adequate safeguards against the emission of dust, heat, glare, electromagnetic interference, odors, smoke and particulate matter, wastes, refuse, water pollution or similar nuisances;
- (7) In cases where additional review may be deemed necessary, an application may be referred to qualified consultants if a report is deemed necessary. Cost of consultant services shall be paid for by the applicant.

(f) *Appeal.* The applicant or any affected property owner may appeal the decision of the community development director to the planning and zoning commission in writing within ten days of such decision.

(g) *Referral to planning and zoning commission.*

- (1) The community development director may refer an administrative use permit to the planning and zoning commission at any time, with or without a recommendation. The planning and zoning commission shall then review and consider such administrative use permit.
- (2) The planning and zoning commission may refer an administrative use permit application to the city council at any time, with or without a recommendation. The council shall then review and consider such administrative use permit.
- (3) On referral, the planning and zoning commission or the council may approve or conditionally approve the application based on the findings. The planning and zoning commission or the council must disapprove the application if it is unable to make any of the required findings.

(h) *Lapse of approval.* Administrative use permit approval is void one year after the effective date of approval unless:

- (1) Either a building permit has been issued or a building permit application has been submitted for processing and said application has not expired; or
- (2) Business operations have commenced in accordance with all applicable conditions of approval.

(i) *Revocations and modifications.* The community development director may revoke an administrative use permit, or modify or add to the conditions of approval, or refer the matter to the planning and zoning commission, with or without a recommendation, in order to ensure the use is consistent with the findings. An administrative use permit may be revoked when the community development director finds that:

- (1) The use or the manner in which it is conducted, managed, or operated impairs the character and integrity of the zoning district and surrounding area; or
- (2) The applicant has not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan or the use is not operated in accordance with the exhibit approved as part of the use permit and modification of the conditions or plan would not be in the public interest, or would be detrimental to the public health, safety, or welfare.

(j) *Reapplication.* An administrative use permit that has been disapproved or revoked may not be reapplied for within one year of the final decision to disapprove or revoke said application unless the community development director finds that new evidence, a change of conditions or a change in the project justifies reconsideration.

(k) *Discontinued uses.* All uses that cease operation for a period of more than six consecutive months shall be deemed to be discontinued, and the administrative use permit approving said use shall become null and void. Reestablishment of said use shall be permitted only upon obtaining a new administrative use permit.

(Code 2007, § 17.36.090)

**Sec. 125-39. Community outreach process.**

(a) *Authority and purpose.*

- (1) The city is authorized by state statute to adopt provisions that provide enhanced notification requirements for each rezoning application requiring a public hearing, and to provide opportunity for public involvement throughout each rezoning application process.
- (2) The purpose of this section is to provide an opportunity for enhanced citizen involvement and public awareness of rezoning development applications that require approval through a public hearing and to further opportunities for identification of specific neighborhood issues and concerns relating to a development request. Public participation is required after submission of a formal zoning application. However, an applicant is encouraged to seek early public comment during draft formation of the development request.

(b) *Applicability.*

- (1) The provisions of this section shall apply to a general plan amendment application, and to rezoning applications that require a public hearing. Prior to the public hearing on a zoning application, which modifies the zoning classification from any given zoning district to another, which modifies development regulation by removing or modifying imposed regulations, or modifies development requirements by adding regulation that is not imposed by an

existing ordinance that governs the property, the community development department shall provide written notification upon the scheduling of a neighborhood meeting for public comment on the application.

- (2) At the discretion of the community development director, a preliminary plat, site plan or conditional use permit application requiring a hearing and approval before a public body may be subject to the requirements of the community outreach process.

(c) *Procedures.*

- (1) *Persons to be notified.* Notification shall be provided to the following:

- a. All landowners within 300 feet of the legal description boundaries of the subject property;
- b. Such persons as determined by the zoning administrator as to be potentially affected;
- c. The applicant, or representative of the applicant.

- (2) *Scheduling of a neighborhood meeting.*

- a. The community development director, after consulting with the applicant, shall establish a meeting date, time and location. The meeting shall be scheduled so as to provide reasonable opportunity for assemblage of adjacent landowners, other affected citizens, and the applicant, so as to discuss and express their respective views upon the development request. The date established for the meeting shall be in accordance with requirements listed in subsection (c)(2)b of this section.
- b. The meeting may be held after the first submittal of the formal application to the community development department. However, a neighborhood meeting shall be held no later than 13 days prior to a planning and zoning commission public hearing for consideration and action upon the matter. At the discretion of the community development director, an applicant may be required to hold a neighborhood meeting prior to the second formal submittal of a zoning application, or prior to scheduling of a public hearing for consideration and action of the planning and zoning commission.

- (3) *Neighborhood meeting notification requirements.*

- a. The notice of neighborhood meeting shall be published once in a newspaper of general circulation, circulated within the city ten days prior to the neighborhood meeting date. The published notification shall include the following:
  1. A vicinity map of the property affected;
  2. A vicinity map and address of the neighborhood meeting location;
  3. The neighborhood meeting time and date;
  4. A brief description of the rezoning request.
- b. Notice of neighborhood meeting shall be mailed, no later than ten days prior to the scheduled meeting, to surrounding property ownership within 300 feet of the subject

application and other affected citizens, as determined by the community development director. The applicant shall provide the community development department the following:

1. Labels of 300 feet surrounding property ownership, as identified by the most current record of the county assessor's office.
  2. Neighborhood meeting location map.
  3. Narrative generally describing the development request, two-page maximum.
    - (i) The narrative shall include a phone number and name of the developer's representative that will address public inquiry.
    - (ii) The narrative shall also include the city planning department phone number and the name of the planning department case manager.
  4. Development exhibits or any other information deemed necessary by the community development director.
- c. The applicant shall place a sign upon the affected property by the applicant in accordance with this subsection (c)(3)c:
1. The sign shall be posted ten days in advance of neighborhood meeting.
  2. The location of sign is to be approved by the city community development department.
  3. The sign shall include a phone number and name of the developer's representative that will address public inquiry.
  4. The sign shall include the city planning department phone number and the name of the planning department case manager.
  5. The sign format, and information to be placed on such sign, shall be in accordance with criteria established by the community development department. An illustration exhibiting required format and sign information shall be kept at the community development department for general distribution.
  6. The height of sign shall be eight feet from finished grade.
  7. The minimum width of sign to be five feet.

(4) *Meeting facilitation and staff requirements.*

- a. A city staff member should attend the meeting, but is not required to facilitate the meeting. Staff shall be present to convey general technical information such as zoning requirements, general planning processes, technical information, public hearing procedures, public hearing dates, and respond to other public inquiries. Staff shall keep record of the following:
  1. Persons in attendance;
  2. Meeting minutes, documenting significant items of discussion.

- b. In the event that a staff member is unable to attend a scheduled neighborhood meeting, the applicant may facilitate the neighborhood meeting without staff's presence. However, the applicant shall provide the following to the community development director:
  - 1. Written minutes of the meeting that includes the key issues discussed at the meeting;
  - 2. Listing of persons in attendance.
- c. More than one neighborhood meeting may be required, as deemed necessary by the community development director. The necessity for an additional meeting shall be assessed after the initial neighborhood meeting.
- d. The staff shall report meeting results to the planning and zoning commission and to the city council at a public hearing when action upon the application will be taken.

(5) *Waiver of neighborhood meeting.*

- a. Upon application review, if determined that a public hearing will provide a sufficient forum for comment upon the application, the neighborhood meeting may be waived by the community development director. The director may also authorize an alternative outreach process in lieu of requirements of subsection (c)(3) of this section.
- b. The following circumstances, but not specifically limited to such, may elicit a meeting waiver or alternative outreach process.
  - 1. A planned area development amendment application, where the proposed amendment to the zoning is found by the community development director to be a minor change, or decreases density or intensity of a given project;
  - 2. Commercial rezoning of five acres or less, if such property is located over 660 feet from any single-family or multifamily residential structure, or subdivided lot within a single-family zone;
  - 3. A neighborhood meeting specifically upon the subject application has already been held by the developer, prior to formal submittal of the application. The applicant shall provide evidence of complying with subsection (c)(4)b of this section and provide staff required documentation. The applicant must also provide documentation that noticing procedures for posting and surrounding property, as identified in subsections (c)(3)b and (c)(3)c of this section, have been completed.

(6) *Alternative community outreach process.*

- a. In lieu of holding a neighborhood meeting, the applicant shall provide written notification of the development request by mail or door hanger. Written notification shall be given 30 days in advance of the first public hearing to all property owners within 300 feet of the legal description boundaries of the property. Noticing provisions as identified in subsection (c)(3)b of this section shall be required.

- b. Unless waived by the director, the applicant shall also place a sign on the property 30 days in advance of a public hearing upon the request in conformance with subsection (c)(3)c of this section.

(Code 2007, § 17.36.100)

**Secs. 125-40—125-66. Reserved.**

**DIVISION 2. BOARD OF ADJUSTMENT\***

**Sec. 125-67. Established.**

A board of adjustment is established consisting of five members to be appointed by the mayor and the consent of the city council. Such members shall be residents of the city.

(Code 2007, § 17.12.010)

**Sec. 125-68. Membership.**

Each member of said board of adjustment shall be appointed for a term of three years. Vacancies shall be filled by appointment for the unexpired term of any member whose term becomes vacant. Members shall not serve more than two consecutive three-year terms. Before entering upon the duties of his appointed position, each member shall take and subscribe an oath to support the Constitution and laws of the United States and the state and the ordinances of the city.

(Code 2007, § 17.12.020)

**Sec. 125-69. Adoption of rules.**

The board of adjustment shall adopt bylaws and rules governing its organization and meetings, and said bylaws and rules shall be subject to the approval of the city council and shall not be inconsistent with the ordinances of the city and the laws of the state. It shall be the duty of the chairperson to call a meeting of the board to pass upon and determine all appeals and all matters upon which it is the duty of the board to act. Said board shall meet at any other times as it may prescribe in its rules. The chairperson of the board, or in his absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of all its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examination of other official actions, all of which shall be immediately filed in the offices of the board and shall be of public record.

(Code 2007, § 17.12.030)

**Sec. 125-70. Appeals to the board.**

Appeals to the board of adjustment may be taken by any person, or by any officer, department, board or commission of said city, aggrieved or affected by the decision of any administrative officer.

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\*State law reference—Board of adjustment, A.R.S. § 9-462.06.

Such appeal shall be taken within a reasonable time of the aggrievement by filing with the officer from whom the appeal is taken, and with the board of adjustment, a notice of appeal specifying the grounds.

(Code 2007, § 17.12.040)

**Secs. 125-71—125-98. Reserved.**

### **ARTICLE III. ZONING DISTRICTS ESTABLISHED; ZONING MAPS**

#### **Sec. 125-99. Zone classifications.**

(a) For the purpose of this chapter, the city shall be divided into the following zones:

R1-43	Single-family residential zone	125-179
R1-18	Single-family residential zone	125-180
R1-12	Single-family residential zone	125-181
R1-8	Single-family residential zone	125-182
R1-5	Single-family residential zone	125-183
R-2	Multifamily residential zone	125-184
R-3	Multifamily residential zone	125-185
MU-PD	Mixed use planned development	125-186
C-1	Neighborhood commercial zone	125-187
C-2	Community commercial zone	125-188
C-3	General commercial zone	125-189
BP	Business park zone	125-190
I-1	Light industrial zone	125-191
I-2	Heavy industrial zone	125-192
I-3	Landfill and mineral extraction zone	125-193
PAD	Planned area development zone	125-194
AR	Age-restricted overlay zone	125-195
F-1	Floodway overlay zone	125-196
F-2	Floodplain overlay zone	125-197
—	Original town site overlay district	125-198
GU	Governmental use zone	125-199

(b) The boundaries of the above zones are established as shown on a map entitled "Zone Map of Surprise, Arizona," which has been recommended and certified by the city council with the signature of the mayor affixed thereto and is made a part of this chapter.

(Code 2007, § 17.24.010)

**Sec. 125-100. Interpretation of zone boundaries.**

Where uncertainty exists with respect to any of the boundaries of the zones as shown on the zone map, the following rules shall apply:

- (1) Where zone boundaries are indicated as approximately following the centerlines of streets, highways, or railroad rights-of-way or such lines extended, such centerlines or such lines extended shall be construed to be the boundaries.
- (2) Where zone boundaries are indicated as approximately following the corporate limit line of the city, such corporate limit line shall be construed to be such boundaries.
- (3) Where zone boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended shall be construed to be such boundaries.
- (4) Where zone boundaries are indicated as approximately following the centerline of stream beds or river beds, such centerlines or such lines extended shall be construed to be such boundaries.
- (5) No zone boundary line shall hereinafter be established to divide one lot into two or more zones unless the size of the lot in question is such that division is determined to be essential by the planning and zoning commission and the city council.

(Code 2007, § 17.24.040)

**Secs. 125-101—125-128. Reserved.****ARTICLE IV. ZONING DISTRICT REGULATIONS****DIVISION 1. GENERALLY****Secs. 125-129—125-154. Reserved.****DIVISION 2. TABLES OF PERMITTED USES****Sec. 125-155. Zoning use matrix.**

(a) The purpose of the zoning use matrix is to classify uses on the basis of common functional characteristics and land use compatibility:

- (1) The matrices describe uses that are allowed in the zoning district. Properties may also be subject to overlay zoning district requirements. Overlay zoning districts address special siting, use and compatibility issues that require use and development regulations in addition to those found in the underlying zoning districts. As a result, an overlay zoning district may not permit all of the uses allowed in the underlying zoning district. If any regulation in an overlay zoning district is more restrictive than one required by the zoning district, the more restrictive standard applies;

- (2) The community development director shall determine if uses not expressly listed in the zoning use matrix are significantly similar or dissimilar to particular uses.
- Uses that are found to be similar shall meet the same requirements as the related use listed in the zoning use matrix;
  - Uses that are found to be dissimilar and are determined by the community development director to be appropriate uses within the city shall require a zoning text amendment application to be considered for approval by the planning and zoning commission.

(b) Residential zone uses are as follows:

	<i>R1-43</i>	<i>R1-18</i>	<i>R1-12</i>	<i>R1-8</i>	<i>R1-5</i>	<i>R-2</i>	<i>R-3</i>	<i>MU-PD</i>
<b>Principally permitted uses</b>								
Single-family dwelling unit	o	o	o	o	o			o
Two-family structure						o		o
Three-family structure						o	o	o
Four-family structure						o	o	o
Multiple-family structure							o	o
Town-house cluster, not to exceed four units or 120 feet in length						o	o	o
Town-house cluster with four or more units, but not to exceed 160 feet in length							o	o
Public parks	o	o	o	o	o	o	o	o
Manufactured and modular housing subdivisions, as per section 125-254				o	o	o	o	o
Group homes	o	o	o	o	o	o	o	o
Residential setting care facility as per section 125-258	o	o		o	o	o	o	o
<b>Administrative permitted uses</b>								
Personal wireless service facilities as per section 125-255	o	o	o	o	o	o	o	o
Sewer or water lift station; well site	o	o	o	o	o	o	o	o
<b>Conditionally permitted uses</b>								
Assisted living facility						o	o	o
Cemeteries	o	o	o	o	o	o	o	o

# ZONING

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	<i>R1-43</i>	<i>R1-18</i>	<i>R1-12</i>	<i>R1-8</i>	<i>R1-5</i>	<i>R-2</i>	<i>R-3</i>	<i>MU-PD</i>
Churches	o	o	o	o	o	o	o	o
Congregate care facility						o	o	o
Day care center	o	o	o	o	o	o	o	o
Farms	o	o						
Model homes, temporary	o	o	o	o	o	o	o	o
Nursing home						o	o	o
Public buildings	o	o	o	o	o	o	o	o
Ranches	o							
Schools	o	o	o	o	o	o	o	o
Water tower	o	o	o	o	o	o	o	o
Golf courses	o	o	o	o	o	o	o	o
Utility substations	o	o	o	o	o	o	o	o
Permitted accessory uses								
Greenhouse	o	o	o	o	o	o	o	o
Home occupations as per section 125-252	o	o	o	o	o	o	o	o
In-home child care center	o	o	o	o	o	o	o	o
Private garage	o	o	o	o	o	o	o	o
Private or jointly owned community center recreational facilities, pools, or tennis courts	o	o	o	o	o	o	o	o
Signs, as per chapter 113	o	o	o	o	o	o	o	o
Temporary uses as further regulated under section 125-257	o	o	o	o	o	o	o	o
Tool sheds, for storage of domestic supplies	o	o	o	o	o	o	o	o

(c) Commercial and industrial zone uses are as follows:

	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>MU-PD</i>	<i>BP</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>
Principally permitted uses								
Antique shop and store		o	o	o				
Ambulatory services			o					
Apparel and accessory store		o	o	o				
Appliance sales, repair and services		o	o	o				
Art and craft stores		o	o	o				
Athletic clubs and commercial recreation		o	o	o				

	C-1	C-2	C-3	MU-PD	BP	I-1	I-2	I-3
Automobile, boat or recreational vehicle sales, service, repair and rental			o					
Automobile, auto body repair			o					
Automobile parking lot or garage (public or private)		o	o	o	o			
Auto supply store		o	o	o	o	o		
Bakery for on-site sales	o	o	o	o				
Banks and other savings and lending institutions		o	o	o				
Barbershop and beauty parlor	o	o	o	o				
Bicycle sales, service and repair shop	o	o	o	o	o			
Bookstore and stationery store		o	o	o				
Bowling alley		o	o	o				
Building materials sales yard, including sand and gravel			o					o
Bus terminals			o	o				
Business and office machine sales, service and repair shop		o	o	o				
Business, technical or vocational school			o	o	o			
Candy and ice cream store		o	o	o				
Cement and paving material mixing plant								o
Church and parish house			o	o				
Cigar and tobacco store		o	o	o				
Clothing and costume rental shop		o	o	o				
Community center or meeting hall	o	o	o	o				
Contractors storage yard			o				o	
Convenience food store of not more than 3,500 square feet	o	o	o	o				

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	C-1	C-2	C-3	MU-PD	BP	I-1	I-2	I-3
Custom dressmaking, furrier, millinery or tailor shop employing five persons or less		o	o	o				
Dancing or theatrical studio		o	o	o				
Day spa		o	o	o				
Delicatessen and catering establishment		o	o	o	o			
Department store		o	o	o				
Dry goods and notion store		o	o	o				
Dry cleaning and laundry establishment		o	o	o	o			
Electronic instruments and devices, assembling and manufacturing					o	o	o	
Equipment rental or storage yard			o			o		
Essential public service or utility installation	o	o	o	o	o	o	o	o
Exterior storage of goods and materials; provided that all goods and materials are screened from view from adjacent properties and rights-of-way			o					
Exterminator and insect poison, manufacturing							o	
Exterminator shop			o					
Farming, landscaping and agricultural supplies and equipment, wholesaling and storage						o	o	
Feed store, including yard			o			o		
Florist		o	o	o				
Foundry casting lightweight, nonferrous metal, not causing noxious odors or fumes							o	
Frozen food locker			o		o	o	o	
Furniture store		o	o	o	o			
Game rooms, pool halls		o	o	o				
Garden supply store			o					

	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>MU-PD</i>	<i>BP</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>
Gasoline and petroleum bulk storage tanks							o	
Gift shop		o	o	o				
Golf driving range and miniature golf course			o					
Granary, elevator storage						o	o	
Grocery store (including retail markets and produce store)		o	o	o				
Greenhouse			o					
Hardware store, no exterior storage		o	o	o				
Hobby, stamp and coin shop		o	o	o				
Hospital			o					
Hotel or motel		o	o	o				
Hunting and fishing supply store		o	o	o				
Industrial, scientific or business research, development and testing laboratories and offices				o	o	o	o	
Interior decorator's shop		o	o	o	o			
Jewelry and metal craft store		o	o	o				
Kennel (fully enclosed)		o	o			o		
Laundromat, self-service	o	o		o				
Leather goods and luggage store		o	o	o				
Liquor store		o	o	o				
Lock and key shop		o	o	o	o	o		
Lumber yard; provided that all goods and materials are screened from adjacent properties			o			o		
Mail order catalog store		o	o	o	o			

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	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>MU-PD</i>	<i>BP</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>
Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, rubber, leather, paper, plastics, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, wool and yarn						o	o	
Manufacturing, compounding, processing, packaging, bottling or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceutical, soap, toiletries, beverages and food products, and other personal articles and household goods						o	o	

	C-1	C-2	C-3	MU-PD	BP	I-1	I-2	I-3
Manufacturing, fabrication, or assembly, including contractor's facilities, of building materials and construction equipment, acoustical materials, air conditioners, heating and ventilating equipment, bolts, cement and concrete products, ceramics, decorative metals and wrought iron, doors, drills, fences, fire escapes, hardware and machine tools, insulation, lumber yards, machines, nuts, paving and road building equipment, plaster, plastics, plumbing supplies and sewer pipes, pumps, scaffolds, screens, screws, tile, welding equipment, windows, or other similar items						o	o	
Manufacturing of brick and all clay, cinder, concrete, synthetic, cast stone, plastic and pumice stone products							o	o
Manufacturing of instruments, toys, novelties, rubber and metal stamps, cameras, photographic equipment, business and household machines and appliances						o	o	
Manufacturing, processing and assembly of malleable metals, signs, monuments, industrial machinery and carbonic ice						o	o	
Medical, dental or health office buildings and clinics		o	o	o	o			

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	C-1	C-2	C-3	MU-PD	BP	I-1	I-2	I-3
Medical and orthopedic appliance store		o	o	o				
Messenger or telegraph service station		o	o	o	o			
Millwork (woodworking, manufacturing)							o	
Miniware-house, for storage purposes without retailing unless associated with storage operation						o	o	
Mobile and manufactured home sales and service			o			o		
Monument sales and engraving shop			o		o	o		
Mortuary			o					
Museum		o	o	o				
Music and instrument sales, service and repair shop		o	o	o	o			
Music or dance studio		o	o	o				
Motion picture studio					o	o	o	
Newspaper office		o	o	o				
Newsstand	o	o	o	o	o			
Offices greater than 4,000 square feet		o	o	o	o	o	o	
Offices of not more than 4,000 square feet	o	o	o	o	o	o	o	
Office supply and office equipment store		o	o	o	o			
Optician		o	o	o	o			
Package liquor store, including drive-through		o	o					
Packing houses, fruit or vegetable not including processing						o	o	
Paint and wallpaper store		o	o	o	o			
Park and ride lot		o	o		o	o	o	o
Pawnshop		o	o	o				
Pet shop including grooming		o	o	o				

	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>MU-PD</i>	<i>BP</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>
Photographic equipment and supply store		o	o	o	o			
Photographic studio		o	o	o	o			
Picture frame shop		o	o	o	o			
Planing mills							o	
Plant nursery, retail		o	o					
Plant nursery, wholesale			o					
Plating works, bulk (galvanizing)								o
Plumbing shop			o	o	o	o	o	
Printing and publishing house (including newspapers)			o	o	o	o	o	
Private club, fraternity, sorority or lodge		o	o	o				
Public buildings	o	o	o	o	o	o	o	o
Public utility plants						o	o	
Public utility service yard			o					
Radio or television sales, service and repair		o	o	o	o			
Radio and television broadcasting stations and studios, but not including transmitter towers and transmitter stations		o	o	o	o	o		
Railroad yards, shops or roundhouse							o	
Recreational vehicle repair			o			o		
Recycling yard							o	o
Restaurant (40 percent of total revenue derived from sale of food)		o	o	o				
Retail commercial operations directly related to the primary industrial use; provided that they do not exceed ten percent of the gross floor area of the primary industrial use					o	o	o	

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	C-1	C-2	C-3	MU-PD	BP	I-1	I-2	I-3
Retail commercial operations directly related to the primary industrial use; provided that they do not exceed 20 percent of the gross floor area of the primary industrial use							o	
Rock crushing								o
Sandblasting yard							o	o
Schools		o		o				
Seed treatment, processing, extraction of oil							o	
Sewage disposal or treatment plant							o	
Sewing machine store		o	o	o				
Sexually oriented business as defined by section 26-135 and as further regulated per section 125-256							o	o
Shoe store and repair		o	o	o				
Sporting and athletic goods store		o	o	o				
Spraying supplies equipment wholesaling and storage						o	o	
Steel fabrication (plate, structural, misc. iron reinforcing)							o	
Storage yards bulk material							o	
Swap meet, flea market			o					
Tanks, fabrication							o	
Tattoo and/or body piercing establishments			o					
Taxidermist			o		o	o		
Theater, excluding drive-in theater		o	o	o				
Theater, drive-in			o					
Tire sales, repair and mounting (with or without outside storage)			o	o				

	C-1	C-2	C-3	MU-PD	BP	I-1	I-2	I-3
Towed or motor vehicle assembling, repairing including body and fender shops						o	o	
Toy store		o	o	o				
Travel agency		o	o	o	o			
Truck, bus and heavy equipment garages, dispatching and weighing stations						o	o	
Upholstery shop			o	o	o	o		
Variety store		o	o	o				
Warehousing and distribution centers			o		o	o	o	
Watch repair shop		o	o	o				
Administrative permitted uses								
Personal wireless service facilities as per section 125-255	o	o	o	o	o	o	o	o
Sewer or water lift station; well site	o	o	o	o	o	o	o	o
Conditionally permitted uses								
Animal hospital or clinic with associated kennel		o	o	o		o		
Asphalt mixing plant								o
Automobile parts, supplies, salvage or wrecking							o	
Automobile rental/leasing		o		o				
Automobile service stations		o						
Automobile service center, major			o					
Automobile service center, minor		o		o				
Automobile washing establishments		o		o				
Ball bearing manufacturing						o		
Boxes or cabinets, manufacturing						o		
Caretaker residence					o	o	o	
Cement mixing plant								o
Coffee roasting						o		

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	C-1	C-2	C-3	MU-PD	BP	I-1	I-2	I-3
Convenience food stores with not more than four gas pumps	o			o				
Convenience food restaurants		o		o				
Community correctional facility			o					
Day care center	o	o		o				
Feed (grains) manufacturing and processing						o		
Flour and grain mills, storage and elevators						o		
Fuel distributing station, gasoline (bulk plant)						o		
Hardware stores, retail stores and retail membership stores with home garden center or outside display of merchandise		o	o					
House movers, equipment, storage or wrecking yards							o	
Kennels with limited outdoor use			o		o			
Ice manufacturing and storage						o		
Junkyards							o	
Laboratories or facilities		o		o				
Landfill, sanitary								o
Massage establishments		o	o					
Meat packing and smoking						o		
Mining, mineral extraction								o
Miniwarehouses/distribution			o					
Outdoor recreational facility		o		o				
Paint and varnish manufacturing						o		
Permanent facilities for sale of automobiles and motorcycles		o						
Petroleum products, packaging and storage						o		

	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>MU-PD</i>	<i>BP</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>
Recreational vehicle, mobile home and manufactured home park and overnight campground		o	o					
Retail commercial operations directly related to the primary industrial use that exceed 10 percent of the gross floor area					o	o		
Retail commercial operations directly related to the primary industrial use that exceeds 20 percent of the gross floor area							o	
Sand and gravel operation								o
Septic tank, cesspool servicing or cleaning equipment yard								
Schools	o							
Shelter care facility		o	o	o				
Stadiums				o				
Tavern, bar or lounges		o	o	o				
Temporary facilities for sale of automobiles, recreational vehicles, boats, mobile or manufactured homes		o						
Tire sales, repair and mounting		o						
Towed vehicle impound storage yard			o					
Truck terminals						o	o	
Video arcades	o			o				
Warehouse, residential storage		o						
Wood products, manufacturing, bulk						o		

(d) Permitted accessory uses. Refer to permitted accessory uses for the specific zone classification in question.

(Code 2007, § 17.24.020)

**Secs. 125-156—125-178. Reserved.**

## DIVISION 3. SPECIFIC DISTRICTS

**Sec. 125-179. Single-family residential zone (R1-43).**

(a) *Purpose.* The purpose of the R1-43 single-family residential zone is to provide for the development of single-family detached dwellings and directly related complementary uses at a very low density. The zone is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.

(b) *Principally permitted uses.* See section 125-155(b).

(c) *Conditionally permitted uses.* See section 125-155(b).

(d) *Permitted accessory uses.* See section 125-155(b).

(e) *Lot area and lot dimensions.*

(1) *Required lot area.*

<i>Use</i>	<i>Minimum Lot Area</i>
Single-family dwelling units	43,000 square feet
Other permitted uses	Minimum area to be determined by building area, parking requirements and required setbacks.

(2) *Required lot dimensions.* Lot dimensions are to be determined by building area, parking requirements and required setbacks.

(3) *Density.* There shall not be more than one single-family dwelling unit on any one lot.

(f) *Setbacks, yards and heights.*

(1) *Minimum setbacks from property line:*

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear Yard (in feet)</i>
Single-family dwelling	50	20	50	50
Schools, civic, cultural and religious institutions (including their accessory use structures)	45	45	45	45
Parking lots or any parking spaces for schools, civic, cultural and religious institutions	20	20	20	20

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear Yard (in feet)</i>
Structures accessory to single-family residences	50	10	50	10
Structures for all other principal, conditional or accessory uses	50	50	50	50

(2) *Maximum building height: 30 feet.*

(g) *Encroachment into required front and side yard setbacks.*

- (1) Open steps and decks shall be permitted to extend into the required front and side yard setbacks a distance of not more than five feet.
- (2) Covered patios, decks, porches or carports shall not be permitted encroachments in any required setbacks.
- (3) Normal roof projections (eaves) into required side yards. A house or garage roof may not be constructed within three feet of a side property line.

(h) *Additional building and performance standards.* Development of any portion of land within this district shall be subject to all applicable requirements of article V of this chapter.

(i) *Relationship of overlay zones.* Any property located in the R1-43 zone as well as the F-1, F-2, or AR overlay zones must comply with the regulations of the overlay zones.

(Code 2007, § 17.28.010)

**Sec. 125-180. Single-family residential zone (R1-18).**

(a) *Purpose.* The purpose of the R1-18 single-family residential zone is to provide for the development of single-family detached dwellings and directly related complementary uses at a low density. The zone is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.

(b) *Principally permitted uses.* See section 125-155(b).

(c) *Conditionally permitted uses.* See section 125-155(b).

(d) *Permitted accessory uses.* See section 125-155(b).

(e) *Lot area and lot dimensions.*

(1) *Required lot area.*

<i>Use</i>	<i>Minimum Lot Area</i>
Single-family dwelling units	18,000 square feet

<i>Use</i>	<i>Minimum Lot Area</i>
Other permitted uses	Minimum area to be determined by building area, parking requirements and required setbacks.

(2) *Required lot dimensions.* Lot dimensions to be determined by building area, parking requirements and required setbacks.

(3) *Density.* There shall not be more than one single-family dwelling unit on any one lot.

(f) *Setbacks, yards and heights.*

(1) *Minimum setbacks from property line:*

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear Yard (in feet)</i>
Single-family dwelling	35	10	35	30
Schools, civic, cultural and religious institutions (including their accessory use structures)	35	35	35	35
Parking lots or any parking spaces for schools, civic, cultural and religious institutions	10	10	10	10
Structures accessory to single-family residences	35	10	35	10
Structures for all other principal, conditional or accessory uses	35	35	35	35

(2) *Maximum building height: 30 feet.*

(g) *Encroachment into required front and side yard setbacks.* See section 125-179(g).

(h) *Additional building and performance standards.* Development of any parcel of land within this district shall be subject to all applicable requirements of article V of this chapter.

(i) *Relationship to overlay zones.* Any property located in the R1-18 zone as well as the F-1, F-2, or AR overlay zones must comply with the regulations of the overlay zones.

(Code 2007, § 17.28.020)

**Sec. 125-181. Single-family residential zone (R1-12).**

(a) *Purpose.* The purpose of the R1-12 single-family residential zone is to provide for the development of single-family detached dwellings and directly related complementary uses at a low density. The zone is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.

(b) *Principally permitted uses.* See section 125-155(b).

(c) *Conditionally permitted uses.* See section 125-155(b).

(d) *Permitted accessory uses.* See section 125-155(b).

(e) *Lot area and lot dimensions.*

(1) *Required lot area.*

<i>Use</i>	<i>Minimum Lot Area</i>
Single-family dwelling units	12,000 square feet
Other permitted uses	Minimum area to be determined by building area, parking requirements and required setbacks.

(2) *Required lot dimensions.* Lot dimensions to be determined by building area, parking requirements and required setbacks.

(3) *Density.* There shall not be more than one single-family dwelling unit on any one lot.

(f) *Setbacks, yards and heights.*

(1) *Minimum setbacks from property line:*

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear Yard (in feet)</i>
Single-family dwelling	35	10	35	20
Schools, civic, cultural and religious institutions (including their accessory use structures)	35	35	35	35
Parking lots or any parking spaces for schools, civic, cultural and religious institutions	10	10	10	10

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear Yard (in feet)</i>
Structures accessory to single-family residences	35	10	35	10
Structures for all other principal, conditional or accessory uses	35	35	35	35

(2) *Maximum building height: 30 feet.*

(g) *Encroachment into required front and side yard setbacks.* See section 125-179(g).

(h) *Additional building and performance standards.* Development of any parcel of land within this district shall be subject to all applicable requirements of article V of this chapter.

(i) *Relationship to overlay zones.* Any property located in the R1-12 zone as well as the F-1, F-2, or AR overlay zones must comply with the regulations of the overlay zones.  
(Code 2007, § 17.28.025)

**Sec. 125-182. Single-family residential zone (R1-8).**

(a) *Purpose.* The purpose of the R1-8 single-family residential zone is to provide for the development of single-family detached dwellings and directly related complementary uses at a low density. The zone is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.

(b) *Principally permitted uses.* See section 125-155(b).

(c) *Conditionally permitted uses.* See section 125-155(b).

(d) *Permitted accessory uses.* See section 125-155(b).

(e) *Lot area and lot dimensions.*

(1) *Required lot area.*

<i>Use</i>	<i>Minimum Lot Area</i>
Single-family dwelling units and model homes except infill	See article IV, division 4 of this chapter.
Single-family dwelling units and model homes located in infill locations	8,000 square feet
Other permitted uses, except model homes	Minimum area to be determined by building area, parking requirements and required setbacks.

(2) *Required lot dimensions.*

<i>Use</i>	<i>Minimum Lot Width (in feet)</i>	<i>Minimum Lot Depth (in feet)</i>
Single-family dwelling units and model homes except infill	See article IV, division 4 of this chapter.	See article IV, division 4 of this chapter.
Single-family dwelling units and model homes located in infill locations as determined by the community development director	58	100
Other permitted uses, except model homes	Lot dimensions to be determined by building area, parking requirements and required setbacks.	Lot dimensions to be determined by building area, parking requirements and required setbacks.

(3) *Density.* There shall not be more than one single-family dwelling unit on any one lot.(f) *Setbacks, yards and heights.*(1) *Minimum setbacks from property line:*

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear Yard (in feet)</i>
Single-family dwelling except infill	(See article IV, division 4 of this chapter)	(See article IV, division 4 of this chapter)	(See article IV, division 4 of this chapter)	(See article IV, division 4 of this chapter)
Single-family dwelling (see article IV, division 4 of this chapter) in infill locations as determined by the community development director	12 livable; 18 to garage	5 and 8	12	20
Schools, civic, cultural and religious institutions (including their accessory use structures)	35	35	35	35

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear Yard (in feet)</i>
Parking lots or any parking spaces for schools, civic, cultural and religious institutions	10	10	10	10
Structures accessory to single-family residences	20	5	20	5
Structures for all other principal, conditional or accessory uses	20	10	20	20

(2) *Maximum building height: 30 feet.*

(g) *Encroachment into required front and side yard setbacks.* See article IV, division 4 of this chapter and section 125-248. In the event of a conflict between the provisions of article IV, division 4 of this chapter and those of section 125-248, the provisions of article IV, division 4 of this chapter shall apply.

(h) *Additional building and performance standards.* Development of any parcel of land within this district shall be subject to all applicable requirements of article IV, division 4 of this chapter and article V of this chapter. In the event of a conflict between the provisions of article IV, division 4 of this chapter and those of article V of this chapter, the provisions of article IV, division 4 of this chapter shall apply.

(i) *Relationship to overlay zones.* Any property located in the R1-8 zone and the F-1, F-2 and/or AR overlay zones must also comply with the regulations of the overlay zones.

(j) *Compliance required.* Compliance with the requirements of article IV, division 4 of this chapter is mandatory.

(Code 2007, § 17.28.030)

#### **Sec. 125-183. Single-family residential zone (R1-5).**

(a) *Purpose.* The purpose of the R1-5 single-family residential zone is to provide for the development of single-family detached dwellings and directly related complementary uses at a moderate density. The zone is intended to be strictly residential in character with a minimum of disturbances due to traffic or overcrowding.

(b) *Principally permitted uses.* See section 125-155(b).

(c) *Conditionally permitted uses.* See section 125-155(b).

(d) *Permitted accessory uses.* See section 125-155(b).

(e) *Lot area and lot dimensions.*(1) *Required lot area.*

<i>Use</i>	<i>Minimum Lot Area</i>
Single-family dwelling units and model homes except infill	See article IV, division 4 of this chapter.
Single-family dwelling units and model homes located in infill locations as determined by the community development director	5,000 square feet
Other permitted uses, except model homes	Minimum area to be determined by building area, parking requirements and required setbacks.

(2) *Required lot dimensions.*

<i>Use</i>	<i>Minimum Lot Width (in feet)</i>	<i>Minimum Lot Depth (in feet)</i>
Single-family dwelling units and model homes	See article IV, division 4 of this chapter.	See article IV, division 4 of this chapter.
Single-family dwelling units and model homes located in infill locations as determined by the community development director	50	90
Other permitted uses, except model homes	Lot dimensions to be determined by building area, parking requirements and required setbacks.	Lot dimensions to be determined by building area, parking requirements and required setbacks.

(3) *Density.* There shall not be more than one single-family dwelling unit on any one lot.(f) *Setbacks, yards and heights.*(1) *Minimum setbacks from property line:*

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear Yard (in feet)</i>
Single-family dwelling except infill	(See article IV, division 4 of this chapter)	(See article IV, division 4 of this chapter)	(See article IV, division 4 of this chapter)	(See article IV, division 4 of this chapter)

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear Yard (in feet)</i>
Single-family dwelling (see article IV, division 4 of this chapter) in infill locations as determined by the community development director	12 livable; 18 to garage	5 and 8	12	15
Schools, civic, cultural and religious institutions (including their accessory use structures)	35	35	35	35
Parking lots or any parking spaces for schools, civic, cultural and religious institutions	10	10	10	10
Structures accessory to single-family residences	20	3	20	3
Structures for all other principal, conditional or accessory uses	20	10	20	20'

Zero lot line development may be permitted which may result in the creation of a two-family residential structure.

(2) *Maximum building height: 30 feet.*

(g) *Encroachment into required front and side yard setbacks.* See article IV, division 4 of this chapter and section 125-248. In the event of a conflict between the provisions of article IV, division 4 of this chapter and those of section 125-248, the provisions of article IV, division 4 of this chapter shall apply.

(h) *Additional building and performance standards.* Development of any parcel of land within this district shall be subject to all applicable requirements of article IV, division 4 of this chapter and article V of this chapter. In the event of a conflict between the provisions of article IV, division 4 of this chapter and those of article V of this chapter, the provisions of article IV, division 4 of this chapter shall apply.

(i) *Relationship to overlay zones.* Any property located in the R1-5 zone and the F-1, F-2 and/or AR overlay zones must also comply with the regulations of the overlay zones.

(j) *Compliance required.* Compliance with the requirements of article IV, division 4 of this chapter is mandatory.

(Code 2007, § 17.28.040)

**Sec. 125-184. Multifamily residential zone (R-2).**

(a) *Purpose.* The purpose of the R-2 multifamily residential zone is to provide for medium-density housing in multiple-family structures and directly related complementary uses. The R-2 zone is designed to allow economical use of land while creating an attractive, functional and safe residential environment.

(b) *Principally permitted uses.* See section 125-155(b).

(c) *Conditionally permitted uses.* See section 125-155(b).

(d) *Permitted accessory uses.* See section 125-155(b).

(e) *Lot area and lot dimensions.* In determining minimum lot area and minimum lot dimensions, the following table should be used:

<i>Minimum Area Use</i>	<i>Minimum Lot per Unit</i>	<i>Living Dimensions* (in feet)</i>	<i>Area**</i>
Two-family dwelling	3,000 sq. ft.	Width: 70; Depth: 90	600 sq. ft./ dwelling unit
Three-family dwelling	3,000 sq. ft.	Width: 80; Depth: 90	500 sq. ft./ dwelling unit
Four-family dwelling	3,000 sq. ft.	Width: 80; Depth: 90	400 sq. ft./ dwelling unit
Townhouse cluster	3,000 sq. ft.***	Width: 90; Depth: 90	400 sq. ft./ dwelling unit
Other permitted uses	(Minimum area and lot dimensions to be determined by building area, parking requirements and required setbacks.)	(Minimum area and lot dimensions to be determined by building area, parking requirements and required setbacks.)	(Minimum area and lot dimensions to be determined by building area, parking requirements and required setbacks.)

\*These dimensions apply to the initial lot size per structure. Initial lots may be divided to accommodate individual ownership of the structures' dwelling units.

\*\*Outdoor living area in the minimum amount specified above must be provided on any lot occupied by the multiple-residence or townhouse building. This space must be easily accessible for daily recreational use by the occupants of the building. Driveways, parking areas, ornamental landscaped areas (having a width of less than 20 feet), and required side or front yards shall not be considered as an outdoor living area, except in the case of interior townhouse units where said unit is less than 20 feet in width, in which case the minimum width of the outdoor living area shall be the width of the lot.

\*\*\*May be calculated as average lot size per unit per structure.

(f) *Schedule of allowances.* The minimum areas per unit in subsection (e) of this section may be adjusted according to the following, except allowance shall not be made for two-family or three-family dwellings:

- (1) For each parking stall in or under the residence, or otherwise completely underground, subtract 400 square feet from the total minimum lot area.
- (2) For each unit with a balcony or patio greater than 40 square feet, subtract 100 square feet from the outdoor living area.

(g) *Setbacks, yards, and heights.*

- (1) Minimum setbacks from property line:

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear (in feet)</i>
Two-family dwelling structure	20	10	20	20
Three-family dwelling structure	20	10	20	20
Four-family dwelling structure	20	15	20	20
Townhouse cluster structure	20	15	20	20
Schools, civic, cultural and religious institutions (including their accessory use structures)	50	50	50	50
Structures accessory to two-family dwelling structures	20	5	20	5
Structures for all other principal or conditional uses	20	10	20	20

- (2) For apartment buildings, parking of motor vehicles shall not be allowed within the required front or corner side setbacks.
- (3) Maximum building height: 30 feet.

(h) *Multifamily accessory buildings.*

- (1) Accessory buildings shall observe the same setback requirements established for the multiple-residence building except that accessory buildings located within the rear yard of the multiple-residence buildings may be located to within five feet of the rear or interior side

property line. The city council may require common walls for accessory buildings on the same lot where common walls will eliminate unsightly and hazardous areas. Accessory buildings on the same lot shall otherwise be separated by a distance of not less than ten feet.

- (2) Exteriors of accessory buildings shall have an exterior finish compatible to the main structure. Compatibility shall be determined by the city based on type and use of building materials.

(i) *Distance between buildings.* When two or more principal buildings are located on one lot, the minimum separation between any two adjacent principal buildings shall be a distance not less than an amount equal to the height of the taller of the two buildings or 20 feet, whichever is greater when developed as a planned area development. For major and minor site plans, building separation shall be the sum of two interior side yard setbacks.

(j) *Additional building and performance standards.* Development of any parcel of land within this district shall be subject to all applicable requirements of article V of this chapter.

(k) *Relationship to overlay zones.* Any property located in the R-2 zone as well as the F-1, F-2, or AR overlay zones must comply with the regulations of the overlay zones.

(Code 2007, § 17.28.050)

#### **Sec. 125-185. Multifamily residential zone (R-3).**

(a) *Purpose.* The purpose of the R-3 multifamily residential zone is to provide for high density housing in multiple-family structures and directly related complementary uses. The R-3 zone is designed to allow highly economical use of land while creating an attractive, functional and safe residential environment.

(b) *Principally permitted uses.* See section 125-155(b).

(c) *Conditionally permitted uses.* See section 125-155(b).

(d) *Permitted accessory uses.* See section 125-155(b).

(e) *Lot area and lot dimensions.* In determining minimum lot area and minimum lot dimensions, the following table should be used:

<i>Use</i>	<i>Minimum Area per Unit</i>	<i>Minimum Lot Dimensions* (in feet)</i>	<i>Outdoor Living Area** (in feet)</i>
Three-family or four-family structure	See R-2 requirements	See R-2 requirements	See R-2 requirements
Multifamily structure	2,000 sq. ft./unit	Width: 90; Depth: 90	300 sq. ft./ unit
Townhouse cluster	2,000 sq.*** ft./unit	Width: 90; Depth: 90	400 sq. ft./ unit

<i>Use</i>	<i>Minimum Area per Unit</i>	<i>Minimum Lot Dimensions*</i> (in feet)	<i>Outdoor Living Area**</i> (in feet)
Other permitted uses	Minimum area and lot dimensions to be determined by building area, parking requirements and required setbacks.	Minimum area and lot dimensions to be determined by building area, parking requirements and required setbacks.	Minimum area and lot dimensions to be determined by building area, parking requirements and required setbacks.

\*These dimensions apply to the initial lot size per structure. Initial lots may be divided to accommodate individual ownership of the structures' dwelling units.

\*\*Outdoor living area in the minimum amount specified above must be provided on any lot occupied by the multiple-residence or townhouse building. This space must be easily accessible for daily recreational use by the occupants of the building. Driveways, parking areas, ornamental landscaped areas (having a width of less than 20 feet), and required side or front yards shall not be considered as an outdoor living area, except in the case of interior townhouse units where said unit is less than 20 feet in width, in which case the minimum width of the outdoor living area shall be the width of the lot.

\*\*\*May be calculated as average lot size per unit per structure.

(f) *Schedule of allowances.* The minimum areas per unit in subsection (e) of this section may be adjusted in accordance with section 125-184(f).

(g) *Setbacks, yards, and heights.*

(1) Minimum setbacks from property line:

<i>Use</i>	<i>Front</i> (in feet)	<i>Interior Side</i> (in feet)	<i>Corner Side</i> (in feet)	<i>Rear</i> (in feet)
Two-family, three-family or four-family structure	See R-2 requirements			
Multifamily structure	20	20	20	20
Townhouse cluster	20	15	20	20
Schools, civic, cultural and religious institutions (including their accessory use structures)	50	50	50	50

<i>Use</i>	<i>Front (in feet)</i>	<i>Interior Side (in feet)</i>	<i>Corner Side (in feet)</i>	<i>Rear (in feet)</i>
Structures accessory to multifamily residences	20	5	20	5
Structures for all other principal or conditional uses	20	10	20	20

(2) For apartment buildings, parking of motor vehicles shall not be allowed within the required front or corner side setbacks.

(3) Maximum building height: 35 feet.

(h) *Accessory buildings.* See section 125-184(h).

(i) *Distance between buildings.* See section 125-184(i).

(j) *Additional building and performance standards.* Development of any parcel of land within this district shall be subject to all applicable requirements of article V of this chapter.

(k) *Relationship to overlay zones.* Any property located in the R-3 zone as well as the F-1, F-2, or AR overlay zones must comply with the regulations of the overlay zones.

(Code 2007, § 17.28.060)

#### **Sec. 125-186. Mixed use planned development district (MU-PD).**

(a) *Purpose.* Mixed use planned development districts are intended to provide areas in which a variety of housing types exist among neighborhood-serving commercial and institutional uses and employment opportunities. The mixed use overlay district encourages the development of compact, pedestrian-scaled, mixed use neighborhoods and commercial centers. The MU-PD is intended to help advance revitalization initiatives along commercial corridors and recognize the market demand for new residential and commercial development within compact, pedestrian-friendly districts. The MU-PD district is intended to work in conjunction with the development of functional and integrated pocket parks and plazas, open spaces, and the creation of public spaces within the districts. This district discourages development patterns that promote a strip center development pattern, promote idle land and overparking.

(b) *Densities.*

(1) The land use density ranges (DU/AC) set forth in the general plan shall determine the possible range of densities that may be allowed within the MU-PD zoning district. Depending on the location and particular uses within the MU-PD district, additional density restrictions or increases may also apply.

(2) The density allowed within an individual MU zoning district shall be determined at the rezoning stage of development.

(c) *Master site plan required.* A master site plan is required for all properties within a MU-PD.

- (d) *Principally permitted uses.* See section 125-155.
- (e) *Conditionally permitted uses.* See section 125-155.
- (f) *Permitted accessory uses.* See section 125-155.
- (g) *Lot area and lot dimensions.* Lot dimensions to be determined by building area, parking requirements and required setbacks.
- (h) *General regulations.* Development shall comply with the provisions in the Planning and Design Guidelines Manual with the following additions:
  - (1) *Land uses.* The district shall include a minimum of three principal uses such as residential, retail, offices, services, and civic uses. A mix of uses shall be included in each stage of phased developments so that no one type of use is exclusively developed at any time.
  - (2) *Minimum district size.* The site shall be appropriate for the type and intensity of the proposed development and shall provide an appropriate mix of needed services, jobs, development and/or amenities for the area in which the site is located. Minimum district size is ten gross acres except when being developed for small neighborhood mixed use centers or for infill projects.
  - (3) *Neighborhood mixed use center size and scale.* Neighborhood mixed use centers shall be low impact, limited use centers that serve as an amenity to residents of the immediate neighborhood and support a variety of uses. There shall generally be a limited range of convenience goods and services in keeping with the character and scale of the surrounding neighborhood. The location of a proposed neighborhood mixed use center should be designed to take advantage of daily activity patterns, such as at the corner of a residential collector street, at the entrance to a neighborhood, or in conjunction with a park, school, civic use, or public space.
  - (4) *Regional mixed use center size and scale.* Regional scaled mixed use centers shall provide large, intensive activity centers that combine the uses of commercial centers and employment centers and serve the city and region as a whole. Higher density residential dwellings are a critical component of a regional mixed use center in order to assure extended hours of activity within the district and provide support for a mix of uses. A regional mixed use center shall be located at the intersection of two major arterial roadways, along major arterial roads, along the city's planned transit lines, or in proximity to limited access freeways.
  - (5) *Building form and architecture.* Within the district there shall be no restriction on combining different categories of use within the same building other than those imposed by the building code.
  - (6) *Open space and common areas.* Common open space (whether dedicated to public use or owned and maintained in common by the owner) shall be reserved for the leisure and recreational use of all the project's occupants and readily accessible thereto. A minimum of 20 percent of the project area shall be open space.

- (7) *Circulation.* An emphasis on the accommodation of pedestrian access to a mixed use center creates the need for more stringent guidelines and standards to ensure facilities are in place to accommodate pedestrian traffic. The following requirements shall be required for all mixed use centers:
- a. Pedestrian refuge areas or medians shall be required on all roadways classified as a collector and above that are within the mixed use development.
  - b. Mixed use centers shall consider appropriate pedestrian entry points and connections to off-site destinations, sidewalks and walkways. At a minimum, the following issues shall be studied to provide for adequate pedestrian accommodations:
    1. Identification of primary pedestrian and bicycle access points;
    2. Connections to off-site bike and pedestrian facilities;
    3. Intersection treatment.
  - c. Transit connections or provisions for future transit connections.
- (8) *Landscaping, buffering and screening.*
- a. The following transition methods shall be employed in order to prevent excessive land consumption and interference with pedestrian and vehicle connections by requiring large transition buffers:
    1. Use similar building setbacks, as established by surrounding development;
    2. Use similar building placement and orientation, as prevalent in surrounding development;
    3. Use similar building height as exists for immediately adjacent development;
    4. Use similar building width, as prevalent in surrounding development;
    5. Use similar roof form and building materials, as found on immediately adjacent development;
    6. Mitigate the larger mass of commercial, civic, and industrial buildings with facade articulation;
    7. Use front-to-front nonresidential to residential building orientations, especially in locations that contain commercial uses that are pedestrian-intensive;
    8. Orient land uses with potentially adverse impacts, features, or uses away from neighboring uses;
    9. Use small green spaces, courts, squares, parks, plazas, and similar spaces as transition areas that can also function as community gathering places;
    10. Use existing natural features as transitions, including natural differences in topography.
  - b. When alternative buffers are not possible, given site conditions and constraints, or not desirable given prevailing development patterns in a specific area, the community

development director shall make a determination regarding relative intensity of adjacent land uses, taking into consideration, at a minimum, the relative size, design, operations, and traffic generation patterns of the adjacent land uses.

- (9) *Signage.* Signage within the MU zoning district shall be developed with a pedestrian orientation, including a scale and height that enhances and emphasizes the pedestrian elements and character.

(Code 2007, § 17.28.065)

**Sec. 125-187. Neighborhood commercial zone (C-1).**

(a) *Purpose.* The purpose of the C-1 neighborhood commercial zone is to provide for the establishment of local centers for convenient retail or service outlets that deal directly with the consumer for whom goods or services are intended. These centers are to provide services and goods primarily for the surrounding neighborhood and are not intended to draw customers from the entire community.

(b) *Principally permitted uses.* See section 125-155(c).

(c) *Conditionally permitted uses.* The following are conditionally permitted uses:

- (1) Convenience food stores with not more than four gas pumps.
  - a. Pump stands shall be set back not less than 25 feet from any street right-of-way, not less than 40 feet from any nonstreet property line and not less than 100 feet from any residential district boundary.
  - b. Interior curbs of not less than six inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street rights-of-way.
- (2) Schools.
- (3) Day care center.
  - a. A minimum of 75 square feet of outdoor play space per child shall be provided from which at least 50 square feet of fenced-in play space per child shall be provided. Fenced in outdoor play space shall not include driveways, parking areas or land unsuited, by virtue of other usage or natural features, for children's play space.
  - b. At least 250 square feet of lot area per child shall be provided.

(4) Video arcades.

(d) *Permitted accessory uses.* The following are permitted accessory uses:

- (1) Business signs, consistent with chapter 113;
- (2) Trash receptacles, consistent with section 125-253;
- (3) Accessory buildings as per section 125-246(e), (f) and (g) and as approved by the planning and zoning commission;
- (4) Temporary buildings incidental to construction work;

- (5) Temporary uses as related to seasonal or special events as further regulated under section 125-257.

(e) *Access.*

- (1) Access to commercial activities shall be allowed only from arterial streets or a street specifically designed for such development.
- (2) Access points shall be located at least 150 feet from any street intersection.
- (3) Access points on the same street shall be greater than 100 feet apart. Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
- (4) Commercial development which may not be able to meet the requirements of subsections (e)(2) and (3) of this section and are requesting deviations from said subsections shall submit to the city engineer an engineer's report certified by a professional engineer addressing the following site conditions both present and future:
  - a. Traffic volumes;
  - b. Turning movements;
  - c. Traffic controls;
  - d. Site design;
  - e. Site distances;
  - f. Location and alignment of other access points.

Based upon the above data, the city engineer shall determine whether a deviation from the required standards is justified and if so, what alternative requirements will be necessary.

(f) *Setbacks and height.*

- (1) The minimum building setback from any neighborhood commercial zone boundary or public street right-of-way shall be as set forth below:

<i>Setbacks</i>	<i>Feet</i>
<b>Building setbacks:</b>	
Front	35
Interior side and rear	15
Corner side	15
Residential zone boundary	45
<b>Parking lot:</b>	
Front	4
Interior side and rear	3
Corner side	4
Residential zone boundary	3

- (2) The maximum height of structures shall be 30 feet.

(g) *Lot width and lot area.*

- (1) The minimum lot width shall be 100 feet.
- (2) Minimum lot area shall be determined by building area, parking requirements and required setbacks.

(h) *Additional building and performance standards.* Development of any parcel of land within this district shall be subject to all applicable requirements of article V of this chapter.

(i) *Relationship to overlay zones.* Any property located in the C-1 zone as well as the F-1 or F-2 overlay zones must comply with the regulations of the overlay zones.

(Code 2007, § 17.28.070)

**Sec. 125-188. Community commercial zone (C-2).**

(a) *Purpose.* The purpose of the C-2 community commercial zone is to provide for low intensity, retail or service outlets which deal directly with the consumer for whom the goods or services are intended, or which render a nonconsumer-oriented service which does not materially increase vehicular traffic or other pollution, and which does not decrease the suitability of the surrounding area for residential or general commercial purposes. Except as set forth in this subsection, the uses allowed in this district are intended to provide goods and services on a community market scale, located in areas that are served by arterial street facilities.

(b) *Principally permitted uses.* See section 125-155(c).

(c) *Conditionally permitted uses.* Conditionally permitted uses are as follows:

- (1) Automobile service stations.
  - a. Site improvements such as buildings or structures (permanent or temporary) shall be separated from any residential zone by at least 50 feet. Parking areas shall be separated from any residential zone by at least 15 feet.
  - b. The total site area shall not be less than 12,000 square feet.
  - c. Pump islands shall be set back not less than 25 feet from any street right-of-way line, not less than 40 feet from any nonstreet property line and not less than 75 feet from any residential zone boundary.
  - d. Hydraulic hoists, pits, and all lubrication, greasing, washing, repair and diagnostic equipment shall be used and enclosed within a building.
  - e. Interior curbs of not less than six inches in height shall be constructed to separate driving surfaces from sidewalks, landscaped areas and street rights-of-way.
- (2) Automobile washing establishments.
  - a. Automobile washing establishments shall be subject to the same limitations and conditions as are specified heretofore in subsections (c)(1)a, b, c and e of this section.

- b. Sufficient off-street area to provide space for not less than ten automobiles waiting to be washed or three waiting spaces per washing stall, whichever is greater, shall be provided. A space 20 feet by nine feet shall be deemed adequate for each such required space.
  - c. All washwater disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the city engineer, and shall conform with all city ordinances regarding sewage and health and shall be designed so as not to detrimentally affect the city sewer system.
- (3) Convenience food restaurants. Convenience food restaurants shall be subject to the same limitations and conditions as are specified heretofore in subsections (c)(1)a and e of this section for automobile service stations.
- (4) Day care centers.
  - a. A minimum of 75 square feet of outdoor play space per child shall be provided from which at least 50 square feet of fenced in play space per child shall be provided. Fenced-in, outdoor, play space shall not include driveways, parking areas or land unsuited by virtue of other usage or natural features for children's play space.
  - b. At least 250 square feet of lot area per child shall be provided.
- (5) Recreational vehicle, mobile home and manufactured home parks and overnight campgrounds. No person shall place or occupy any mobile home anywhere in the city except in a mobile home and manufactured home park that has been established pursuant to this section. No person shall place or occupy any manufactured home anywhere in the city except in a mobile home and manufactured home park that has been established pursuant to this section or in a manufactured home subdivision that has been established pursuant to section 125-254. Additionally, no person shall occupy any recreational vehicle anywhere in the city except in a recreational vehicle, mobile home and manufactured home park or overnight campground that has been established pursuant to this section.
  - a. Minimum size of park shall be ten net acres.
  - b. The minimum space for a mobile home or manufactured home shall be 4,000 square feet; for a travel trailer, park model and motor home 2,000 square feet.
  - c. Travel trailer, park models and motor homes in mobile/manufactured home parks shall constitute no more than 15 percent of the total spaces. These spaces must be delineated on the approved development plan for each mobile/manufactured home park. These spaces should be located together and not spread throughout the park. These spaces shall not be continuously occupied for more than six months.
  - d. No more than one mobile home, manufactured home, travel trailer, park model or motor home shall be placed on each space.
  - e. The minimum building setback, including accessory buildings, from any lot line or street right-of-way shall be as set forth below:

<i>Setbacks</i>	<i>Feet</i>
Front	10
Interior side	5
Corner side	10
Rear	10

- f. Off-street parking for at least two automobiles shall be provided in each space or on each lot or on a separate designated parking area within a park.
  - g. Interior private streets shall not be less than 32 feet in width, and shall be paved with a dust-free surface. Individual recreational vehicle parking pads shall be plainly marked and paved with a dust-free surface.
  - h. Screening shall be provided around the exterior of the park by a minimum six-foot masonry wall.
  - i. All mobile/manufactured homes shall be skirted in a uniform manner.
  - j. No mobile/manufactured home or recreational vehicle space shall be located within 15 feet of any street. Such area shall be maintained as a landscape buffer area that can be used for recreation or as part of a retention area.
  - k. A common area of 500 square feet for each rental space shall be provided and approved for recreation, laundry, and service purposes.
  - l. No space within a recreational vehicle, mobile home and manufactured home park and overnight campground shall be used as a storage area; however, motor homes or travel trailers which are set up for occupancy, but which are vacant, are allowed.
  - m. Mobile/manufactured home and recreational vehicle parks may include accessory storage buildings, office buildings, recreational facilities, laundry facilities, storage areas, and other common facilities use provided for park residents.
  - n. Approval of all mobile/manufactured home and recreational vehicle parks shall be subject to the provisions in article V of this chapter and any amendments thereto.
  - o. Approved trash disposal and toilet facilities shall be provided for use of overnight campers.
  - p. Campground plans, certified approved by the county department of health services, shall be submitted.
- (6) Laboratories or facilities for monitoring or analyzing substances or materials; provided that no materials or substances shall be permitted in such zone if they constitute an increased risk of fire, disease or damage to the public health of persons in the vicinity thereof; and further provided that any such facilities shall be so constructed, or screened, as to ensure that the visual impact of such use is in keeping with the principally permitted uses of this zone.
- (7) Temporary facilities for the sale of automobiles, recreational vehicles, boats, or mobile or manufactured homes; provided that there shall be no on-site facilities for major servicing or repair. Minor, incidental services and repairs shall be conducted on-site entirely within an

enclosed building. For purposes of this section, the term "temporary" means a period of one year. The applicant may apply in writing for, and the community development director may authorize a one-time renewal of up to one year.

(8) Permanent facilities for sale of automobiles and motorcycles.

- a. The primary business of an automobile or motorcycle sales establishment must be the retail sale of new and or used late model automobiles or motorcycles, still under factory warranty and not older than four years from the original in-service date and with no more than 50,000 miles.
- b. There shall be no outside display or storage.
- c. There shall be on-site servicing and repair of vehicles in the form of a minor automobile service center, provided that:
  1. All services and repairs shall be conducted entirely within an enclosed building.
  2. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental to retail sales or the business operation of a minor automobile service center, and where all such completed products are sold at retail on the premises.

(9) Automobile rental/leasing.

- a. The primary business of an automobile rental/leasing facility must be the rental and leasing of automobiles.
- b. No rental or leasing of other vehicles such as trucks, trailers or RVs shall be allowed.
- c. No outside storage of any type shall be permitted, except for passenger vehicle storage.
- d. On-site service and repairs of automobiles is prohibited, except for vacuuming, window cleaning and checking fluids.
- e. The area used for parking and/or vehicle storage shall be properly screened with a wall, fence, hedge, plantings or combination thereof.
- f. The area used for parking and/or storage shall be paved.
- g. Site improvements such as buildings or structures (temporary or permanent) shall be separated and screened from all residential zones by a minimum of 50 feet.

(10) Automobile service center, minor; provided that:

- a. All services and repairs shall be conducted entirely within an enclosed building except sales of gasoline.
- b. Outdoor storage is prohibited.
- c. Outdoor displays are prohibited.
- d. All buildings and/or structures (temporary or permanent) shall be screened from any residential zone.
- e. Any area used for parking shall be paved.

- f. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental to retail sales or the business operation of a minor automobile service center, and where all such completed products are sold at retail on the premises.
- (11) Outdoor recreational facility; provided that the entire facility not exceed three acres in size.
- (12) Retail plant nursery; provided that all incidental equipment and supplies including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height and no goods, materials or objects are stacked higher than the fence or wall so erected.
- (13) Shelter care facility.
- (14) Animal hospital or clinic with associated kennel.
- (15) Tire sales, repair and mounting (without outside storage).
- (16) Hardware stores, retail stores and retail membership stores with home garden center or outside display of merchandise.
  - a. Outdoor sales of nursery stock, lawn furniture and home garden supplies, when developed in integral relation to the complex and screened from view from any street, may be permitted. Such use shall not be greater than 30 percent of the principally permitted use. A side and rear yard setback of not less than 25 feet each shall be maintained when the conditional use abuts any residential zone.
  - b. A side and rear yard setback not less than 25 feet from any adjoining residential use shall be maintained.
- (17) Warehouse, residential storage (miniwarehouse).
  - a. Minimum site size shall be one acre.
  - b. Architectural standards are as follows:
    - 1. All buildings that are visible from a public street shall exhibit architectural enhancements, including variation of rooflines, uses of multiple material types, and color variations compatible with surrounding uses.
    - 2. Architectural plans, including material and color samples, shall be submitted for review at the time of application.
  - c. On-site circulation, drives and parking standards are as follows:
    - 1. Each miniwarehouse site shall provide a minimum of two exits, one of which may be for emergency vehicle only.
    - 2. All one-way driveways shall provide for one ten-foot parking lane and one 15-foot travel lane. Traffic direction and parking shall be designated by signing and painting.
    - 3. All two-lane driveways shall provide for one ten-foot parking lane and two 12-foot travel lanes.

4. The parking lanes may be eliminated when the driveway does not serve storage cubicles.
  5. At least one parking space for each ten storage cubicles equally distributed throughout the storage area shall be provided.
  6. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.
- d. Fencing and screening standards are as follows:
1. A minimum of six-foot high masonry wall with architectural enhancements shall be provided around the perimeter of the property. When adjacent to an arterial street, the wall will be designed with insets or offsets to eliminate long, unbroken walls.
  2. All outdoor storage shall be limited to recreational vehicles, shall be limited to a maximum ten percent of the net site area, and shall be screened from view from surrounding properties.
- e. Building setback standards are as follows:
1. A setback adjacent to any arterial or collector street shall be a minimum of 25 feet.
  2. Side and rear setbacks shall be a minimum of 25 feet when adjacent to any residential zoning district. The planning and zoning commission may approve a zero-foot setback if the perimeter buildings are intended to serve as the perimeter wall. Such approval must include the written support of a minimum of 51 percent of property owners within 75 feet of the subject property boundaries.
  3. Side and rear setbacks shall be a minimum of 15 feet when adjacent to any zoning district other than a residential zoning district. The planning and zoning commission may approve a zero-foot setback if the perimeter buildings are intended to serve as the perimeter wall.
- f. Building height standards are as follows: Building height adjacent to a residential zoning district shall be a maximum one-story or 14 feet in height from finished grade. Building height may be increased to a maximum two-stories or 24 feet in height from finished grade; provided that a setback of one foot for each foot in height in addition to the required setback is provided. Building height adjacent to other than a residential zoning district shall be a maximum two stories or 24 feet in height from finished grade.
- g. Landscape standards are as follows:
1. A minimum of 15 percent of the net land area shall be landscaped. The required landscape areas shall be provided along all street frontages between the street or sidewalk, and within areas of the site visible from public view, including areas adjacent to all perimeter walls.
  2. Perimeter landscape areas shall be landscaped with shade trees and five shrubs located 20 feet on-center or in equivalent groupings. A minimum of 50 percent of the trees shall be 24-inch-box size or greater.

3. Adjacent to RV storage areas a minimum of 75 percent of the trees shall be 24-inch-box size or greater.
4. All landscape areas shall be irrigated with an appropriate automatic underground watering system and shall be continuously maintained.
5. All other provisions of section 125-244 shall apply.
- h. All other provisions of article V of this chapter shall apply.
- i. A residence and office for the use of an on-site manager may be permitted. All applicable codes for residential occupancy shall pertain to this use.
- j. No auctions, commercial sales/rentals, garage sales, or other activities not consistent with the approved storage use shall be conducted on the premises.

(18) Taverns, bars or lounges.

- a. The primary public entrance to such an establishment shall be a minimum of 300 feet from the closest residential lot line. The distance between a residential lot line and the primary public entrance shall not be measured by a straight line, but by the most direct route a pedestrian would walk between the public entrance and the residential lot line. The 300-foot buffer does not apply to residential lots that are located upon the opposite side of an arterial street.
- b. Such establishment shall be located a minimum of 500 feet from any elementary or high school, church, or other tavern, bar or lounge establishment. The separation between a tavern, bar or lounge and a school or church shall be determined by measuring the distance between the closest point on the establishment and the closest point on the property line of the school or church. The separation between two tavern, bar or lounge uses shall be determined by measuring the distance between the two closest points on each establishment, not the distance between the property lines.
- c. Such establishment shall not exceed a total floor area of 6,000 square feet, unless it is a freestanding building.
- d. A minimum of 25 percent of the total gross revenue of a tavern, lounge or bar must be generated by the sale of food.

(19) Massage establishments.

- a. Such an establishment shall be located a minimum of 1,000 feet from any elementary or high school, church or other massage establishment. The separation between a massage establishment and a school or church shall be determined by measuring the distance between the closest point on the establishment and the closest point on the property line of the school or church. The separation between two massage establishments shall be determined by measuring the distance between the two closest points on each establishment, not the distance between the property lines.
- b. The primary public entrance to such an establishment shall be a minimum of 300 feet from the closest residential lot line. The distance between a residential lot line and the primary public entrance shall not be measured by a straight line, but by the most direct

route a pedestrian would walk between the public entrance and the residential lot line. The 300-foot buffer does not apply to residential lots that are located upon the opposite side of an arterial street.

c. The operator must be state-licensed.

(d) *Permitted accessory uses.* Permitted accessory uses are as follows:

- (1) Those accessory uses permitted under section 125-187(d).
- (2) Notwithstanding section 125-188(c) home garden centers; minor automotive centers; and tire sales, repair and mounting without outside storage, where the home garden center, minor automotive center or tire sales, repair and mounting without outside storage is accessory to any hardware store, retail membership store or retail store of at least 50,000 square feet in size.

(e) *Access.*

- (1) Access to commercial activities shall be allowed only on arterial streets or a street specifically designed for such development.
- (2) Access points shall be located at least 150 feet from any street intersection.
- (3) Access points on the same street shall not be spaced closer than 100 feet (as measured from centerlines). Commercial developments of a small scale shall be encouraged to develop common access drives and parking facilities.
- (4) Commercial developments which may not be able to meet the requirements of subsections (e)(2) and (3) of this section, and are requesting deviations from said subsections, shall submit to the city engineer an engineer's report certified by a professional engineer addressing the following site conditions, both present and future:
  - a. Traffic volumes;
  - b. Turning movements;
  - c. Traffic controls;
  - d. Site design;
  - e. Site distances;
  - f. Location and alignment of other access points.

Based upon the above data, the city engineer shall determine whether a deviation from the requirement standards is justified and, if so, what alternative requirements will be necessary.

(f) *Setbacks and height.*

- (1) The minimum building setback from any lot line or public street right-of-way shall be as set forth below:

<i>Setbacks</i>	<i>Feet</i>
<b>Building setbacks:</b>	
Front	35
Interior side and rear	15
Corner side	25
Residential zone boundary	45
<b>Parking lots:</b>	
Front	4
Interior side and rear	3
Corner side	4
Residential zone boundary	3

- (2) The maximum height for any building in this zone shall be 35 feet; provided, however, that a building may exceed 35 feet in height if the entire portion of the building which exceeds 35 feet is so constructed that it cannot be used or occupied by humans for any purpose, and if the community development director approves the extension above 35 feet prior to the commencement of construction.

(g) *Lot width and lot area.*

- (1) The minimum lot width shall be 100 feet, except that corner lots shall have a minimum width of 150 feet.
- (2) Minimum lot area shall be determined by building area, parking requirements and required setbacks.

(h) *Additional building and performance standards.* Development of any parcel of land within this district shall be subject to all applicable requirements of article V of this chapter.

(i) *Relationship to overlay zones.* Any property located in the C-2 zone as well as the F-1 or F-2 overlay zones must comply with the regulations of the overlay zones.

(Code 2007, § 17.28.080)

**Sec. 125-189. General commercial zone (C-3).**

(a) *Purpose.* The purpose of the C-3 general services zone is to provide for land intensive, retail or service operations. These services should be located in concentrated service areas with good accessibility to the public but should be carefully buffered from other uses and visibility from arterial streets.

(b) *Principally permitted uses.* See section 125-155(c).

(c) *Conditionally permitted uses.* Conditionally permitted uses are as follows:

- (1) Miniwarehouses/distribution centers.
- a. Minimum site size shall be one acre.
  - b. On-site circulation, drives and parking standards are as follows:
    1. Each miniwarehouse site shall provide a minimum of two exits.

2. All one-way driveways shall provide for one ten-foot parking lane and one 15-foot travel lane. Traffic direction and parking shall be designated by signing or painting.
  3. All two-lane driveways shall provide for one ten-foot parking lane and two 12-foot travel lanes.
  4. The parking lanes may be eliminated when the driveway does not serve storage cubicles.
  5. At least one parking space for each ten storage cubicles equally distributed throughout the storage area shall be provided.
  6. All driveways, parking, loading, and circulation areas shall be paved with concrete, asphalt or asphaltic concrete.
  - c. Fencing and screening standards are as follows:
    1. Fencing shall be required around the perimeter of the property and constructed of decorative concrete block or chainlink fence with slats, as approved by the planning and zoning commission.
    2. All outdoor storage shall be limited to recreational vehicles and shall be screened from view from surrounding properties.
  - d. Any side of a building providing doorways to storage areas shall be set back from the property line not less than 25 feet side and rear yard setbacks, otherwise may be zero provided the building is of the same material and structure as the fencing. If not of the same material, the rear yard setback shall be at least 15 feet.
  - e. Masonry trash enclosures shall be installed subject to the approval of the planning and zoning commission.
  - f. No auctions, commercial sales, garage sales or similar activities shall be conducted on the premises.
- (2) Recreational vehicle, mobile home and manufactured home parks and overnight campgrounds are subject to the provisions of section 125-188(c)(5).
- (3) Automobile service centers, major; provided that:
- a. All services and repairs shall be conducted entirely within an enclosed building except sales of gasoline.
  - b. Outdoor displays are prohibited.
  - c. Outdoor storage shall be screened from view.
  - d. Any area used for parking and/or storage shall be paved.
  - e. All buildings and/or structures (temporary or permanent) shall be screened from any residential zone.
  - f. There shall be no manufacturing, compounding, processing or treatment of products other than that which is clearly incidental to retail or the business, and where all such completed products are sold at retail on the premises.

- (4) Shelter care facilities.
- (5) Community correctional facilities.
- (6) Hardware and retail and retail membership stores with home garden center/outside display of merchandise.
  - a. Outdoor sales of nursery stock, lawn furniture and home garden supplies, when developed in integral relation to the complex and screened from view from any street, is permitted. Such use shall not be greater than 30 percent of the principally permitted use. A side and rear yard setback of not less than 25 feet each shall be maintained when the conditional use abuts any residential zone.
  - b. A side and rear yard setback not less than 25 feet from the adjoining residential use shall be maintained.
- (7) Kennels with limited outdoor use.
- (8) Taverns, bars or lounges.
  - a. The primary public entrance to such an establishment shall be a minimum of 300 feet from the closest single family or medium density residential lot line. The distance between a residential lot line and the primary public entrance shall not be measured by a straight line, but by the most direct route a pedestrian would walk between the public entrance and the residential lot line. The 300-foot buffer does not apply to residential lots that are located upon the opposite side of an arterial street.
  - b. Such establishment shall be located a minimum of 500 feet from any elementary or high school. The separation between a tavern, bar or lounge and a school shall be determined by measuring the distance between the closest point on the establishment and the closest point on the property line of the school.
- (9) Massage establishments.
  - a. Such an establishment shall be located a minimum of 1,000 feet from any elementary or high school, church or other massage establishment. The separation between a massage establishment and a school or church shall be determined by measuring the distance between the closest point on the establishment and the closest point on the property line of the school or church. The separation between two massage establishments shall be determined by measuring the distance between the two closest points on each establishment, not the distance between the property lines.
  - b. The primary public entrance to such an establishment shall be a minimum of 300 feet from the closest residential lot line. The distance between a residential lot line and the primary public entrance shall not be measured by a straight line, but by the most direct route a pedestrian would walk between the public entrance and the residential lot line. The 300-foot buffer does not apply to residential lots that are located upon the opposite side of an arterial street.
  - c. The operator must be state-licensed.

- (10) Towed vehicle impound storage yard.
- All outdoor stored vehicles shall be completely screened from public view with a decorative masonry wall.
  - The use shall not be located within 500 feet of a residential property line measured from property line to property line.

(11) Animal hospital or clinic with associated kennel.

(d) *Permitted accessory uses.* Those accessory uses permitted under section 125-187(d).

(e) *Access.*

- Access to general service activities shall be allowed only on arterial streets or a street specifically designed for such development.
- Access points shall be located at least 150 feet from any street intersection.
- Access points on the same street shall not be spaced closer than 100 feet (as measured from centerlines). General service developments of a small scale shall be encouraged to develop common access drives and parking facilities.
- General service developments which may not be able to meet the requirements of subsections (e)(2) and (3) of this section, and are requesting deviations from said subsections, shall submit to the city engineer an engineer's report certified by a professional engineer addressing the following site conditions, both present and future:
  - Traffic volumes;
  - Turning movements;
  - Traffic controls;
  - Site design;
  - Site distances;
  - Location and alignment of other access points.

Based upon the above data, the city engineer shall determine whether a deviation from the required standards is justified and, if so, what alternative requirements will be necessary.

(f) *Setbacks and height.*

- The minimum building setback from any lot line or public street right-of-way shall be as set forth below:

<i>Setbacks</i>	<i>Feet</i>
<b>Building setbacks:</b>	
Front	35
Interior side and rear	15
Corner side	25
Residential zone boundary	45
<b>Parking lots:</b>	

<i>Setbacks</i>	<i>Feet</i>
Front	4
Interior side and rear	3
Corner side	4
Residential zone boundary	3

- (2) The maximum height for any building in this zone shall be 35 feet; provided, however, that a building may exceed 35 feet in height if the entire portion of the building which exceeds 35 feet is so constructed that it cannot be used or occupied by humans for any purpose, and if the community development director approves the extension above 35 feet prior to the commencement of construction.

(g) *Lot width and lot area.*

- (1) The minimum lot width shall be 100 feet except that corner lots shall be 150 feet in width.
- (2) Minimum lot area shall be determined by building area, parking requirements and required setbacks.

(h) *Additional building and performance standards.* Development of any parcel of land within this district shall be subject to all applicable requirements of article V of this chapter.

(i) *Relationship to overlay zones.* Any property located in the C-3 zone as well as the F-1 or F-2 overlay zones must comply with the regulations of the overlay zones.

(Code 2007, § 17.28.090)

**Sec. 125-190. Business park zone (BP).**

(a) *Purpose.* The purpose of this business park zone is to accommodate administrative and research industries, offices, and limited manufacturing to provide opportunities for employment and protection to neighborhood residential areas. Regulations are designed to permit those industrial uses that can be operated in a relatively clean, quiet and safe manner compatible with adjoining industrial uses and without serious effect, danger or hazard to nearby nonindustrial uses.

(b) *Principally permitted uses.* See section 125-155(c).

(c) *Conditionally permitted uses.* Conditionally permitted uses are as follows:

- (1) Retail commercial operations directly related to the primary industrial use that exceed ten percent of the gross floor area.
- (2) A residence of a caretaker or operator employed on the premises; such residence may include the family of the caretaker.

(d) *Permitted accessory uses.* Permitted accessory uses are as follows:

- (1) Signs consistent with chapter 113;
- (2) Personnel service facilities providing services, education, recreation, entertainment, food and convenience goods primarily for those personnel employed in the principal use;
- (3) Trash enclosures consistent with section 125-253;

- (4) Temporary uses as related to seasonal or special events as further regulated under section 125-257.

(e) *Access.*

- (1) Access to business park development shall be allowed only on arterial streets or a street specifically designed for such development;
- (2) Access points on arterial streets shall, wherever possible, be located at least 150 feet from any street intersection;
- (3) Access points on arterial streets shall, wherever possible, not be spaced closer than 150 feet (as measured from centerlines). Business park developments of a small scale shall be encouraged to develop common access drives and parking facilities;
- (4) Business park developments which may not be able to meet the requirements of subsections (e)(2) and (3) of this section, and are requesting deviations from said subsections, shall submit to the city engineer an engineer's report certified by a professional engineer addressing the following site conditions, both present and future:
  - a. Traffic volumes;
  - b. Turning movements;
  - c. Traffic controls;
  - d. Site design;
  - e. Site distances;
  - f. Location and alignment of other access points.

Based upon the above data, the city engineer shall determine whether a deviation from the required standards is justified and, if so, what alternative requirements will be necessary.

(f) *Setbacks and height.*

- (1) The minimum building setback from any lot line or public right-of-way shall be as set forth below:

<i>Setbacks</i>	<i>Feet</i>
<b>Building setbacks:</b>	
Front	35
Interior side and rear	15
Corner side	30
Residential zone boundary	75
<b>Parking lots:</b>	
Front	10
Interior side and rear	3
Corner side	10
Residential zone boundary	10

- (2) The maximum height for any building in this zone shall be 35 feet; provided, however, that a building may exceed 35 feet in height if the community development director approves the extension above 35 feet prior to the commencement of construction.

(g) *Lot width and lot area.*

- (1) The minimum lot width shall be 100 feet.
- (2) Minimum lot area shall be determined by building, area, parking requirements and required setbacks.

(h) *Additional building and performance standards.*

- (1) Required yards fronting on a public street shall be entirely landscaped except for necessary driveways and walkways.
- (2) All loading and service bays shall not front on a public street.
- (3) Parking and maneuvering areas shall not be located in any required yard fronting on a public street.
- (4) Displays are prohibited in any required yards fronting on a public street.
- (5) Outdoor storage is prohibited in any required yards.
- (6) All buildings must be of reinforced concrete or masonry construction.

(i) *Relationship to overlay zones.* Any property located in the BP zone, as well as the F-1 and F-2 overlay zones, must comply with the regulations of the overlay zones.

(Code 2007, § 17.28.100)

**Sec. 125-191. Light industrial zone (I-1).**

(a) *Purpose.* The purpose of this I-1 zone is to provide for light industrial uses in locations which are suitable and appropriate taking into consideration the land use on adjacent or nearby properties, access to an arterial street or highway, rail service or other means of transportation, and the availability of public utilities. Principal uses permitted in this zone include warehousing, wholesaling, assembling, manufacturing, compounding, processing, packaging or treatment of materials which do not cause or produce objectionable effects that would impose hazard to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes, or other conditions that would adversely affect the public health, safety and general welfare.

(b) *Principally permitted uses.* See section 125-155(c).

(c) *Conditionally permitted uses.* Conditionally permitted uses are as follows:

- (1) Animal hospitals, clinics and kennels with limited outdoor use.
- (2) Ball bearing manufacturing.
- (3) Boxes or cabinets, manufacturing.
- (4) Coffee roasting.
- (5) Feed (grains) manufacturing and processing.

- (6) Flour and grain mills, storage and elevators.
- (7) Fuel distributing stations, gasoline (bulk plants), subject to fire department approval.
- (8) Ice manufacturing and storage.
- (9) Paint and varnish manufacturing.
- (10) Septic tank, cesspool servicing or cleaning equipment yards.
- (11) Stadiums.
- (12) A residence of a caretaker employed by the business operating on the same site.
- (13) Wood products, manufacturing, bulk.
- (14) Meat packing and smoking; slaughtering prohibited except for rabbits and poultry.
- (15) Petroleum products, packaging and storage, including butane distributors, subject to fire department approval.
- (16) Truck terminals, including service and storage.
- (17) Retail commercial operations directly related to the primary industrial use; may exceed ten percent of the gross floor area of the primary industrial use in the I-1 zone.
- (18) Kennels with limited outdoor use.
- (19) Towed vehicle impound storage yards.
  - a. All outdoor stored vehicles shall be completely screened from public view with a decorative masonry wall.
  - b. The use shall not be located within 500 feet of a residential property line measured from property line to property line.
- (d) *Permitted accessory uses.* Permitted accessory uses are as follows:
  - (1) Signs consistent with chapter 113;
  - (2) Personnel service facilities providing services, education, recreation, entertainment, food and convenience goods primarily for those personnel employed in the principal use;
  - (3) Trash enclosures consistent with section 125-253;
  - (4) Temporary uses as related to seasonal or special events as further regulated under section 125-257.
- (e) *Access.*
  - (1) Access to light industrial development shall be allowed only on arterial streets or a street specifically designed for such development;
  - (2) Access points on arterial streets shall, wherever possible, be located at least 150 feet from any street intersection;

- (3) Access points on arterial streets shall, wherever possible, not be spaced closer than 150 feet (as measured from centerlines). Light industrial developments of a small scale shall be encouraged to develop common access drives and parking facilities;
- (4) Light industrial developments which may not be able to meet the requirements of subsections (e)(2) and (3) of this section, and are requesting deviations from said subsections, shall submit to the city engineer an engineer's report certified by a professional engineer addressing the following site conditions, both present and future:
  - a. Traffic volumes;
  - b. Turning movements;
  - c. Traffic controls;
  - d. Site design;
  - e. Site distances;
  - f. Location and alignment of other access points.

Based upon the above data, the city engineer shall determine whether a deviation from the required standards is justified and, if so, what alternative requirements will be necessary.

(f) *Setbacks and height.*

- (1) The minimum building setback from any lot line or public right-of-way shall be as set forth below:

<i>Setbacks</i>	<i>Feet</i>
<b>Building setbacks:</b>	
Front	35
Interior side and rear	15
Corner side	30
Residential zone boundary	75
<b>Parking lots:</b>	
Front	10
Interior side and rear	3
Corner side	10
Residential zone boundary	10

- (2) The maximum height for any building in this zone shall be 35 feet; provided, however, that a building may exceed 35 feet in height if the community development director approves the extension above 35 feet prior to the commencement of construction.

(g) *Lot width and lot area.*

- (1) The minimum lot width shall be 100 feet.
- (2) Minimum lot area shall be determined by building, area, parking requirements and required setbacks.

(h) *Additional building and performance standards.*

- (1) Required yards fronting on a public street shall be entirely landscaped except for necessary driveways and walkways.
- (2) All loading and service bays shall not front on a public street.
- (3) Parking and maneuvering areas shall not be located in any required yard fronting on a public street.
- (4) Displays are prohibited in any required yards fronting on a public street.
- (5) Outdoor storage is prohibited in any required yards.
- (6) All buildings must be of reinforced concrete or masonry construction.

(i) *Relationship to overlay zones.* Any property located in the I-1 zone as well as the F-1 or F-2 overlay zones must comply with the regulations of the overlay zones.

(Code 2007, § 17.28.110)

**Sec. 125-192. Heavy industrial zone (I-2).**

(a) *Purpose.* The purpose of this I-2 zone is to provide for heavy industrial uses in locations which are suitable and appropriate, taking into consideration land uses on adjacent or nearby properties, access to an arterial street or highway, rail service or other means of transportation, and the availability of public utilities.

(b) *Principally permitted uses.* See section 125-155(c).

(c) *Conditionally permitted uses.* Conditionally permitted uses are as follows:

- (1) Automobile parts, supplies, salvage or wrecking;
- (2) House movers, equipment, storage or wrecking yards;
- (3) Junkyards;
- (4) Retail commercial operations directly related to the primary industrial use that exceeds 20 percent of the gross floor area;
- (5) A residence for a caretaker or operator employed on the premises;
- (6) Truck terminals, including service and storage;
- (7) Any use similar to, and not more detrimental than the uses permitted in this subsection (c) as determined by the community development director.

(d) *Permitted accessory uses.* Permitted accessory uses are as follows:

- (1) Signs consistent with chapter 113;
- (2) Personnel service facilities providing services, education, recreation, entertainment, food and convenience goods primarily for those personnel employed in the principal use;
- (3) Trash enclosures consistent with section 125-253;

- (4) Temporary uses as related to seasonal or special events as further regulated under section 125-257.

(e) *Access.*

- (1) Access to business park development shall be allowed only on arterial streets or a street specifically designed for such development;
- (2) Access points on arterial streets shall, wherever possible, be located at least 150 feet from any street intersection;
- (3) Access points on arterial streets shall, wherever possible, not be spaced closer than 150 feet (as measured from centerlines). Heavy industrial developments of a small scale shall be encouraged to develop common access drives and parking facilities;
- (4) Heavy industrial developments which may not be able to meet the requirements of subsections (e)(2) and (3) of this section, and are requesting deviations from said subsections, shall submit to the city engineer an engineer's report certified by a professional engineer addressing the following site conditions, both present and future:
  - a. Traffic volumes;
  - b. Turning movements;
  - c. Traffic controls;
  - d. Site design;
  - e. Site distances;
  - f. Location and alignment of other access points.

Based upon the above data, the city engineer shall determine whether a deviation from the required standards is justified and, if so, what alternative requirements will be necessary.

(f) *Setbacks and height.*

- (1) The minimum building setback from any lot line or public right-of-way shall be as set forth below:

<i>Setbacks</i>	<i>Feet</i>
<b>Building setbacks:</b>	
Front	35
Interior side and rear	15
Corner side	30
Residential zone boundary	75
<b>Parking lots:</b>	
Front	10
Interior side and rear	3
Corner side	10
Residential zone boundary	10

- (2) The maximum height for any building in this zone shall be 35 feet; provided, however, that a building may exceed 35 feet in height if the community development director approves the extension above 35 feet prior to the commencement of construction.

(g) *Lot width and lot area.*

- (1) The minimum lot width shall be 100 feet.
- (2) Minimum lot area shall be determined by building, area, parking requirements and required setbacks.

(h) *Additional building and performance standards.*

- (1) Required yards fronting on a public street shall be entirely landscaped except for necessary driveways and walkways.
- (2) All loading and service bays shall not front on a public street.
- (3) Parking and maneuvering areas shall not be located in any required yard fronting on a public street.
- (4) Displays are prohibited in any required yards fronting on a public street.
- (5) Outdoor storage is prohibited in any required yards.
- (6) All buildings must be of reinforced concrete or masonry construction.

(i) *Relationship to overlay zones.* Any property located in the BP zone as well as the F-1 or F-2 overlay zones must comply with the regulations of the overlay zones.  
(Code 2007, § 17.28.120)

**Sec. 125-193. Landfill and mineral extraction zone industrial zone (I-3).**

(a) *Purpose.* The purpose of this I-3 zone is to permit those activities related to mineral extraction or landfilling which, because of the nature of the operations, are suitable only in certain locations and which, because they may or may not be considered permanent uses, require, in some instances, land reclamation upon completion of the operation.

(b) *Principally permitted uses.* See section 125-155(c).

(c) *Conditionally permitted uses.* Conditionally permitted uses are as follows:

- (1) Asphalt mixing plant;
- (2) Cement mixing plant;
- (3) Landfill, sanitary, (including waste tire collection, composting and other uses approved by the state environmental agency);
- (4) Mining, mineral extraction;
- (5) Sand and gravel operation.

(d) *Permitted accessory uses.* Permitted accessory uses are as follows:

- (1) Personnel service facilities providing services, education, recreation, food and convenience goods primarily for those personnel employed in the principal use;
- (2) Security guard quarters;
- (3) Signs consistent with chapter 113, or as required by federal or state law, regulation or permit;
- (4) Trash enclosures consistent with section 125-257;
- (5) Scale houses and maintenance facilities for landfill-related trucks and equipment.

(e) *Setback and height.*

- (1) The minimum setback from any lot line or public street right-of-way shall be set forth below:

<i>Setbacks</i>	<i>Feet</i>
<b>Building setbacks:</b>	
Front	50
Interior side and rear	50
Corner side	50
Residential zone boundary	50
<b>Parking lots:</b>	
Front	4
Interior side and rear	4
Corner side	4
Residential zone boundary	4

Use setbacks. Any actual mixing, mining, extraction or filling activity shall not be permitted within 100 feet of the property line, or such lesser distance (but not less than 50 feet) as set forth in the conditional use permit.

- (2) The maximum height of any structure shall be 35 feet, except as determined by the community development director.
- (3) Landfills shall not exceed 80 feet in height at any point, measured from such point to the natural grade immediately below such point, except as determined by the community development director.

(f) *Lot width and lot area.*

- (1) The minimum lot width shall be determined by the use, buildings and access.
- (2) The minimum lot area shall be 40 acres.

(g) *Reclamation plan.*

- (1) *Information included in plan.* Except as provided in subsection (h) of this section, and because of the often temporary nature of the uses permitted in the I-3 zone, a land

reclamation plan, approved by the planning and zoning commission, shall show the condition of the property after the principal use is terminated and shall include the following:

- a. A final grading plan with contours at one-foot intervals;
  - b. A final grading plan showing drainage flow and any retention or detention basins created, with drainage and collection quantities;
  - c. A final landscaping plan showing the method and materials for revegetating the property to a level compatible with surrounding uses and equivalent to or better than the original condition of the property prior to commencing the principal use;
  - d. A cost estimate for the labor and materials necessary to complete the reclamation plan.
- (2) *Reclamation plan completion guarantee.* Prior to approval of any use permitted in the I-3 zone, the city council shall accept a bond or other financial guarantee acceptable to the city to assure completion of the planning and zoning commission approved reclamation plan within six months of the termination of the principal use.
- (3) *Time consideration for reclamation plan.* Although operational time limits will not necessarily be placed on any use in the I-3 zone, a completion date will be attached to the approved reclamation plans. Extensions for the completion date may be granted by the planning and zoning commission upon proof that the principal use has continued to be operationally active. The time limit on the bond or financial guarantee will coincide with the approved completion date of the reclamation plan.
- (h) *Alternative to reclamation plan.* The provisions of subsection (g) of this section relating to reclamation plans shall not be applicable to a sanitary landfill that is subject to a closure plan approved by the state department of environmental quality or similar state or federal agency.
- (i) *Rules for sanitary landfills.* The following shall apply to all sanitary landfills:
- (1) Liquid wastes not generated by a landfill shall not be disposed of, stored or treated in open evaporation or closed containers at the landfill, except as authorized by 40 CFR 285.28. Materials passing the paint filter liquid test (EPA Method 9095) are not considered liquid waste and may be disposed of at a landfill.
  - (2) Regulated hazardous waste prohibited under federal or state (either state or county, but not city) law from being disposed of in municipal solid waste landfills shall not be accepted for disposal at a landfill.
  - (3) Composting activities at a landfill shall not include the use of septic waste.
- (j) *Additional building and performance standards.*
- (1) Development of any parcel of land within this zone shall be subject to all applicable requirements of article V of this chapter, except as set forth in the conditional use permit.
  - (2) Additionally, appropriate warning signs shall be installed upon the property indicating potential hazards and the type of hazards.

(k) *Other requirements and regulations.*

- (1) Any property located in the I-3 zone as well as the F-1 or F-2 overlay zones must comply with the regulations of the overlay zones.
- (2) A conditional use permit approval may include provisions that modify the screening, landscaping, parking or other requirements of this chapter as necessary to meet the specific site conditions.

(Code 2007, § 17.28.130)

**Sec. 125-194. Planned area development zone (PAD).**

(a) *Purpose.*

- (1) As an alternative to conventional zoning and development approaches and processes, the planned area development (PAD) procedures and regulations are set forth in order that the public health, safety and general welfare be furthered in an era of increasing urbanization; to encourage innovations in residential, commercial and industrial development so that greater opportunities for better housing, recreation, shopping and employment, conveniently located, may extend to all citizens and residents of the city; to reflect changes in the technology of land development; to encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property, and to provide a compatible and stable environment, in harmony with that of the surrounding area.
- (2) The PAD may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. The PAD shall consist of a harmonious selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such a manner as to constitute a safe, efficient and convenient urban area.

(b) *General requirements and standards.*

- (1) *Ownership.* The tract shall be a development of land under unified control at the time of application and planned and scheduled to be developed as a whole.
- (2) *Conformance with general plan.* The land uses and design of the proposed PAD shall be consistent with the city's general plan.
- (3) *PAD regulations.* The minimum total PAD shall be no less than 160 acres of contiguous parcels unless the applicant can show that the minimum PAD requirements should be waived because the waiver would be in the public interest and that one or both of the following conditions exist:
  - a. Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the residential districts would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

- b. The property is adjacent to or across the street from property that has been developed under the provisions of this section and will contribute to the amenities of the neighborhood.
- (4) *Uses in a PAD.* Any use may be allowed in a PAD; provided that it is consistent with the general plan.
- (5) *Residential density in PADs.*
  - a. Residential development in a PAD may provide for a variety of housing types allowed in any one of the basic residential zoning districts. In addition, the number of dwelling units allowed may be flexible relative to the number of dwelling units per acre that would otherwise be permitted by the zoning regulations applicable to the site. However, the total number of dwelling units and the resulting density allowed in a PAD shall be consistent with the land use plan of the city's general plan.
  - b. In determining the reasonableness of the densities in a PAD, the planning and zoning commission and city council shall consider increased efficiency in the provision of public facilities and services based, in part, upon:
    - 1. The location, amount and proposed use of common open space;
    - 2. The location, design and type of dwelling units;
    - 3. The physical characteristics of the site;
    - 4. Particular distinctiveness and excellence in siting, design and landscaping.
- (6) *Front, rear and side yard building setback regulations.*
  - a. Front and rear yard setbacks shall be established and described in the PAD document.
  - b. Unless a common wall or zero lot line is approved by the city council, there shall be a minimum separation between structures on adjoining residential lots of ten feet.
  - c. There shall be a side yard setback of not less than 20 feet from the curblin on any lot that adjoins a public or private street.
  - d. Commercial building setbacks shall be a minimum of 35 feet or such greater distance as may be equal to the maximum height of the building.
- (7) *More than one building per lot.* More than one building may be placed on one platted or recorded lot in any PAD. Areas for single-family detached dwellings or other housing types providing privately owned lots must comply with chapter 121 in all respects not specifically noted in this section as appropriate variances or waivers.
- (8) *One housing type inconsistent with intent.* A PAD that only involves one housing type such as all detached or all attached units shall be considered inconsistent with the stated purposes and objectives of this section and may be the sole basis for denial.
- (9) *Architectural style and appearance.* Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development will be primary considerations during PAD review by the planning and zoning commission and council.

(10) *Phasing of development.*

- a. Any PAD plan proposed to be constructed in phases shall include full details relating thereto, and the city council may approve or modify where necessary any such proposals.
- b. The phasing shall include the time for beginning and completion of each phase. Such timing may be modified by the community development director on the showing of good cause by the developer.
- c. The landowner or developer shall make such easements, covenants, and other arrangements and shall furnish such financial guarantees as may be determined by the community development director to be reasonably required to assure performance in accordance with the plan and to protect the public.

(11) *Streets, utilities, services and public facilities.* The uniqueness of each proposal for a PAD may allow specifications and standards for streets, utilities and services to be subject to minor modifications of the specifications and standards established in this chapter and other city ordinances governing their construction. The community development director may therefore waive or modify the specifications or standards where it is found that they are not required in the interests of the residents of the PAD or the city. The plans and profiles of all streets, utilities and services shall be reviewed, modified if necessary, and approved by the community development director and city engineer prior to the final approval of the PAD. All PADs shall be served by public or community water and sewer systems.

(12) *Open space provision.* At least 15 percent of the total PAD area shall be set aside for public and/or private open space and recreational use. Retention areas shall not count as part of the usable open space percentage unless the retention area has significant opportunities to develop recreational amenities and public art that can be a focal point for the neighborhood. The community development director shall determine what portion of the 15 percent shall be private and what shall be public.

(13) *Operating and maintenance requirements for common facilities.* In the event that certain land areas or structures are provided within the PAD for private recreational use or as service facilities, the owner of such land and buildings shall establish an arrangement to assure the city of a continued standard of maintenance. These common areas may be placed under the ownership of one of the following, depending which is more appropriate:

- a. Dedicated to public where a communitywide use would be anticipated;
- b. Landlord control;
- c. Landowners association; provided that all of the following conditions are met:
  1. The landowners association must be established prior to any sale.
  2. Membership must be mandatory for each owner and any successive buyer.
  3. The open space restrictions must be permanent or tied to a longterm agreement (e.g., 99 years).

4. The association must be responsible for liability insurance and the maintenance of recreational, service and other facilities as deemed necessary by the community development director.
  5. Landowners must pay their pro rata share of the cost and the assessment levied by the association can become a lien on the property in accordance with state statutes.
  6. The association must be required to adjust its assessment to meet changing needs.
  7. The association must be required to, at a minimum, adjust its assessment on an annual basis by a percentage not less than the previous year's increase in the consumer price index.
  8. The association may be required to post a bond to ensure sufficient confidence for operations and maintenance as deemed necessary by the community development director.
- (14) *Building height and setbacks.* Maximum building height: 35 feet; provided, however, that a building may exceed 35 feet in height if the community development director approves the extension above 35 feet prior to approval of site plans or preliminary plats. In general, a building's setback from property adjacent to the PAD site shall approximate its height.
- (15) *Landscaping.* Landscaping requirements shall comply with all applicable design guidelines adopted by the city.
- (16) *Utilities.* All utilities, including electricity and telephone, shall be installed underground.
- (17) *Compliance required.* Notwithstanding any other provision of this section, article IV, division 4 of this chapter shall apply to all property within the planned area development zone that has a land use designation of R1-5 or R1-8, and compliance with article IV, division 4 of this chapter is mandatory. In the event of a conflict between the provisions of this section and those of article IV, division 4 of this chapter, the provisions of article IV, division 4 of this chapter shall govern and control.
- (Code 2007, § 17.28.140)

**Sec. 125-195. Age-restricted overlay zone (AR).**

(a) *Purpose.* The age-restricted (AR) overlay zone is intended to allow for orderly and planned residential development which is specially designed for residency by persons of advanced age by enacting age-specific conditions, covenants, restrictions, or regulations on parcels in the city.

(b) *Principally permitted uses.* The principally permitted uses shall be the same as are allowed in the underlying zoning district which may be any of the residential zones or planned area development zone (PAD) as defined in this chapter as it exists or may be amended, but not with any other zoning district.

(c) *Conditionally permitted uses.* The conditionally permitted uses shall be the same as are allowed in the underlying zoning district which may be any of the residential zones or planned area development zone (PAD) as defined in this chapter as it exists or may be amended, but not with any other zoning district.

(d) *Permitted accessory uses.* The permitted accessory uses shall be the same as are allowed in the underlying zoning district which may be any of the residential zones or planned area development zone (PAD) as defined in this chapter as it exists or may be amended, but not with any other zoning district.

(e) *Size.* The age-restricted overlay zone shall only be established on parcels of 40 or more contiguous acres.

(f) *Application requirements.*

(1) Any person applying for an age-restricted overlay zone shall submit the following:

- a. A petition signed by 100 percent of the owners of property within the proposed district; or
- b. Clear and convincing documentation that all of the property within the proposed district has been developed, advertised and sold or rented under specific age restrictions.

(2) The city will not consider any application for an age-restricted overlay zone until all requirements of this subsection (f) have been met.

(g) *Application procedure.* Any person requesting an age-restricted overlay zone shall follow the procedure specified in section 125-30 as it exists or shall be amended.

(h) *Prohibited acts.* No person shall enact age-specific conditions, covenants, restrictions, or regulations on any parcel in any area of the city except where an age-restricted overlay zone is in effect.

(Code 2007, § 17.28.150)

#### **Sec. 125-196. Floodway overlay zone (F-1).**

(a) *Purpose.* The F-1 floodway zone is intended to allow unimpeded passage of water during a flood through those areas of the city identified as floodway by the Federal Insurance Administration of the National Flood Insurance Program of the U.S. Department of Housing and Urban Development and shown as such on the Federal Emergency Management Agency (FEMA) flood insurance rate map for the city. The purpose of these regulations is to promote the public health, safety and general welfare, and to minimize public and private losses because of flood conditions. Since the floodway is an extremely hazardous area because of the velocity of floodwater that carry debris and erosion potential, development is closely regulated.

(b) *Principally permitted uses.* Permitted uses are those principally permitted uses which are allowed in the underlying zoning district only if a technical evaluation demonstrates that encroachments, fill, new construction, substantial improvements or other development shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(c) *Conditionally permitted uses.* Those conditionally permitted uses which are allowed in the underlying zoning district only if a technical evaluation demonstrates that encroachments, fill, new construction, substantial improvements or other development shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(d) *Nonconforming uses.* Nonconforming uses in the floodway overlay zone shall not be expanded but may be modified, altered or repaired to incorporate floodproofing measures; provided that such measures do not raise the level of a 100-year flood.

(Code 2007, § 17.28.160)

**Sec. 125-197. Floodplain overlay zone (F-2).**

(a) *Purpose.* The F-2 floodplain overlay zone is intended to regulate the nature of permitted development in the 100-year floodplain as identified by the Federal Insurance Administration of the National Flood Insurance Program of the U.S. Department of Housing and Urban Development and shown as "A" zones on the city's flood insurance rate maps, so as to lessen property damage and hazards resulting from such events.

(b) *Principally permitted uses.* Those principally permitted uses of the underlying zoning district, which may be any of the residential, commercial or industrial zones defined in this chapter; provided, however, that such uses comply with the restrictions of subsections (e) and (f) of this section.

(c) *Conditionally permitted uses.* Those conditionally permitted uses of the underlying zoning district, which may be any of the residential, commercial or industrial zones defined in this chapter; provided, however, that such uses comply with the restrictions of subsections (e) and (f) of this section.

(d) *Permitted accessory uses.* Those permitted accessory uses of the underlying zoning district, which may be any of the residential, commercial or industrial zones defined in this chapter; provided, however, that such uses comply with the restrictions of subsections (e) and (f) of this section.

(e) *General standards for flood hazard reduction.* In all floodway and floodplain areas, the following standards are required:

(1) Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
  1. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations; mobile homes less than 50 feet long require only one additional tie per side;
  2. Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring only four additional ties per side;

3. All components of the anchoring system are capable of carrying a force of 4,800 pounds; and
  4. Any additions to the mobile home be similarly anchored.
- (2) Construction materials and methods.
- (3) Utilities.
- a. All new and replacement water supply systems shall be designed to minimize or eliminate filtration of floodwaters into the system.
  - b. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(f) *Specific standards for flood hazard reduction.* The following standards shall apply in all areas where base flood elevation data has been established by the Federal Insurance Administrator of the National Flood Insurance Program of the U.S. Department of Housing and Urban Development.

(1) *Residential construction.*

- a. New construction and substantial improvement of any residential structure shall have the lowest finished floor elevation, including basement, at least one foot above the base flood elevation.
- b. New construction and substantial improvement of any residential structure located in an AO zone as specified on the community's flood insurance rate map (FIRM) shall have the lowest floor, including basement, elevated above the crown of the nearest street or to the depth number specified in the community's FIRM.

(2) *Nonresidential construction.*

- a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
  1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  3. Be certified by a registered professional engineer or architect that the standards of this subsection (f)(2)a are satisfied. Such certifications shall be provided to the building safety department.
- b. New construction and substantial improvement of any nonresidential structure located in an AO zone as specified on the community's FIRM shall have the lowest flood,

including basement, elevated above the crown of the nearest street or to the depth number specified on the community's FIRM or together with attendant utility and sanitary facilities shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer that the standards of this subsection (f)(2)b are satisfied. Such certifications shall be provided to the building safety department.

(3) *Mobile homes.*

- a. Mobile homes shall be anchored in accordance with section 125-254.
- b. New mobile home parks and mobile home subdivisions; expansions to existing mobile home parks and mobile home subdivisions; existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement has commenced; and mobile homes not placed in a mobile home park or mobile home subdivision require that:
  1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above one foot above the base flood level;
  2. Adequate surface drainage and access for a hauler are provided; and
  3. In the instance of elevation on pilings, that lots are large enough to permit steps, and piling foundations are placed in stable soil no more than ten feet apart.
- c. No mobile home shall be placed in a floodway.

(Code 2007, § 17.28.170)

**Sec. 125-198. Original town site overlay district.**

To encourage redevelopment, the assemblage of smaller parcels in nonresidential areas, and the expansion of existing nonresidential buildings, the community development director may allow nonresidential projects to have modified performance criteria from underlying zoning codes.

(Code 2007, § 17.28.175)

**Sec. 125-199. Governmental use zone (GU).**

(a) *Purpose.* The purpose of this governmental use zone (GU) is to conditionally accommodate all governmental uses.

(b) *Principally permitted uses.* None.

(c) *Conditionally permitted uses.* All governmental uses.

(d) *Permitted accessory uses.* All uses which are ancillary to governmental uses.

(e) *Procedure for conditional use permits.* An applicant for a conditional use permit within a governmental use zone shall comply with section 125-34, except that any review and decision regarding an application for a conditional use permit as set out in section 125-34(c) shall be made by the city council.

(Code 2007, § 17.28.180)

**Secs. 125-200—125-221. Reserved.**

**DIVISION 4. DESIGN GUIDELINES**

**Sec. 125-222. Single-Family Residential Design Guidelines.**

(a) *Adopted; purpose.* The Single-Family Residential Design Guidelines are hereby adopted by the city, and are incorporated in this section by reference as though they had been fully and completely set forth in this section. The Single-Family Residential Design Guidelines are a flexible tool for implementing the general plan by enacting standards which:

- (1) Regulate population density, the size and use of lots, and building and land use intensity;
- (2) Improve housing quality and variety;
- (3) Provide for adequate housing sites which meet the needs of all segments of the community;
- (4) Provide for the use of land for housing, recreation, and open space and regulate the extent of such uses; and
- (5) Provide access to incidental solar energy.

(b) *Conflict.* In the event any provision of the Single-Family Residential Design Guidelines conflicts with a provision within this Code, the provision within the Single-Family Design Guidelines Manual shall govern and control.

(Code 2007, § 17.28.190)

**Sec. 125-223. Planning and Design Guidelines.**

(a) *Adopted; purpose.* The Planning and Design Guidelines Manual, as amended, is hereby adopted by the city, and is incorporated in this section by reference as though it had been fully and completely set forth in this section. The purpose of the Planning and Design Guidelines Manual is to foster development that will enhance the city's overall physical image, identify value and appearance, and achieve the integration of well-planned and designed projects into an overall development pattern that supports community goals for a more sustainable and livable community.

(b) *Conflict.* In the event any provision of the Planning and Design Guidelines Manual conflicts with a provision within this Code, the provision within the Planning and Design Guidelines Manual shall govern and control.

(Code 2007, § 17.28.200)

**Sec. 125-224. Single-Family Home Product Design Guidelines.**

(a) *Adopted; purpose.* The Single-Family Residential Home Product Design Guidelines, which were made a public record by Resolution No. 02-253, are hereby adopted by the city, and are incorporated in this section by reference as though they had been fully and completely set forth in this section. The purpose of the Single-Family Residential Home Product Design Guidelines is to establish development standards that encourage neighborhood interaction, promote greater architectural diversity and provide an increased level of aesthetic quality to our communities.

(b) *Conflict.* In the event any provision of the Single-Family Home Product Design Guidelines conflicts with a provision within this Code, the provision within the Single-Family Home Product Design Guidelines Manual shall govern and control.  
(Code 2007, § 17.28.210)

**Secs. 125-225—125-241. Reserved.****ARTICLE V. GENERAL BUILDING AND PERFORMANCE STANDARDS****Sec. 125-242. Purpose.**

The purpose of this article is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.  
(Code 2007, § 17.32.010)

**Sec. 125-243. Screening.**

All multifamily and mobile home developments' principal and accessory uses (except signs) which are situated on a parcel which abuts a single-family residential district and all business and industrial developments' principal and accessory uses (except signs) which are situated on a parcel which abuts a residential district shall be screened from such a district by an approved wall or fence not less than six feet in height above the level of the adjacent property at the district boundary. Walls or fences of lesser heights or planting screens may be permitted by the city if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will adequately promote the use and enjoyment of the properties within the adjacent residential district, or there is a finding that a screening of the type required by this chapter would interfere with the provision of adequate amounts of light and air to said properties. All required screening devices shall be designed so that they are architecturally harmonious with the principal structures on the site and they shall be properly maintained so as not to become unsightly, hazardous or less opaque than when originally constructed.  
(Code 2007, § 17.32.020)

**Sec. 125-244. Landscaping requirements.**

(a) *Purpose.* Landscaping requirements have been established to encourage quality development within the city; to provide a smooth transition between adjoining properties; to screen service yards, parking lots and other areas which tend to be unsightly; to facilitate the buffering of one land use from other land uses; to encourage harmonious relationships between buildings which are part of one development and buildings located on abutting properties; to provide open space and recreational areas to serve the needs of the residents of the city; to soften the effect of development; to improve erosion and stormwater runoff control; to reduce the particulate matter in the air; to encourage a sense of commitment to the city and its residents on the part of the developers; and to provide for the health, safety and general welfare of the residents of the city.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Landscaping* means and includes any or all of the following:

- (1) Lawn or grass areas;
- (2) Trees, shrubs, ground cover or other plantings;
- (3) Sprinkler or irrigation systems;
- (4) Decorative rock, natural or human-made;
- (5) Decorative lighting;
- (6) Benches, tables, fountains, planters or other similar outdoor furniture;
- (7) Decorative screen walls;
- (8) Detention and retention ponds;
- (9) Waterfalls and human-made streams; and
- (10) Berms or mounds.

(c) *Landscaping plan.* A landscaping plan shall be prepared, submitted and approved for all applicable development projects. A landscape plan application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the landscape plan application packet.

(d) *Minimum requirements.* Refer to the Planning and Design Guidelines for minimum requirements.

(e) *Installation prior to occupancy permit.* All landscaping materials and equipment as provided for on the approved final landscape plan for any residential, commercial, or industrial development, or in the case of phased development, for the particular phase, shall be installed prior to the issuance of any occupancy permit, unless a financial guarantee in the amount of 150 percent of the cost of the materials and labor is submitted to the city. Financial guarantees shall be of the types and forms

as provided in chapter 121, article V. In the event that a cash deposit is made for the purpose of a financial guarantee, no interest shall be paid by the city unless specific arrangements are made for such interest to be paid, prior to city acceptance of the deposit.

(Code 2007, § 17.32.030)

**Sec. 125-245. Dwelling unit restrictions.**

No cellar, garage, tent, basement with unfinished structure above, or accessory building or any mobile home or recreational vehicle outside of an approved mobile home or recreational vehicle shall at any time be used as a dwelling unit. The basement portion of a finished home may be used for normal living, eating and sleeping purposes; provided that it is properly damp-proofed and has suitable fire protection and exits.

(Code 2007, § 17.32.040)

**Sec. 125-246. Accessory buildings, uses and equipment.**

(a) An accessory building shall be considered an integral part of the principal building if it is connected to the principal building by a covered passageway.

(b) Accessory buildings and garages in residential districts shall not exceed the height of the principal structure and shall not be located within a utility easement.

(c) No accessory building or garage for single-family homes shall occupy more than 25 percent of a rear yard nor exceed 600 square feet of floor area, except that garages which exceed the aforesaid maximum may be allowed with a conditional use permit.

(d) No permit shall be issued for the construction of more than one accessory, detached, private garage structure for each dwelling.

(e) Within residential zoning districts no accessory building or use shall be constructed or developed on a lot prior to the time of building permit issuance for the principal building to which it is accessory.

(f) Accessory buildings in any business or industrial district may be located only to the rear of the principal building.

(g) No accessory building in any business or industrial district shall exceed the height of the principal building except by conditional use permit.

(Code 2007, § 17.32.050)

**Sec. 125-247. Fences.**

(a) *Permit required.* No person, except on a farm and related to farming, shall hereafter construct, or cause to be constructed or erected within the city any fence without first making an application for and securing a building permit.

(b) *Locations.* All fences shall be located entirely upon the private property of the person constructing, or causing the construction of, such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the restrictive properties.

(c) *Construction, maintenance and height measurement.*

(1) *Construction and maintenance requirements.*

- a. Every fence shall be constructed in a substantial, workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any such fence that is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect is a public nuisance, and the zoning administrator shall commence proper proceedings for the abatement thereof.
- b. Link, or wire fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top, except in industrial districts and shall be constructed of at least 11 gauge wire or its equivalent.
- c. Electrical or barbed wire fences shall be prohibited, except in industrial districts. Such fences shall only be allowed on lots in the industrial district that abut lots with similar industrial uses within the industrial district.

(2) *Measuring fence height.* The height of any fence shall be calculated to the uppermost points as follows:

- a. In required yards abutting a street, the height of the fence shall be the total effective height measured from the finished grade on the side nearest the street.
- b. In other required yards, the height of the fence shall be the total effective height above the finished grade measured on the side nearest the abutting property.
- c. On property lines, the height may be measured from the finished grade of either side when the abutting property owners are in joint agreement, with such agreement submitted in writing.

(d) *Residential fences.*

(1) In all parts of the city zoned residential, no fence or wall shall be erected or maintained more than six feet in height, unless approved by the community development director or his designee, and also:

- a. In R-2 and R-3 zones, no fence or wall shall be allowed in any required front yard.
- b. In R1-5, R1-8, R1-18 or R1-43 zones, no fence or wall shall be allowed in any required front yard which has any supporting member measuring 48 inches in height, or any horizontal member or series of vertical members spaced closer than four feet from one another over 42 inches in height, or less than 65 percent transparent, except walls or fences 24 inches or less in height with a transparency of less than 65 percent shall be permitted. (Note: Generally chainlink fences and two-rail fences are 70 to 90 percent transparent.)
- c. Any fence which exceeds 36 inches in height on a corner lot must maintain a minimum 20-foot corner setback, described as follows: Beginning at the intersection of the

projected curbing lines of two local intersecting streets, thence a minimum of 20 feet along one curblineline, thence diagonally to a point of a minimum 20 feet from the point of beginning on the other curblineline, then to the point of beginning, so as not to obstruct the line of site visibility. (Note: Local streets is as defined per Ordinance 86-07, section 11-1105C(2)(a).)

- (2) Fences, walls or hedges which are erected in any side yard and which run parallel or approximately parallel to the front line of a building or mobile home shall be set back from the front line of the building or mobile home a minimum of five feet.
- (3) On corner lots in all districts except as permitted herein, no fence or planting in excess of 30 inches above the street centerline grade shall be permitted within a triangular area defined as follows: Beginning at the intersection of the projected curbing lines of two intersecting streets, thence 40 feet along one curblineline, thence diagonally to a point 40 feet from the point of beginning on the other curblineline, then to the point of beginning.
- (4) In those instances where a fence is erected as an enclosure which restricts access from the front to the rear yard, a gate, identifiable collapsible section, or other such means or recognizable ingress shall be installed, shall remain unobstructed and shall be a minimum of three feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.
- (5) In corner side yards, fences up to six feet in height may be permitted; provided that no fence may be built in a corner side yard that is adjacent to a neighboring front yard.

(e) *Business and industrial district fences.* Fences in all commercial and industrial districts shall not exceed ten feet in height except that boundary line fences abutting residential districts shall not be greater than six feet in height.

(f) *Special purpose fences.* Fences for special purposes and fences differing in construction, height or length may be permitted in any district by issuance of conditional use permit approved by the planning and zoning commission. Findings shall be made that the fence is necessary to protect, buffer or improve the premises for which the fence is intended and will not detrimentally affect adjacent property.

(g) *Fences in all districts.* Any fence constructed so as to have only one elevation finished, which shall be defined as not having its supporting members significantly visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent property.

(Code 2007, § 17.32.060)

**Sec. 125-248. Setback and height encroachments, limitations and exceptions.**

The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided:

- (1) *In any yards.* Posts; off-street, open-parking spaces; sills; pilasters; lintels, cornices; eaves; gutters; awnings; open terraces; service station pump islands; open canopies; steps; flagpoles; ornamental features; open fire escapes; sidewalks; and fences, except as hereinafter amended. Also, terraces; steps; exposed ramps (wheelchair); uncovered porches;

stoops; or similar features; provided that they do not extend above the height of the ground floor level of the principal structure or to a distance of less than three feet from any lot line nor less than one foot from any existing or proposed access drive. Also, yard lights and nameplate signs in residential districts; trees and shrubs; plants; floodlights or other sources of light illumination, authorized lights or light standards for illuminating parking areas, loading areas or yards for safety and security reasons; provided that the direct source of light is not visible from the public right-of-way or adjacent, residential property.

- (2) *In side and rear yards.* Balconies eight feet above grade may extend into the yards to within five feet of a lot line; provided that said balconies do not extend over nonresidential driveways; recreational equipment, picnic tables and apparatus needed for the operation of active and passive solar energy systems.
  - (3) *In rear yards.* Laundry, drying equipment; covered but not enclosed porches, breezeways and detached outdoor living rooms may extend 20 feet into the rear yard but not closer than ten feet from the rear lot line; apparatus needed for the operation of active and passive solar energy systems.
  - (4) *Height.* Height limitations shall not apply to church spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flagpoles; public and private utility facilities; transmission towers or commercial and private radio broadcasting stations; television antennae; parapet walls extending no more than four feet above the limiting height of the building except as hereinafter provided; and solar-energy collectors and equipment used for the mounting or operation of such collectors.
  - (5) *Side and rear setbacks; zero lot line provision.* Subject to regulations contained in the International Building Code, as adopted and amended by the city, and other applicable regulations, buildings may be excluded from side and rear setback requirements; provided that party walls are used and if the adjacent buildings are constructed as an integral unit. This primarily pertains to townhomes and condominium structures.
  - (6) *Front setbacks averaging.* When more than 25 percent of the frontage on the side of a street between intersections is occupied by structures having setbacks from the street rights-of-way of greater or lesser amounts than hereinafter required, the average setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is an established average setback different from that required hereinafter and there are existing buildings on one side only, the front setback of said new building needs to be no greater than that of the next adjoining existing building. In a case where a building is to be built where there is such an established average setback and there are existing buildings on both sides of the said new building, the front setback shall not be required to be greater than that which would be established by connecting a straight line between the furthest extension of the first adjacent building on each side.
- (Code 2007, § 17.32.070)

**Sec. 125-249. Off-street parking requirements.**(a) *General provisions.*

- (1) *Floor area.* Floor area, for the purpose of calculating the number of off-street parking spaces required, shall be determined on the basis of the exterior area dimensions of the building, structure or use multiplied by the number of floors, minus ten percent, except as may hereinafter be provided or modified.
- (2) *Change of use or occupancy of buildings.* Any change of use or occupancy of any building, including additions thereto, requiring more parking shall not be permitted until such additional parking spaces as required by this article are furnished.
- (3) *Parking accessory to a residential use.* Off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one truck not to exceed gross capacity of 12,000 pounds; and recreational vehicles and equipment. Under no circumstances shall required parking facilities accessory to a residential structure be used for storage of commercial vehicles or equipment or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.
- (4) *Parking in residential setbacks.* No motor or recreational vehicle shall be parked in any front or corner side setback except on a paved, parking surface.

(b) *Stall, aisle and driveway design.*(1) *Stall dimensions.*

Angle	Width <sup>1</sup> (feet)				Length (feet)				Aisle Width <sup>2</sup>
	Ex- panded	Stan- dard	Handi- cap	Com- pact <sup>4</sup>	Ex- panded	Stan- dard	Handi- cap	Com- pact <sup>4</sup>	
90 de- grees	10	9	13	8	20	18	18	16	24
60 de- grees	10	9	13	8	20	18	18	16	20
45 de- grees	10	9	13	7	20	18	18	16	15 <sup>3</sup>

<sup>1</sup>As measured by a line perpendicular to the stall line at a point on the outside end of the stall, except when the stall is on the inside edge of a curve, in which case the point of measurement shall be on the inside end of the stall.

<sup>2</sup>For 90-degree parking, aisles are two-way; for 60-degree and 45-degree parking they are one-way only.

<sup>3</sup>Except where needed as a fire lane in which case a 20-foot minimum is required.

<sup>4</sup>Unless otherwise approved all parking spaces shall be of standard width, but in no case shall compact spaces exceed 30 percent of the total required spaces.

- (2) *Within structures.* The off-street parking requirements may be furnished by providing spaces so designed within the principal building or structure attached thereto; however, unless provisions are made, no building permit shall be used to convert said parking structures into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this chapter.
- (3) *Circulation between bays.* Except in the case of single-family, two-family, townhouse, three-family and four-family dwellings, parking areas shall be designed so that circulation between parking bays occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single-family, two-family, townhouse, three-family and four-family dwellings, parking area design that requires backing into the public street is prohibited.
- (4) *Preserving off-site parking.* When required accessory off-street parking facilities are provided elsewhere than on the lot with the same ownership or control, either by deed or longterm lease, as the property occupied by such principal use, the owner of the principal use shall file a recordable document with the city and county clerk requiring the owner and his heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.
- (5) *Drive access.* All drive accesses shall be approved by the city engineer for width and location.
- (6) *Drive access required.* All off-street parking spaces shall have access from a drive access and not directly from the public street.
- (7) *Distance from intersection.* No drive access shall be located nearer than 40 feet (in a residential district), 150 feet (in a commercial district), or 150 feet (in an industrial district) from the intersection of two public street rights-of-way.
- (8) *Parallel parking spaces.* Parallel parking spaces shall be a minimum of 22 feet in length.
- (9) *Distance between drive accesses.* Drive accesses to a public street except for single-family, two-family and townhouse dwellings shall not be located less than 40 feet from one another as measured from inside of drive to inside of drive.
- (10) *Number of drive accesses.* Each property shall be allowed one drive access for each 100 feet of street frontage. Single-family uses shall be limited to one drive access per property. These conditions shall apply unless otherwise granted by the planning and zoning commission.
- (11) *Grade.* The grade elevation of any parking area shall not exceed three percent.
- (12) *Surfacing.* All areas intended to be utilized for parking space and driveways shall be paved with materials suitable to control dust and drainage. Plans for paving and drainage of driveways and stalls for five or more vehicles shall be submitted to the city engineer for his review, and the final drainage plan shall be subject to his written approval.
- (13) *Striping.* Except for townhouses and single-family, two-family, three-family and four-family dwellings, all parking stalls shall be marked with painted lines not less than four inches wide.

- (14) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property, abutting residential uses and public rights-of-way and be in compliance with this chapter.
- (15) *Signs.* No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot. All signs shall conform to city sign requirements.
- (16) *Curbing.* Except for townhouses and single-family, two-family, three-family and four-family dwellings, all open off-street parking areas and driveways shall have a perimeter concrete curb and gutter around the entire parking lot built according to standards provided by the city engineer.
- (17) *Protruding vehicles.* All on-site parking stalls that abut property lines shall be designed and constructed such that parked vehicles shall not protrude over property lines. Every driveway that is appurtenant to a residential structure shall provide a vehicle parking area not less than 18 feet in length. The length of the parking area shall be measured from the front of the garage door, or from the end of the parking area if there is no garage, to the back of the adjoining sidewalk, or to the back of the adjoining curb if there is no sidewalk. If the garage door opens vertically without protruding into the parking area, the minimum length of 18 feet shall apply. If the garage door does not open vertically, the length of the parking area shall be increased to not less than 20 feet.
- (18) *Overhang parking.* Overhang parking may be included as part of the parking stall dimensions on standard parking spaces fronting on a sidewalk a minimum of seven feet in width or landscaped areas as determined by the community development director. Overhang parking shall not be allowed for compact spaces.

For the purposes of determining required parking stalls, the floor area shall not include kitchen, bathroom, and service station areas.

(c) *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, accessways, striping, landscaping and required fences.

(d) *Use of required parking areas for parking only.* Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods, or storage of inoperable vehicles.

(e) *Number of spaces required.* The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

- (1) *Residential uses.* Off-Street parking spaces required:

<i>Dwelling Types</i>	<i>With Street Parking</i>	<i>Without Street Parking</i>
Single-family dwelling	2 spaces/unit	3 spaces/unit
Mobile homes	2 spaces/unit	3 spaces/unit
Two-family dwelling	2 spaces/unit	2.25 spaces/unit

<i>Dwelling Types</i>	<i>With Street Parking</i>	<i>Without Street Parking</i>
Three-family dwelling	2 spaces/unit	2.25 spaces/unit
Four-family dwelling	2 spaces/unit	2.25 spaces/unit
Townhouse	2 spaces/unit	2.25 spaces/unit
Apartments	2.25 spaces/unit	2.25 spaces/unit
Boardinghouses	2.25 spaces/unit	2.25 spaces/unit

(2) *Nonresidential uses.*

<i>Use Type</i>	<i>Off-Street Parking Spaces Required</i>
Assisted living facility	0.75 spaces per unit.
Automobile sales	One space per 200 square feet of indoor floor area plus two spaces per 20 outdoor vehicle display spaces.
Automobile service station	Two spaces per service stall but no less than four spaces.
Automobile washing establishment, self-service	Three spaces, or one for each employee on maximum shift, in addition to automatic drive-through. Two spaces per stall not including washing or drying spaces.
Bowling alley	Four spaces per alley, plus two spaces per billiard table, plus one space per pinball and/or electronic game machine, plus one space per each five visitor gallery seats.
Church	One space per four seats based upon design capacity of main assembly hall.
Community or recreation center	One space per 200 square feet of floor area.
Congregate care facility	1.5 spaces per unit.
Dancehalls, skating rinks or similar uses	One space per 300 square feet of floor area.
Court clubs, (racquetball, handball, tennis)	One space per 200 square feet of floor area plus three spaces per court.
Day care centers	One space per 200 square feet of floor area.
Furniture stores	Three spaces per 1,000 square feet over 20,000 square feet of floor area.
Golf courses	One space per 200 square feet of main building floor area, plus one space for every two practice tees in driving range, plus four spaces per each green in the playing area.
Hospital	One space per bed.
Manufacturing and industrial uses	One space per 450 square feet of floor area, plus one space for each company-owned truck if not stored within the building.

<i>Use Type</i>	<i>Off-Street Parking Spaces Required</i>
Medical and dental offices	Four spaces for each doctor or dentist, plus one space for each employee.
Motels, hotels	1 <sup>1</sup> / <sub>10</sub> spaces per each guest room, plus one space per employee on maximum shift, plus spaces for accessory uses as follows:
Restaurants, bars dining rooms in motels, hotels	One space per 60 square feet.
Commercial areas in motels, hotels	One space per each 400 square feet of floor area.
Public assembly areas	One space for each five seats based upon design capacity, except that total off-street parking for public assembly may be reduced by one space for every four guestrooms.
Nursing homes	0.5 spaces per bed.
Offices (except medical and dental):	Minimum of four spaces and:
Floor area 0—5,000 square feet	Four spaces per 1,000 square feet.
Floor area 5,001—20,000 square feet	3 1/2 spaces per 1,000 square feet.
Floor area of over 20,000 square feet	Three spaces per 1,000 square feet.
Outdoor sales (plant nurseries, building materials, equipment rental and similar uses)	One space per 2,000 square feet of outdoor sales and/or display area.
Restaurants, cafes, bars and similar uses	One space per 50 square feet of indoor public floor area, plus one space per 200 square feet of outdoor serving (patio) area.
Retail store and service establishments	One space per 250 square feet of floor area.
Schools:	
Elementary and/or junior high	1 <sup>1</sup> / <sub>2</sub> spaces for each classroom, library, lecture hall and cafeterias, plus one space per each three fixed seats in the main area of public assembly, or one space for each 21 square feet of area available for public assembly if fixed seats are not provided.
Senior high	1 <sup>1</sup> / <sub>2</sub> for each classroom or lecture hall, plus one space per each five students, plus one space for each nonteaching employee, plus one space per each three fixed seats in the area of public assembly, or one space per 21 square feet of area available for public assembly if fixed seats are not provided.
Business or similar school	One space for each 150 square feet of floor area.

<i>Use Type</i>	<i>Off-Street Parking Spaces Required</i>
Theatre, auditorium or similar place of public assembly	One space per four seats based upon design capacity.
Warehousing, storage or handling of bulk goods	One space per 1,000 square feet of floor area devoted to storage of goods, plus one space for each employee on maximum shift, plus one space for each company truck not stored inside the building, plus appropriate spaces to support accessory office or retail sales facilities, subject to the office and/or retail sales parking requirements.

(f) *Joint use of parking facilities.*

- (1) Up to 80 percent of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities by the following daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale or similar uses.
- (2) Other joint use of parking by adjacent commercial uses to reduce total parking spaces may be allowed with approved parking study submittal by a registered transportation engineer.
- (3) Conditions required for joint use:
  - a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of such parking facilities.
  - b. The applicant shall show that there is no substantial conflict in the operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
  - c. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the city attorney, shall be filed with the city clerk and recorded with the county recorder.

(g) *Off-site parking.* Any off-site parking that is used to meet the requirements of this chapter shall be a conditional use as regulated by this chapter and shall be subject to the conditions listed below:

- (1) Off-site parking shall be developed and maintained in compliance with all requirements and standards of this chapter.
- (2) Reasonable access from off-street parking facilities to the use being served shall be provided.
- (3) The site used for meeting the off-site parking requirements of this chapter shall be under the same ownership as the principal use being served, under public ownership, or shall have guaranteed permanent use by virtue of a perpetual lease filed with the city clerk and county clerk.

- (4) Off-site parking for multiple-family dwellings shall not be located more than 200 feet from any normally used entrance of the principal use served.
  - (5) Off-site parking for nonresidential uses shall not be located more than 300 feet from the main entrance of the principal use being used.
  - (6) Any use that depends upon off-site parking to meet the requirements of this chapter shall maintain ownership or prove a longterm irrevocable lease agreement for parking utilization of the off-site location.
- (Code 2007, § 17.32.080)

**Sec. 125-250. Off-street loading.**

- (a) *Location.*
    - (1) All required loading berths shall be off-street and located on the same lot as the building or use to be served.
    - (2) Except for loading berths required for apartments, no loading berths shall be located closer than 50 feet from a residential district unless within a structure.
    - (3) Loading berths shall not be located within the minimum front yard building setback.
    - (4) Loading berths located at the front or at the side of buildings on a corner lot shall observe the following requirements:
      - a. Loading berths shall not conflict with pedestrian movement.
      - b. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
      - c. Loading berths shall comply with all other requirements of this section.
  - (b) *Screening.* Except in the case of multiple dwellings, all loading areas shall be screened and landscaped from abutting and surrounding residential uses.
  - (c) *Size.* Unless otherwise specified in these zoning regulations, the first loading berth shall be at least 70 feet in length and additional berths required shall be at least 30 feet in length and all loading berths shall be at least ten feet in width and 14 feet in height, exclusive of aisle and maneuvering space.
- (Code 2007, § 17.32.090)

**Sec. 125-251. Signs.**

All signs must conform to chapter 113, city sign ordinances for all site plans, conditional uses, planned area developments and other applicable procedures addressed in this chapter. Any and all requirements pertaining to signs shall comply with chapter 113.

(Code 2007, § 17.32.100)

**Sec. 125-252. Home occupations.**

(a) *Generally.* A home occupation is an accessory use of a dwelling unit, conducted entirely within the dwelling unit, carried on by one or more persons, all of whom reside within the dwelling unit, and where no persons are employed other than resident and domestic help; anywhere the use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part. There shall be no outside storage of any kind; any indoor storage, construction, alterations, or electrical or mechanical equipment used, shall not change the fire rating of the structure or the fire district in which the structure is located. The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time. It shall not cause an increase in the use of one or more utilities (water, sewer or garbage) so that the combined total use for dwelling and home occupation purposes of the one or more utilities exceeds the average for residences in the neighborhood. When a use is a home occupation, it means that the owner, lessee, or other persons who have a legal right to the use of the dwelling unit also have the vested right to conduct the home occupation without securing special permission to do so. However, such person shall be subject to all conditions set forth in this chapter, such as off-street parking, and to all other permits required by the city, such as building permits and business licenses, and is encouraged to check with city officials before establishing such home occupation.

(b) *Purpose.* It is the intent of this section to eliminate as home occupations all uses except those that conform to the standards set forth in this section. In general, a home occupation is an accessory use so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations in this section are intended to ensure compatibility with other permitted uses and with the residential character of the neighborhood, and a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a home occupation.

(c) *Necessary conditions.*

- (1) Home occupations are permitted accessory uses in residential zones only so long as all the following conditions are observed:
  - a. Such occupation shall be conducted solely by resident occupants in their residence;
  - b. No more than 25 percent of the gross area of one floor of said residence shall be used for such purpose; 25 percent of the gross area of a garage or accessory building may be used for storage. The business shall not be conducted in the garage or accessory building;
  - c. No use shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure or the fire district in which the structure is located;
  - d. No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, garbage, etc.) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood;
  - e. There shall be no outside storage of any kind related to the home occupation;

- f. The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time;
- g. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

(2) Complaints by citizens or residents may be cause for termination of the home occupation.

(d) *Examples of the uses that frequently qualify as home occupations.* The following are typical examples of uses that can be conducted within the limits of the restrictions established in this section and thereby qualify as home occupations. Uses which may qualify as home occupations are not limited to those named in this subsection (nor does listing of a use in this subsection automatically qualify as a home occupation): accountant, architect, artist, attorney-at-law, author, consultant, digital imaging, dressmaking, individual stringed-instrument instruction, individual tutoring; insurance, millinery, preserving and home cooking, or realtor.

(e) *Uses that are prohibited.* The following uses by the nature of the investment of operation have a pronounced tendency, once started, to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the following uses shall not be permitted as home occupations: auto repair, minor or major; barbershop; beauty salon, barbershop, and day spa; carpentry work; dance instruction; dental offices; medical offices; painting of vehicles, trailers or boats; photo developing; photo studios; private schools with organized classes; radio repair; sale of weapons and ammunition; television repair; or upholstery.

(Code 2007, § 17.32.110)

#### **Sec. 125-253. Miscellaneous performance requirements.**

(a) *Glare and lighting.*

- (1) Any lighting used to illuminate an off-street parking area, sign, common mailbox, or other structure shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cause light on a public street, other than lights specifically intended for that purpose, shall not exceed one footcandle (meter reading) as measured from the centerline of said street. Any light or combination of lights that cast light on residential property shall not exceed four footcandles (meter reading) as measured from said property.
- (2) No light which is flashing, revolving, or otherwise resembles a traffic control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.

(b) *Surface water ponding.* Natural ponding areas shall be retained as much as possible or, if necessary, enlarged or modified as directed by the city engineer to restrict the off-site runoff, subject to city subdivision requirements for stormwater runoff control and chapter 117.

(c) *Storage; exterior displays.* All materials, supplies, merchandise or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user shall be stored within the confines of a 100 percent opaque wall or fence not less than six feet tall. Merchandise which is offered for sale as described may be displayed beyond the confines of a building in any general commercial district, but the area occupied by such outdoor display shall not constitute a greater number of square feet than ten percent of the ground floor area of the building housing the principal use, unless such merchandise is a type customarily displayed outdoors, such as automobiles and garden supplies. No storage of any type shall be permitted within the one-half of the required front or side street setback nearest the street nor within any required interior side or rear setback.

(d) *Trash and garbage incinerators; storage.* No exterior incineration of trash or garbage is permissible. No exterior storage of trash or garbage is permissible except in an accessory building enclosed by walls and a roof or in closed containers within a totally screened area.

(e) *Refuse containers.* It shall be the duty of the owner or developer of all new single-family residential construction and development within the city, when such development is not subject to the provisions of chapter 121 with respect to refuse containers, to supply at his expense refuse containers which shall become the property of the city. Refuse container pads may be required in conjunction with certain development situations. The type of such containers and location of refuse pads shall be approved by the public works director.

(f) *Public street frontage.* Except as otherwise allowed or required by this chapter, no lot shall contain any building unless such lot abuts for at least 50 feet on a public street or a private street approved as part of a city-approved planned development.

(g) *Smoke, dust and other particulate matter.* The emission of smoke, dust and other particulate matter shall be in compliance with the county bureau of air pollution standards as regulated by the county health services development.

(h) *Bulk storage (liquid).* All uses associated with bulk storage of all gasoline, liquid fertilizer, chemicals, flammable and similar liquids shall comply with International Building and Fire Code requirements, as adopted and amended by the city, and county regulations.

(i) *Water quality, hazardous wastes and wastewater.* Discharge of hazardous waste, chemicals and wastewater will be subject to state department of health services, division of environmental health standards.

(j) *Odors.* The emission of odors by any use shall be in compliance with city standards and regulations.

(k) *Noise.* The emission of noise from any use shall be in compliance with city standards and regulations.

(Code 2007, § 17.32.120)

**Sec. 125-254. Manufactured home subdivisions.**

(a) *Purpose.* The purpose of these regulations is to ensure quality subdivisions that are compatible with the surrounding neighborhood.

(b) *Manufactured homes prohibited; exception.* No person shall place or occupy any manufactured home anywhere in the city except in a manufactured home subdivision that has been established pursuant to this section or in a mobile home and manufactured home park that has been established pursuant to section 125-188(c).

(c) *Development standards.*

- (1) Minimum size for manufactured home subdivisions shall be ten net acres;
- (2) Manufactured home subdivision density, yard, area, and sign requirements shall be determined by the underlying residential zone;
- (3) No more than one home shall be placed on any lot and no home shall be used for anything other than a single-family residential dwelling unit;
- (4) Homes shall be permanently oriented on a lot or parcel so that the wide side of the home faces the front lot line, except on a lot or parcel where such an orientation would not meet side yard width requirements at every location between the lot's front and rear setback lines;
- (5) If a permanent foundation wall is not installed, all sides of the home shall extend to meet the surrounding ground, or a facade shall be used on all sides of the home that would appear to have a foundation wall similar in appearance and kind to those used in conventional site built homes;
- (6) Off-street parking for at least two automobiles shall be provided for each lot;
- (7) Screening shall be provided around the exterior of the subdivision by a minimum six-foot masonry wall;
- (8) No home shall be located within 20 feet of the development's perimeter property line;
- (9) Approval of all manufactured home subdivisions shall be subject to the general building and performance requirement provisions of article V of this chapter and any amendments thereto;
- (10) Approval of all manufactured home subdivisions shall be subject to the provisions of chapter 121;
- (11) Modular homes may be placed in a manufactured home subdivision provided all other provisions of this section are met.

(Code 2007, § 17.32.140)

**Sec. 125-255. Personal wireless service facilities.**

(a) *Purpose and Intent.*

- (1) The purpose of these regulations is to establish appropriate locations, site development standards and permit requirements to allow for personal wireless service to the residents of

the city. The intent of these regulations is to allow personal wireless service facilities which are sufficient to provide adequate service to citizens, the traveling public and others within the city and to accommodate the need for connection of such services to wireless facilities in adjacent and surrounding communities.

- (2) It is also the intent that these regulations and their purposes are implemented as allowed by applicable law, particularly in light of evolving federal and state regulations, laws and interpretations, evolving technology and land uses for personal wireless services.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Antenna* means the surface from which wireless radio signals are sent from and received by a personal wireless service facility.

*Applicant* means a person or other entity who submits an application with the city for an administrative use permit for a personal wireless service facility. A personal wireless service carrier and the owner of the subject property shall be applicants or co-applicants on such application.

*Collocation* means the use of a single mount and/or site by more than one personal wireless service.

*Commercial mobile radio service* means any of several technologies using radio signals at various frequencies to send and receive voice, data or video to and from mobile transceivers.

*Design* means the appearance of a personal wireless service facility, including, but not limited to, its material, color or shape.

*Equipment cabinet* means an enclosed structure at the base of or near a mount within which are housed, among other things, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by cable. Equipment cabinets are also called base transceiver stations.

*Licensed carrier* means a company authorized by the FCC to build and operate a commercial mobile radio services system.

*Location* means property or a site where personal wireless service facilities are located or could be located.

*Minor antenna* means either:

- (1) A single antenna mounted on an existing streetlight or utility pole located along a major street or highway, and mounted so as to not exceed the height of the existing pole;
- (2) One or more antennas mounted on a 69 kV electric tower structure or similar existing facility.

*Modification* means any physical or operational change, alteration, or other modification of any of the following as they relate to a personal wireless service facility or the subject property upon which it is located, including, but not limited to:

- (1) The site plan;

- (2) The sight line representation;
- (3) The design submittal as required in this section.

The conversion of a single-use personal wireless service facility to a collocation is also considered a modification.

*Monopole* means a type of mount that is self-supporting with a single shaft of steel or concrete or other acceptable material.

*Permittee* means the owner of a subject property and a personal wireless service carrier.

*Personal wireless service facilities* or *PWSF* means a facility for the provision of personal wireless services as defined by the Telecommunications Act of 1996, and any amendments thereto. PWSFs are composed of two or more of the following components:

- (1) Antenna;
- (2) Mount;
- (3) Equipment cabinet;
- (4) Security barrier.

*Personal wireless services* means commercial mobile radio services, unlicensed wireless service and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and any amendments thereto.

*Security barrier* means a locked, impenetrable wall or fence that completely seals an area from unauthorized entry or trespass.

*Sight line representation* means a drawing in which a straight line is drawn from the closest facade of each building, private road or right-of-way (viewpoint) within 500 feet of the PWSF to the highest point (visible point) of the PWSF. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet unless otherwise specified by the city. The profiles shall show all intervening trees and structures.

*Site* means the subject property where a personal wireless service facility is located or proposed to be located and includes any contiguous property under the same ownership as the subject property.

*Siting* means the method and form of placement of a personal wireless service facility on a specific area of a subject property.

*Subject property* means all the area within a lot or tax parcel under common ownership upon which a personal wireless service facility is either proposed to be, or already is, developed, located, constructed or operated.

*Unlicensed wireless service* means commercial mobile services that can operate on public domain frequencies and that therefore need no FCC license.

(c) *Applicability.* The requirements of this section apply to all new PWSFs and modifications of any existing PWSFs.

(d) *General requirements.*

- (1) Any subject property within the city that meets the requirements of this section may be eligible for consideration for a PWSF, or modification thereof.
- (2) In all zoning districts within the city, a PWSF or modification thereof is permitted with an administrative use permit.
- (3) A PWSF may be mounted on a structure that is not a dwelling unit on the side or roof in accordance with the requirements of this section.

(e) *Siting standards.*

- (1) In all zoning districts with the exception of I-1 and I-3 districts, a PWSF shall be:
  - a. Completely screened from public view and rights-of-way by trees, mature vegetation, natural features or structures on the subject property; and/or
  - b. Completely camouflaged in a manner that is architecturally compatible with the structure on which it is mounted and integrated as an integral architectural element of the structure; provided, however, a minor antenna shall be camouflaged to the extent technically feasible.

If compliance with the siting standards in this subsection (e)(1) would allow for exposed antennae, such as collocation on an existing monopole, the antenna mount shall be low profile, which is defined as being mounted in no greater than a four-foot radius extending out from the pole centerline.

- (2) The screening required in this subsection (e) may exist on the subject property or be installed as part of the proposed PWSF or a combination of both.
- (3) No PWSF other than a minor antenna may be placed closer than 200 feet from an existing dwelling unit. No PWSF other than a minor antenna may be closer than 200 feet from the property line of a vacant lot or vacant parcel in a residentially zoned district, minus any required setbacks.
- (4) A PWSF shall be set back from all property lines a distance equal to the height of the mount or the antenna, whichever is higher, and comply with all zoning setback requirements; provided, however, a minor antenna is exempt from such setback requirements.
- (5) The maximum height of a monopole (for a single carrier) including the base and platform, shall not exceed 65 feet above the finished grade of the site.
- (6) The maximum height of a monopole (for multiple carriers) including the base and platform, shall not exceed 80 feet above the finished grade.
- (7) The maximum height of the antennae attached to a monopole shall not exceed 80 feet above the finished grade.
- (8) A PWSF shall not project into an easement, driveway, public rights-of-way or setback unless otherwise specified in an administrative use permit.

- (9) An equipment cabinet shall be located below natural grade underground if site conditions permit and if technically feasible. An equipment cabinet shall be completely screened from view by compatible wall, fence or landscaping consistent with the city landscaping guidelines except that an equipment cabinet larger than 144 cubic feet may not be required to be totally screened from view if the planning and zoning commission finds, in its discretion, that the cabinet has been designed with a structure or facade, materials, colors or detailing that affect a structure which emulates the architectural character of the area.
- (10) A security barrier shall be screened from view through the use of appropriate landscaping materials consistent with the city landscaping guidelines.

(f) *Design standards.* The following design criteria shall apply to consideration of an application to place a PWSF:

- (1) *Appearance.* The degree to which the PWSF blends with or disturbs the setting, the subject property and its character and use, or neighboring properties and their character and use;
- (2) *Form.* The degree to which the shape of the PWSF and any equipment cabinet relates to its surroundings;
- (3) *Color.* A PWSF shall be in natural tones and a nonreflective color or color scheme appropriate to the background against which the PWSF would be viewed from a majority of points within its view shed. Natural tones are those reflected in the natural features and structural background against which the PWSF is viewed from a majority of points within its view shed. The color white may be approved if necessary for technical (heat-resistant) reasons. Final colors and color scheme must be approved by the planning and zoning commission;
- (4) *Size.* The silhouette of the PWSF shall be reduced to minimize visual impact.

To the extent allowed by law, the city shall consider the cumulative visual effects of PWSFs and any mount, specifically their appearance or domination of the skyline, natural and structural features or terrain, in determining whether to approve a PWSF.

(g) *Radio frequency (RF) performance and interference standards and monitoring.*

- (1) To the extent allowed by law, the following radio-frequency (RF) performance standards apply to consideration of an administrative use permit or major amendment to an administrative use permit for a PWSF, in addition to monitoring requirements as required in this section:
  - a. All equipment proposed for a PWSF shall meet the current FCC RF guidelines and any amendments thereto (hereafter "FCC guidelines");
  - b. Any side-mounted or roof-mounted equipment shall meet FCC guidelines, including, but not limited to, the following:
    1. At the roof-mount or at the side-mount, the equipment shall meet the FCC guidelines for occupational/controlled conditions;

2. At ground level at the point of the structure closest to the antenna, the equipment shall meet FCC guidelines for general population/uncontrolled conditions.
- (2) Within 90 days after FCC issuance of an operational permit for the PWSF, and annually thereafter, the personal wireless service carrier shall submit a written report providing existing and maximum projected measurements of RF radiation from the PWSF for:
  - a. Existing PWSF. Maximum RF from the PWSF RF radiation environment. These measurements shall be for the measurement conditions specified in subsection (g)(1) of this section;
  - b. Existing PWSF plus cumulative. Maximum estimate of RF radiation from the existing PWSF plus the maximum estimate of RF radiation from the total addition of collocated PWSFs. These measurements shall be for the measurement conditions in subsection (g)(1) of this section;
  - c. Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC guidelines as specified in subsection (g)(1) of this section.

If FCC guidelines are changed during the period of any conditional use permit or amendment for a PWSF use, then the PWSF shall be brought into compliance with such revised guidelines within the time period provided by the FCC or if no time period is stated, then within 60 days of the effective date of such guidelines.

- (3) If at any time during the term of the permit the city has reasonable evidence that the permittee or personal wireless service carrier is not in compliance with FCC guidelines, and the city provides notice of such, the permittee or personal wireless service carrier so notified shall provide to the city, within 30 days after such notice, an analysis and determination of its compliance with FCC guidelines showing the data collected and status pursuant to FCC guidelines. If, on review, the city finds that the PWSF does not meet FCC guidelines, the permittee or personal wireless service carrier shall have 60 days from the date of the city's finding of noncompliance to bring the PWSF into compliance. If compliance is not achieved in the 60-day period, the conditional use permit or amendment may be revoked or modified by the city.
  - (4) The permittee shall ensure that the PWSF does not cause localized interference with the reception of area television or radio broadcasts or to personal wireless services. If on review the city finds that the PWSF interferes with such reception, and if such interference is not cured by the permittee within 60 days after notice from the city, the city may revoke or modify the conditional use permit or amendment.
- (h) *Noise and environmental standards.*
- (1) To the extent allowed by law, the following noise and environmental standards apply to consideration of a conditional use permit or major amendment to a conditional use permit for a PWSF in addition to the monitoring requirements of this section:
    - a. Roof-mounted or side-mounted equipment for a PWSF shall not generate noise in excess of 50 decibels at ground level at the base of the facility closest to the antenna.

- b. An environmental assessment is required by the National Environmental Policy Act (NEPA) for any PWSF prior to commencing operations where any of the following exist:
  - 1. Wilderness area;
  - 2. Wildlife preserve;
  - 3. Endangered species;
  - 4. Historical site;
  - 5. Indian religious site;
  - 6. Floodplain;
  - 7. High intensity white lights in residential neighborhoods;
  - 8. Excessive radio frequency radiation exposure.

An environmental assessment that, at a minimum, conforms to FCC requirements shall be submitted to the city for each PWSF where any of the above exists, and when the FCC requires such an environmental assessment to be submitted to the FCC. If the applicant has determined that an environmental assessment is not required pursuant to FCC rules, this section and applicable state law and city code, a written certification to that effect must be submitted to the city. If an applicant has not included an environmental assessment that the city finds to be necessary under the National Environmental Policy Act, the city may prepare, or cause to be prepared, such an environmental assessment at the applicant's expense. The environmental assessment shall be amended or revised by the applicant within 30 days after notice to do so from the city when modifications are made or occur on the PWSF. Failure to amend or revise shall constitute grounds for revocation of the administrative use permit or amendment.

- (2) Within 90 days after the approval of the administrative use permit or amendment, and annually from the date of approval of the permit or amendment, the permittee shall submit existing and maximum future-projected measurements of noise from the PWSF for the following:
  - a. Existing PWSF. Maximum noise radiation from the PWSF. These measurements shall be for the type of mounts specified in subsection (h)(1) of this section;
  - b. Existing PWSF plus cumulative. Maximum estimate of noise from the existing PWSF plus the maximum estimate of noise from the total addition of collocated PWSFs. These measurements shall be for the type of mounts specified in subsection (h)(1) of this section;
  - c. Certification, signed by an acoustical engineer, stating that noise measurements are accurate and meet this subsection (h).

(i) *Collocation and limitations.*

- (1) A permittee shall cooperate with other personal wireless service carriers in collocating antennas and mounts provided the proposed collocators have received an administrative use permit for the use at such site from the city. A permittee shall exercise good faith in

collocating other personal wireless service carriers and sharing the permitted site; provided that such shared use does not give rise to a substantial technical level impairment of the ability to provide the permitted use (i.e., a significant interference in broadcast or reception capabilities). Applicants shall demonstrate a good faith effort to collocating with other personal wireless service carriers, including, but not limited to:

- a. Contact with all other personal wireless service carriers operating in the city;
- b. Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event a dispute arises as to whether the permittee has exercised good faith in accommodating other users, the city may require a third-party technical study at the expense of either or both the applicant and permittee.

- (2) All applicants shall demonstrate reasonable efforts in developing a collocation alternative for their proposal.
- (3) Failure to comply with the collocation requirements of this subsection may result in the denial of a permit request or revocation of an existing permit.

(j) *Submittal requirements.* In addition to the information requested in the city's administrative use permit application, the following items shall be required for a PWSF application:

- (1) A site plan in accordance with section 125-33 showing the subject property and adjacent properties; all existing and proposed buildings on the subject property and their purpose; the specific placement of the PWSF antenna, mount and equipment cabinet; security barrier (if any), including type and extent and point of controlled entry on the site; fall zone; and all proposed changes to the existing site, including grading, vegetation, roads, sidewalks and driveways;
- (2) A landscape plan showing specific placement of existing and proposed vegetation, trees, shrubs, identified by species and size of specimen at installation in accordance with city landscape guidelines;
- (3) Photographs, diagrams, photo simulations and sight line representations as listed below:
  - a. A diagram or map showing the view shed of the proposed facility;
  - b. Sight line representation;
  - c. Existing (before condition) photographs that are four-inches by six-inches and are in color of what can currently be seen from any adjacent residential buildings or properties, private roads and rights-of-way adjacent to the site;
  - d. Photo simulations of the proposed facility from adjacent residential properties or buildings, private roads and public rights-of-way adjacent to the site (after condition photographs). Such photo simulations shall include, but not be limited to, each of the existing condition photographs with the proposed PWSF superimposed on it to show what will be seen from residential buildings, properties, private roads and rights-of way adjacent to the site;

- e. An aerial photograph;
- (4) Siting elevations, or views at natural grade, from all directions (north, south, east, west) for a 50-foot radius around the proposed PWSF plus from all existing rights-of-way and private roads that serve the subject property. Elevations shall be at one-fourth inch equals one foot scale and show the following:
  - a. Antenna, mount, equipment cabinet;
  - b. Security barrier. If the security barrier will block views of the PWSF, the barrier drawing shall be cut away to show the view behind the barrier;
  - c. Any and all structures on the subject property, existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation;
  - d. Grade changes or cuts and fills to be shown at original grade and new grade line;
- (5) Design submittals as follows:
  - a. Equipment brochures for the PWSF such as manufacturer's specifications or trade journal reprints;
  - b. Materials of the PWSF and security barrier, if any, specified by generic type and specific treatment, such as brick, masonry with stucco finish, anodized aluminum, stained wood, etc.;
  - c. Colors represented by samples or a color board showing actual colors proposed;
  - d. Dimensions of all equipment specified for all three dimensions: height, width and depth;
  - e. Appearance shown by at least two photographic superimpositions of the PWSF within the site. The photographic superimpositions shall include the antenna, mount, equipment cabinet and security barrier, if any, for the total height, width and breadth. The submittal may also include, if required by the city, a scaled three-dimensional model of the PWSF on the site;
- (6) Market and service maps as follows:
  - a. A map showing the service area of the proposed PWSF and the explanation of the need for that facility;
  - b. A map showing the locations and service areas of other PWSF sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service within the city or are within a two-mile radius of the limits of the city;
- (7) Collocation submittals, including signed statements indicating:
  - a. The applicant agrees to allow for the potential collocation of additional PWSFs by other personal wireless services and carriers on the applicant's structure or facility or within the same site;
  - b. That the applicant agrees to remove the PWSF as required by this section;

- c. That the applicant has made a good faith effort to achieve collocation with other carriers and facilities as required in this section, and if collocation is not feasible for this application for a substantial technical reason, a written statement of the reasons for the infeasibility;
- (8) A lease agreement with the owner or landholder shall also be submitted that:
- a. Allows the landholder to enter into leases with other providers;
  - b. Specifies that if the carrier fails to remove the PWSF when required by this section, the responsibility for removal falls upon the landholder;
  - c. Allows entry by the city and its agent for the purpose of inspection and compliance with city codes;
  - d. Consents to the terms of subsection (l) of this section;
- (9) To the extent allowed by law, radio frequency (RF) radiation performance submittals shall include in a form or study acceptable to city staff the applicant's written statement of the existing and maximum future-projected measurements of RF radiation from the proposed PWSF:
- a. Existing or ambient: measurement of existing RF radiation;
  - b. Existing plus proposed PWSF: maximum estimate of RF radiation from the proposed PWSF plus the existing RF radiation environment. These measurements shall be for the conditions specified in the RF performance standards in this section;
  - c. Existing plus proposed PWSF cumulative: maximum estimate of RF radiation from the proposed PWSF plus the maximum estimate of RF radiation from the total addition of collocated PWSF plus the existing RF radiation environment. These measurements shall be for the conditions specified in the RF performance standards in this section;
  - d. Certification, signed by an RF engineer, stating that RF radiation measurements are accurate and meet FCC guidelines as specified in the RF performance standards in this section;
- (10) To the extent allowed by law, noise performance submittals shall include a statement of the existing and maximum future projected measurements of noise from the proposed PWSF measured in decibels (logarithmic scale, accounting for greater sensitivity at night) for the following:
- a. Existing or ambient: the measurement of existing noise;
  - b. Existing plus proposed PWSF: maximum estimate of noise from the proposed PWSF plus the existing noise environment;
  - c. Existing plus proposed PWSF plus cumulative: maximum estimate of noise from the proposed PWSF plus the maximum estimate of noise from the total addition of collocated PWSFs plus the existing noise environment;
  - d. Certification signed by an acoustical engineer stating that noise measurements are accurate and meet the noise performance standards of this section;

- (11) To the extent allowed by law, environmental submittals shall include an environmental assessment if required in the environmental standards of this section. If the applicant determines that the environmental assessment is not required, certification to that effect shall be provided. The applicant shall also list location, type and amount of any materials proposed for use within the PWSF that are considered hazardous by the federal, state or city government.

(k) *Technological change and periodic review.*

- (1) The city recognizes that PWSFs and communication technologies in general are currently subject to rapid change. Innovations in such things as switching hardware and software, transmission/receiving equipment, communications protocols, and development of hybrid cable/wireless systems may result in reducing the impact of individual facilities and to render specific portions of this section obsolete. Therefore, the city may review this section periodically and assess its provisions relative to current trends in the communications industry, innovations in communications technology, permit activity during the preceding years, and effectiveness in producing PWSFs that are compatible with the city's character.
- (2) The city may recommend updates to this section that may include, but not be limited to, the deletion, modification, or addition of allowed locations; allowed heights; site development requirements; administrative review possibilities; or permitting procedures.
- (3) When changes are made pursuant to subsection (k)(2) of this section, the city and the permittees agree in good faith to review and modify the stipulations and terms of such permits during their terms in order to reflect current technologies and then current laws and ordinances. If such modifications adversely and materially affect, either operationally or monetarily, the permittee's use of a PWSF, such modifications may not be made without a permittee's consent. If such modifications adversely affect the city's regulations or this permit, such modifications may not be made without the city's consent.

(l) *Permit limitations and general conditions.*

- (1) An administrative use permit for a PWSF shall expire five years after the date of the permit approval. A permittee wishing to continue the use at the end of the five-year period must reapply for an administrative use PWSF application to continue the use at least six months prior to its expiration. Staff shall not be required to reapprove existing PWSF that are outdated due to changes in technology.
- (2) The administrative use permit shall become null, void and nonrenewable if the permitted facility is not constructed and placed into use within one year of the date of approval; provided that the permit may be extended one time for six months if construction has commenced before the expiration of the initial year.
- (3) The administrative use permit shall expire and the permittee must remove the PWSF if the use is discontinued for a period in excess of 90 days in any 365-day period. A permittee shall notify the city in writing at least 30 days prior to abandonment or discontinuance of operation of the PWSF. Failure to give such notice shall be considered abandonment of the administrative use permit or abandonment by the permittee.

- (4) If the administrative use permit expires, terminates, is abandoned or revoked for any reason pursuant to this Code, if removal of the PWSF is required in this section, or if the use is discontinued pursuant to this section, the PWSF shall be removed as required herein. If the PWSF is not so removed, the city may cause the facility to be removed and all expenses of removal shall be paid by the owner of the land where the facility is located. If not paid by the owner within 30 days of notice by the city, the permittee agrees that the city's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office. The term "remove" shall include, but not be limited to, the following:
- a. Removal of the antenna, mount, equipment cabinet, or security barrier from the site;
  - b. Transportation of the antenna, mount, equipment cabinet, or security barrier to a location off-site; if the location is within the city limits, it is subject to approval by the city;
  - c. Restoration of the site of the PWSF to its natural condition, except that any landscaping and grading shall remain in finished condition.
- (5) A personal wireless service carrier, upon permitting of an administrative use permit or amendment for a PWSF use, shall indemnify, protect and hold harmless the city, its officers and agents from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney fees (collectively "liabilities"), incurred by the city arising directly or indirectly from the PWSF use as contemplated herein and in the use permit and the installation and operation of the PWSF permitted thereby, including, without limitation, any and all liabilities arising from emission by the PWSF of electromagnetic fields or other energy waves or emissions. The personal wireless service carrier's compliance with this subsection is an express condition of the administrative use permit or amendment and is binding on any and all personal wireless service carrier's successors and assigns. The requirements of this subsection shall survive the termination of any such permit or amendment.
- (6) The permittee shall maintain the PWSF to standards that are imposed by the city at the time of granting of a permit or amendment thereto. Such maintenance shall include, but shall not be limited to, maintenance of the paint, structural integrity and landscaping. If the permittee fails to maintain the facility, the city may undertake the maintenance at the expense of the permittee or terminate or revoke the permit, at its sole option. If such maintenance expense is not paid by the owner within 30 days of notice by the city, the permittee agrees that the city's costs shall constitute a lien upon the subject property upon its execution and filing with the county recorder's office.
- (7) An administrative use permit or amendment granted to a permittee is specific to the owner and personal wireless service carrier and may not be assigned; provided, however, that the personal wireless service carrier may assign its interest in the permit to any subsidiary or other affiliate of the personal wireless carrier. In the event of such assignment, the assignee shall re-execute the administrative use permit or amendment thereto within 30 days of the effective date of the assignment or the permit shall automatically expire. A permittee shall

notify the city of any change in ownership or operation of the PWSF at least 90 days prior to such change taking place for approval, which approval shall not be unreasonably withheld.

- (8) In its consideration of applications herein, the city may also consider and prescribe limitations on the locations and numbers of administrative use permits which may be granted pursuant to this section.
- (9) Where the board of adjustment finds that strict compliance with the requirements of this section may result in extraordinary hardship or are needed to ensure the city's compliance with the federal or state law, the board of adjustment may modify such requirements only upon a showing of noncompliance with applicable law or extraordinary hardship so that substantial justice may be done and the public interest secured. The term "hardship," as used herein, shall include, but not be limited to, a finding that special circumstances applicable to the property, including its size, shape, topography, location or surroundings, will deprive such property of privileges enjoyed by other property in the same classification in the same zoning district through the strict application of this chapter. In granting such modifications, the board of adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied and modified.
- (10) Any violation of the terms of this section or the administrative use permit or amendment thereto may result in revocation by the city of the administrative use permit or amendment. Acceptance of any portion of the administrative use permit or amendment is acceptance of the entire administrative use permit and the terms of this section.
- (11) Within 90 days after issuance of the FCC operational permit, the personal wireless service carrier shall provide a copy of such permit to the city and register the PWSF, providing information and data as may be requested by the city. Any change in the permit or registration data shall be filed with the city within 30 days after the change is made. The personal wireless service carrier shall submit to the city a copy of its FCC Form 600 prior to the city's approval of final inspection of a building permit for the PWSF or portion thereof.
- (12) The city and its agents are authorized to enter on the subject property and PWSF site for the purpose of inspection and determining compliance with this section and the provisions of the administrative use permit or amendment thereto.

(Code 2007, § 17.32.150)

**Sec. 125-256. Sexually oriented businesses.**

(a) *Purpose and definitions.* The purpose and definitions of these regulations is the same as set forth in chapter 26, article V.

(b) *Distance requirements.* No person shall locate any sexually oriented businesses as defined under section 26-135 anywhere in the city except in compliance with following conditions:

- (1) No person shall locate any sexually oriented business within 1,500 feet of any other sexually oriented business.

- (2) No person shall locate any sexually oriented business within 1,500 feet of any parcel containing a church, temple, or other place of religious worship; public or private elementary or secondary school; public or private day care center, child care center, preschool, nursery, kindergarten, or similar use; or park or playground.
- (3) No person shall locate any sexually oriented business within 1,500 feet of any parcel having a residential zone or containing a residential use.

(c) *Measurements.* For the purposes of measuring distances as required in this section, the measurements shall be taken in a straight line between the two closest points of any parcels containing a sexually oriented business and any affected parcel without regard to intervening structures, objects or political boundaries.

(d) *Existing businesses.* A sexually oriented business lawfully operating is not rendered in violation of this section by the subsequent location of a church, temple, or other place of religious worship; public or private elementary or secondary school; public or private day care center, child care center, preschool, nursery, kindergarten, or similar use; or park or playground within 1,500 feet of the sexually oriented business.

(Code 2007, § 17.32.160)

#### **Sec. 125-257. Temporary uses.**

(a) The purpose of this section is to regulate temporary sales or display of goods or special event use, or fundraising use. The intent is to ensure that the temporary sales or display of goods, or special event use or fundraising use, will be compatible with surrounding land uses, to protect the rights of adjacent residents and landowners and to minimize any adverse effects on surrounding properties and the environment. Temporary sales or display of goods or special event use or fundraising use are allowed only if they are related to a particular seasonal, cultural, traditional, or community activity or event use for a period not to exceed 60 days.

(b) A temporary use permit application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the temporary use permit application packet.

(c) The temporary use permit application shall not be accepted for processing until all required information as described in the temporary use application packet is provided to the community development department and appropriate fees are paid.

(Code 2007, § 17.32.170)

#### **Sec. 125-258. Residential setting care facility.**

(a) A residential setting care facility shall be a principally permitted use within any residential zoning district, or PAD zoning district with an underlying residential zoning classification; provided that the requirements of this section are met.

(b) A person wishing to establish a residential setting care facility shall submit an application to the community and economic development director with the following information:

- (1) A map depicting the proposed location.
- (2) A site plan and floor plan showing:
  - a. Lot dimensions with required setbacks.
  - b. Square footage of existing home.
  - c. Number of rooms, indicating room dimensions and square footage and including proposed modifications of the structure.
  - d. Garages, carports, patios, pathways and sheds.
- (3) The address, assessor parcel number and name of owner.
- (4) The number of residents (residents includes all people living at the facility, both persons receiving care and operators).
- (5) The number of fulltime and parttime employees.

(c) A person wishing to establish a residential setting care facility shall obtain a license or certificate from the state department of health services and evidence of such shall be submitted to the community and economic development director.

(d) A person wishing to establish a residential setting care facility shall obtain a business license from the city, unless otherwise exempt from such requirement.

(e) A residential setting care facility located within a single-family residential zoning district shall comply with the following location and separation requirements:

- (1) A residential setting care facility with five or fewer residents shall not be located on a lot within 600 feet, measured by a straight line in any direction, from another residential setting care facility.
- (2) A residential setting care facility with six or more residents shall not be located on a lot within 600 feet, measured by a straight line in any direction, from the lot line of another residential setting care facility; and shall not be closer than 1,200 feet along the street from another residential setting care facility that has six or more residents. The distance requirement along the street shall be measured from the street centerline, commencing on the centerline at a point that is determined to be the lot width midpoint of the subject property.
- (3) The separation requirements shall not apply to residential setting care facilities separated by arterial roads.
- (4) The separation requirements shall not apply to residential setting care facilities located within multifamily residential zoning districts.

(f) A residential setting care facility shall contain 300 square feet of overall living space for each resident.

(g) A residential setting care facility shall not be permitted any signage, graphics, display, or other visual forms of identification, other than that permitted for a residential unit.

(h) Any single-family residential unit utilized as a residential setting care facility shall be fully improved and maintained pursuant to state law and in accordance with provisions adopted by section 105-19.

(i) In the event that the state department of health services, or any other state agency with such authority, revokes or terminates a person's license to operate a residential setting care facility, then the person operating the residential setting care facility shall immediately cease operations and inform the city of such revocation or termination of their license.

(j) The provisions of this section are intended to comply with all state and federal law. In the event that any provision of this section is in conflict with state or federal law, such law shall apply, and preempt any conflicting condition listed herein.

(k) The provisions of this section are not intended to apply to the following facilities licensed by the state department of health services. These facilities are to be treated as single-family residential units, pursuant to the provisions of A.R.S. § 36-582.

(1) Residential facility, as defined by A.R.S. § 36-581.

(2) Group home, as defined by A.R.S. § 36-551.

(3) Adult development home, as defined by A.R.S. § 36-551.

(Code 2007, § 17.32.175)

**Sec. 125-259. Conflicts with article IV, division 4 of this chapter.**

Article IV, division 4 of this chapter establishes single-family residential guidelines that address some of the topics addressed in article V of this chapter. In certain instances, both article IV, division 4 of this chapter, and this article V may apply to the same parcel of real property. In such a case, if the provisions of article IV, division 4 of this chapter, conflict with those of this article, then the provisions of article IV, division 4 of this chapter shall govern and control.

(Code 2007, § 17.32.180)



## CODE COMPARATIVE TABLE

### 2007 CODE

This table gives the location within this Code of those sections of the 2007 Code that are included herein.

<b>2007 Code Section</b>	<b>Section this Code</b>	<b>2007 Code Section</b>	<b>Section this Code</b>
1-1—1-11	1-1—1-11	2.16.025—	
1.18.010	2-233	2.16.027	14-1—14-3
1.18.020	2-234	2.16.030	14-4
1.18.030	2-235	2.16.050	14-5
1.18.040	2-236	2.16.070	14-6
1.18.050	2-237	2.16.080	14-7
1.20.010	109-19	2.20.010	2-186
1.20.020	109-20	2.20.080	2-187
1.20.030	109-21	2.28.010	2-268
2.04.020	2-42	2.28.020	2-269
2.04.022,		2.28.030	2-270
2.04.023	2-43, 2-44	2.28.040	2-271
2.04.024—		2.28.050	2-272
2.04.026	2-62—2-64	2.28.060	2-273
2.04.030	2-87	3.08.010	46-16
2.04.040	2-88	3.08.020	46-17
2.04.045	2-89	3.12.010	30-19
2.04.060	2-90	3.12.020	30-20
2.04.070	2-91	3.12.030	30-21
2.04.080	2-93	3.12.040	30-22
2.04.090	2-94	3.12.050	30-23
2.04.100	2-95	3.12.060	30-24
2.04.110	2-96	3.12.070	30-25
2.04.120	2-19	3.12.080	30-26
2.04.150	2-295	3.12.090	30-27
2.04.160	2-92	3.12.100	30-28
2.04.180	2-297	3.12.110	30-29
2.04.190	2-298	3.12.120	30-30
2.04.200	2-299	3.12.130	30-31
2.04.210	2-300	5.04.010	26-19
2.04.220	2-301	5.04.020	26-20
2.04.230	2-302	5.04.025	26-21
2.04.240	2-303	5.04.030	26-22
2.04.250	2-296	5.04.032	26-23
2.08.010	2-145	5.04.035	26-24
2.08.020	2-146	5.04.038	26-25
2.08.050	2-147	5.04.040	26-26
2.08.060	2-148	5.04.045	26-27
2.08.070	2-149	5.04.050	26-28
2.09.010	2-122	5.04.055	26-29
2.10.010	2-123	5.04.060	26-30
2.12.030	2-121	5.04.070	26-31

# SURPRISE CODE

<b>2007 Code Section</b>	<b>Section this Code</b>	<b>2007 Code Section</b>	<b>Section this Code</b>
5.04.080	26-32	5.08.150	26-109
5.04.085	26-33	5.08.160	26-110
5.04.090	26-34	5.09.010	26-134
5.04.100	26-35	5.09.020	26-135
5.04.110	26-36	5.09.030	26-136
5.04.120	26-37	5.09.040	26-137
5.04.140	26-38	5.09.050	26-138
5.04.200	26-39	5.09.060	26-139
5.04.205	26-40	5.09.070	26-140
5.04.210	26-41	5.09.080	26-141
5.04.220	26-42	5.09.090	26-142
5.04.240	26-43	5.09.100	26-143
5.04.250	26-44	5.09.110	26-144
5.04.260	26-45	5.09.120	26-145
5.04.270	26-46	5.09.130	26-146
5.05.010	34-134	5.09.140	26-147
5.05.020	34-135	5.09.150	26-148
5.05.030	34-136	5.09.160	26-149
5.05.040	34-137	5.09.170	26-150
5.07.010	26-173	5.09.180	26-151
5.07.020	26-174	5.09.190	26-152
5.07.030	26-175	5.10.010	50-19
5.07.040	26-176	5.10.020	50-42
5.07.050	26-177	5.10.030	50-43
5.07.060	26-178	5.10.040	50-44
5.07.070	26-179	5.10.050	50-45
5.07.080	26-180	5.10.060	50-46
5.07.090	26-181	5.10.070	50-46
5.07.100	26-182	5.10.080	50-68
5.07.110	26-183	5.10.090	50-69
5.07.120	26-184	5.10.100	50-70
5.07.130	26-185	5.10.110	50-71
5.07.140	26-186	5.10.120	50-72
5.07.150	26-187	5.10.130	50-73
5.07.160	26-188	5.10.140	50-74
5.07.170	26-189	5.10.150	50-75
5.08.010	26-95	5.10.160	50-76
5.08.020	26-96	5.10.170	50-77
5.08.030	26-97	5.10.180	50-78
5.08.040	26-98	5.10.190	50-79
5.08.050	26-99	5.10.200	50-80
5.08.060	26-100	5.10.210	50-81
5.08.070	26-101	5.10.220	50-82
5.08.080	26-102	5.10.230	50-83
5.08.090	26-103	5.10.240	50-110
5.08.100	26-104	5.10.250	50-111
5.08.110	26-105	5.10.260	50-112
5.08.120	26-106	5.10.270	50-113
5.08.130	26-107	5.10.280	50-114
5.08.140	26-108	5.10.290	50-115

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5.10.320	50-147	6.08.020	10-111
5.10.330	50-148	6.08.030	10-112
5.10.340	50-149	6.08.040	10-113
5.10.350	50-150	6.08.050	10-114
5.10.360	50-151	6.08.060	10-115
5.10.370	50-152	6.08.065	10-116
5.10.380	50-173	6.08.070	10-117
5.10.390	50-174	6.08.080	10-118
5.10.400	50-175	6.08.090	10-119
5.10.410	50-176	6.08.100	10-120
5.10.420	50-177	8.15.010	18-19
5.10.430	50-178	8.15.020	18-20
5.10.440	50-179	8.15.030	18-21
5.10.450	50-180	8.15.040	18-22
5.10.460	50-181	8.15.050	18-22
5.10.470	50-201	8.20.010	26-66
5.10.480	50-202	8.20.020	26-67
5.10.490	50-203	8.20.040	26-68
5.10.500	50-204	8.30.010	22-51
5.10.510	50-205	8.30.020	22-52
5.10.520	50-206	8.30.040	22-53
5.10.530	50-207	8.40.010	105-90
5.10.540	50-208	8.40.020	105-91
5.10.550	50-209	8.40.030	105-92
5.10.560	50-210	8.40.040	105-93
5.10.570	50-211	9.04.050	34-225
5.10.580	50-212	9.08.010	34-158
5.10.590	50-213	9.08.020	34-159
5.10.600	50-214	9.12.010	34-105
5.10.610	50-215	9.16.060	34-107
5.10.620	50-216	9.16.090	34-108
6.04.010	10-19	9.16.100	34-109
6.04.020	10-20	9.16.120	34-110
6.04.030	10-21	9.16.010(A)—	
6.04.040	10-23	9.16.010(C)	34-40—34-42
6.04.050	10-24	9.20.010	34-106
6.04.060	10-25	9.21.010	34-187
6.04.070	10-26	9.21.020	34-188
6.04.080	10-56	9.21.030	34-189
6.04.090	10-57	9.21.040	34-190
6.04.100	10-58	9.21.050	34-191
6.04.110	10-59	9.21.060	34-192
6.04.120	10-60	9.21.070	34-193
6.04.130	10-79	9.22.010	26-217
6.04.140	10-80	9.22.020	26-218
6.04.150	10-81	9.22.030	26-219
6.04.160	10-82	9.24.010	6-1
6.04.170	10-83	9.24.020	6-2

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9.24.030	6-3	12.08.130	38-31
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9.29.020	22-20	12.10.020	54-92
9.29.030	22-21	13.02.110	58-21
9.29.040	22-22	13.02.120	58-22
9.29.050	22-23	13.02.130	58-23
9.29.060	22-24	13.02.210	58-50
9.29.070	22-25	13.02.230	58-51
9.29.080	22-26	13.02.240	58-52
9.29.090	22-27	13.02.250	58-53
9.29.100	22-28	13.02.260	58-54
9.29.110	22-29	13.02.270	58-55
9.29.120	22-30	13.02.280	58-56
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9.32.010	34-73	13.02.320	58-87
10.04.010	54-1	13.02.330	58-88
10.04.020	54-25	13.03.020	58-120
10.06.010	54-113	13.03.030	58-121
10.06.020	54-114	13.03.040	58-122
10.06.030	54-115	13.03.050	58-123
10.08.010	54-2	13.03.060	58-124
10.08.020	54-2	13.03.070	58-125
10.12.010	54-54	13.03.080	58-126
10.12.015	54-55	13.03.090	58-127
10.12.020	54-56	13.03.100	58-128
10.12.030	54-57	13.04.120	58-155
10.16.010	54-3	13.04.210	58-179
10.16.030	54-3	13.04.220	58-180
10.20.010	54-88	13.04.230	58-181
10.20.020	54-89	13.04.240	58-182
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12.08.010	38-19	13.04.345	58-212
12.08.020	38-20	13.04.350	58-213
12.08.030	38-21	13.04.355	58-214
12.08.040	38-22	13.04.360	58-215
12.08.050	38-23	13.04.365	58-216
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13.08.303	58-301	13.08.665	58-423
13.08.306	58-302	13.08.670	58-424
13.08.309	58-303	13.08.675	58-425
13.08.312	58-304	15.04.010	105-19
13.08.315	58-305	15.04.020	105-20
13.08.318	58-306	15.04.030	105-21
13.08.321	58-306	15.04.040	105-22
13.08.324	58-306	15.04.050	105-23
13.08.327	58-307	15.04.055	105-24
13.08.330	58-308	15.04.060	105-25
13.08.333	58-309	15.05.010	105-54
13.08.336	58-310	15.05.020	105-55
13.08.339	58-311	15.05.030	105-56
13.08.342	58-312	15.05.040	105-57
13.08.345	58-313	15.05.050	105-58
13.08.348	58-314	15.10.010	109-46
13.08.351	58-315	15.10.020	109-47
13.08.354	58-316	15.10.030	109-48
13.08.357	58-317	15.10.040	109-49
13.08.360	58-318	15.10.050	109-50
13.08.363	58-319	15.10.060	109-51
13.08.366	58-320	15.10.070	109-52
13.08.369	58-321	15.10.080	109-53
13.08.372	58-322	15.20.010	117-1
13.08.375	58-323	15.20.020	117-2
13.08.378	58-324	15.20.030	117-3
13.08.381	58-325	15.20.040	117-4
13.08.384	58-326	15.20.050	117-5
13.08.410	58-356	15.20.060	117-6
13.08.420	58-357	15.20.070	117-7
13.08.430	58-358	15.20.080	117-8
13.08.440	58-359	15.20.090	117-9
13.08.450	58-360	15.24.010	113-1
13.08.510	58-379	15.24.020	113-2
13.08.520	58-380	15.24.030	113-4
13.08.530	58-381	15.24.040	113-5
13.08.540	58-382	15.24.050	113-6
13.08.550	58-383	15.24.060	113-7
13.08.560	58-384	15.24.070	113-8
13.08.610	58-412	15.24.080	113-9
13.08.615	58-413	15.24.090	113-103
13.08.620	58-414	15.24.100	113-104
13.08.625	58-415	15.24.110	113-105
13.08.630	58-416	15.24.150	113-106
13.08.635	58-417	15.24.160	113-107
13.08.640	58-417	15.24.170	113-128
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13.08.650	58-420	15.24.190	113-157
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15.24.220	113-11	16.16.020	121-32
15.24.230	113-70	16.16.030	121-33
15.24.240	113-71	16.16.040	121-34
15.24.250	113-72	16.16.050	121-35
15.24.260	113-41	16.20.010	121-91
15.24.270	113-42	16.20.020	121-92
15.24.280	113-43	16.20.030	121-93
15.24.290	113-44	16.20.040	121-94
15.24.300	113-45	16.20.050	121-95
15.24.305	58-1	16.20.060	121-96
15.24.310	113-46	16.20.070	121-97
15.24.340	113-47	16.20.080	121-98
15.24.350	113-48	16.20.090	121-99
15.24.360	113-3	16.20.100	121-100
15.28.010	42-23	16.24.010	121-129
15.28.020	42-24	16.24.020	121-130
15.28.030	42-25	16.24.030	121-131
15.28.050	42-26	16.28.020	121-161
15.28.060	42-27	16.28.040	121-162
15.28.070	42-28	16.28.050	121-163
15.28.080	42-29	16.28.060	121-164
15.28.090	42-30	16.28.070	121-165
15.28.100	42-31	16.30.010	121-184
15.28.110	42-32	16.30.020	121-185
15.28.120	42-33	16.30.030	121-186
15.28.130	42-34	16.30.040	121-187
15.28.140	42-35	16.30.050	121-188
15.28.150	42-36	16.30.060	121-189
15.28.160	42-37	16.30.070	121-190
15.28.170	42-38	16.30.080	121-191
15.28.180	42-39	16.40.010	121-221
15.28.190	42-40	16.40.020	121-222
15.28.200	42-41	16.40.030	121-223
15.28.210	42-42	16.40.040	121-224
15.28.220	42-43	16.40.050	121-225
16.04.020	121-3	16.40.060	121-226
16.04.030	121-4	16.40.070	121-227
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16.08.020	121-2	17.08.050	101-20
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16.12.020	121-60	17.12.020	125-68
16.12.030	121-61	17.12.030	125-69
16.12.040	121-62	17.12.040	125-70
16.12.050	121-63	17.16.010	125-27
16.12.060	121-64	17.16.020	125-28
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17.28.020	125-180	17.36.090	125-38
17.28.025	125-181	17.36.100	125-39
17.28.030	125-182	17.40.010	125-4
17.28.040	125-183		
17.28.050	125-184		
17.28.060	125-185		
17.28.065	125-186		
17.28.070	125-187		
17.28.080	125-188		
17.28.090	125-189		
17.28.100	125-190		
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17.32.010	125-242		
17.32.020	125-243		
17.32.030	125-244		
17.32.040	125-245		
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17.32.060	125-247		
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## **CODE COMPARATIVE TABLE**

### **ORDINANCES**

This table gives the location within this Code of those ordinances adopted since the 2007 Code that are included herein.

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Section this Code</b>
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## STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to Arizona Revised Statutes.

<b>A.R.S. Section</b>	<b>Section this Code</b>	<b>A.R.S. Section</b>	<b>Section this Code</b>
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1-243	1-2	9-461 et seq.	Ch. 101, Art. II
1-248 et seq.	1-4	9-461.01	Ch. 101, Art. II 2-302
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	26-44		34-158
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9-276(A)(5)— (A)(8)	Ch. 42	9-505 et seq.	109-20
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13-1601 et seq.	34-42	28-1102	54-146
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## STATE LAW REFERENCE TABLE

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49-765	Ch. 58, Art. III

**Tab B**

Residential Development Unit - Site Data

<b>OWNER:</b> DOMINIUM 2905 NORTHWEST BLVD. STE. 150 PLYMOUTH, MINNESOTA 55441 CONTACT - KATESSA ARCHER (763) 354-5604	<b>DESIGN PROFESSIONAL:</b> TODD & ASSOCIATES, INC. 4019 NORTH 44TH STREET PHOENIX, AZ. 85018 CONTACT - GARY TODD, AIA (602) 952-8280
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SITE AREA:		
PARCEL	NET	GROSS
FAMILY APARTMENT	+/- 889,845 SF / 20.43 AC	+/- 905,989 SF, 20.80 AC
SENIOR LIVING	+/- 358,198 SF / 8.22 AC	+/- 378,360 SF, 8.69 AC
TOTAL	+/- 1,248,043 SF / 28.65 AC	+/- 1,284,349 SF / 29.49 AC

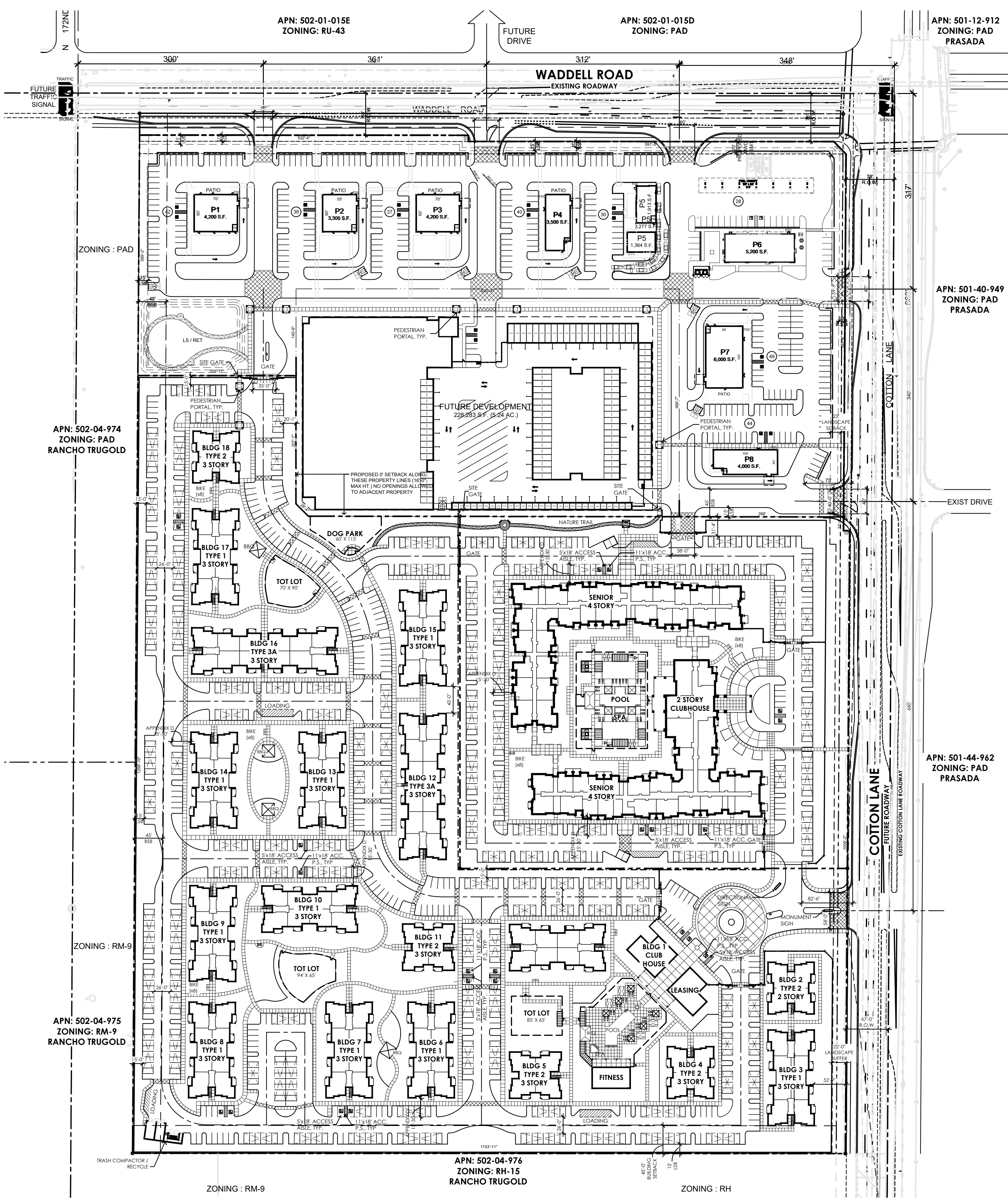
<b>ZONING:</b> EXISTING ZONING: PROPOSED ZONING:	PAD (TRUMAN RANCH) PAD (THE PROMENADE AMENDMENT)
<b>BUILDING HEIGHT:</b> EXISTING:  PROPOSED: FAMILY APARTMENT SENIOR LIVING  MAX HEIGHT:	50 FEET FOR PEAK ELEMENTS IN WESTERLY HALF  3 STORIES 4 STORIES  55 FEET
<b>DENSITY:</b> REQUIRED: PROPOSED: FAMILY APARTMENT SENIOR LIVING	NOT SPECIFIED  +/- 19.04 D.U. / NET ACRE +/- 25.43 D.U. / NET ACRE
<b>EXISTING SETBACKS:</b> WEST: SOUTH: NORTH & EAST:	45' 20' (45' IF ADJACENT TO RESIDENTIAL ZONING) MINIMUM 5' FOR STRUCTURES WITH STREET PEDESTRIAN ACCESS MINIMUM 10' FOR ALL OTHER STRUCTURES 0'
INTERNAL: LANDSCAPE BUFFER:	22' AT MAJOR ARTERIAL R/W 10' AT COLLECTOR IF DESIGNED TO A PEDESTRIAN SCALE (URBAN) 5' AT STREET

PROPOSED SETBACKS:		
FAMILY APARTMENT	BUILDING SETBACK	LANDSCAPE BUFFER
WEST	45'-0"	15'-0"
SOUTH	15'-0" CARPORT & REFUSE	
NORTH		
EAST	45'-0"	22'-0"

SENIOR LIVING	BUILDING SETBACK	LANDSCAPE BUFFER
WEST	45'-0" 10'-0" CARPORT & REFUSE	15'-0"
SOUTH		
NORTH	45'-0" 15'-0" CARPORT & REFUSE	15'-0"
EAST	45'-0"	22'-0"

<b>PARKING:</b> FAMILY APARTMENT PROVIDED PARKING: COVERED PARKING: SURFACE PARKING: TOTAL PROVIDED	461 P.S. 319P.S. 771 P.S. (1.95 P.S./ D.U.)
SENIOR LIVING PROVIDED PARKING: COVERED PARKING: SURFACE PARKING: TOTAL PROVIDED	218 P.S. 97 P.S. 315 P.S. (1.43 P.S./ D.U.)
<b>GENERAL PARKING DIMENSIONS:</b> PARKING SPACE: ACCESSIBLE PARKING SPACE: AISLE WIDTH:	9' x 18' 11' x 18' 26'
<b>BIKE PARKING:</b> FAMILY APT. REQUIRED: 1 per 20 P.S. = FAMILY APT. PROVIDED: SENIOR LIVING REQUIRED: 1 per 20 P.S. = SENIOR LIVING PROVIDED:	39 SPACES 40 SPACES 16 SPACES 16 SPACES
NOTE: BUILDING ELEVATIONS TO BE PROVIDED AT SPECIFIC SITE PLAN THAT DEMONSTRATES COMPLIANCE WITH THE PAD (THE PROMENADE AMENDMENT)	

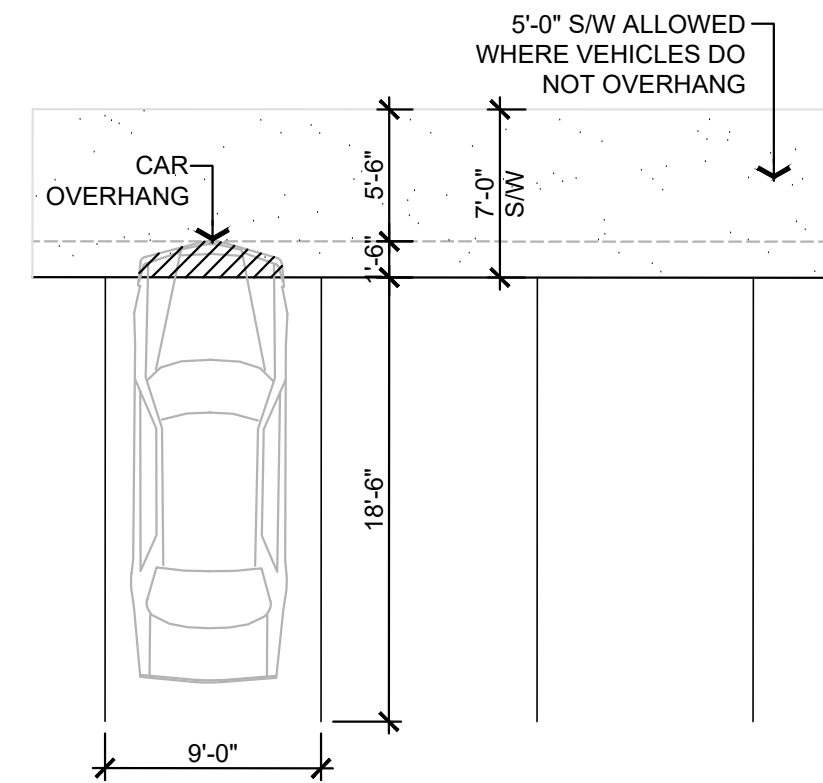
- NOTE:
- THE SITE PLAN, BUILDING FOOTPRINTS, SQUARE-FOOTAGES, AND ARRANGEMENTS, AND USES WITHIN THIS APPLICATION ARE PRELIMINARY AND CONCEPTUAL, AND MAY BE MODIFIED DURING THE FINAL DESIGN AND SITE PLAN REVIEW APPROVAL(S).
  - SPECIFIC PLANS FOR INDIVIDUAL DEVELOPMENT PROJECTS WILL BE PROCESSED THROUGH THE CITY OF SURPRISE REVIEW PROCESS.
  - BUILDING ELEVATIONS TO BE PROVIDED AT SPECIFIC SITE PLAN THAT DEMONSTRATES COMPLIANCE WITH PAD (THE PROMENADE AMENDMENT)



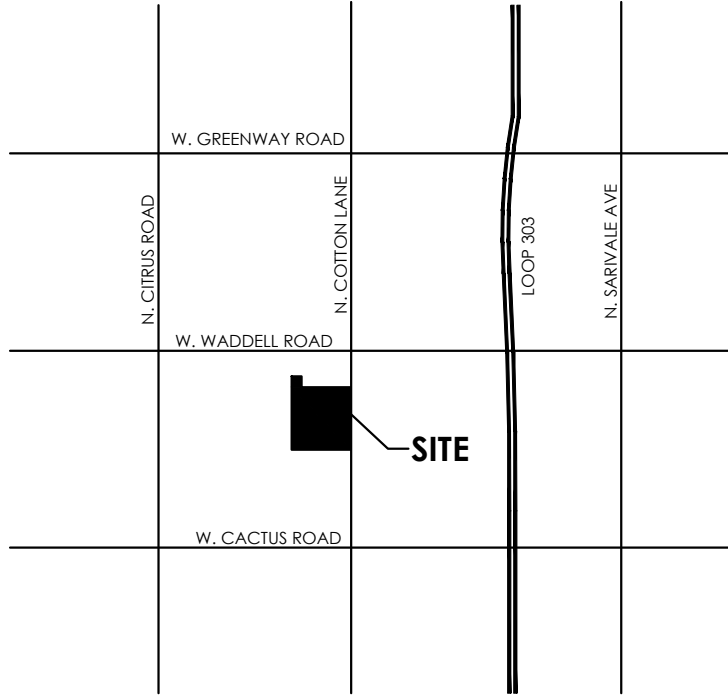
Commercial Development Unit - Site Data

Existing Zoning :	Truman Ranch PAD
Proposed Zoning :	The Promenade PAD Amendment
APN# :	502-04-005C
Total Site Area :	640,803 S.F. (9.47 AC.)
Future Development Site Area :	228,283 S.F. (5.24 AC.)
Net Site Area :	412,520 S.F. (9.47 AC.)
Building Area:	33,677 S.F.
Coverage (based on Net Site Area):	8.2 %
Proposed Height:	26 Feet
Parking Required:	
Restaurant @ 20,627 S.F. / 150 S.F. :	138 Spaces
Retail Shop @ 7,850 S.F. / 300 S.F. :	27 Spaces
Gas Station @ 5,200 S.F. / 500 S.F. :	11 Spaces
Total Parking Required:	176 Spaces
Parking Provided:	308 Spaces
ADA Required:	8 Spaces
ADA Provided:	16 Spaces

Parking Diagram



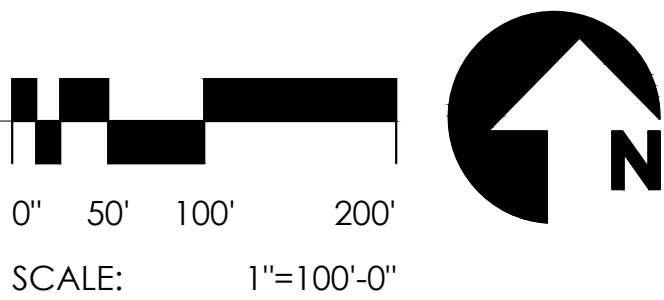
VICINITY MAP



CONTACT INFORMATION

PROPERTY OWNER / COMMERCIAL DEVELOPER TRUMAN RANCH 46 SWC LLC		
<b>RESIDENTIAL ARCHITECT:</b> TODD & ASSOCIATES, INC. 5019 N 44TH STREET PHOENIX, ARIZONA 85018 602.952.8280  GARY TODD gtodd@toddassoc.com	<b>COMMERCIAL ARCHITECT</b> BUTLER DESIGN GROUP 5017 E WASHINGTON STREET, SUITE 107 PHOENIX, ARIZONA 85034 602.957.1800  RICK BUTLER / TATIANA VALDIVIA rbutler@butlerdesigngroup.com tvaldivia@butlerdesigngroup.com	<b>RESIDENTIAL DEVELOPER</b> DOMINIUM 2905 NORTHWEST BOULEVARD, SUITE 150 PLYMOUTH, MINNESOTA 55441 763.354.5604  JEFF HUGGETT / KATESSA ARCHER jhuggett@dominiumpinc.com katessa.archer@dominiumpinc.com
<b>RESIDENTIAL LANDSCAPE ARCHITECT:</b> TODD & ASSOCIATES, INC. 4019 N 44TH STREET PHOENIX, ARIZONA 85018 602.952.8280  DUSTIN SIMMONS dsimmons@toddassoc.com	<b>COMMERCIAL LANDSCAPE ARCHITECT</b> KIMLEY-HORN 7740 N 16TH STREET, SUITE 300 PHOENIX, AZ 85020 602.944.5500  ANNE S. DEBOARD anne.deboard@kimley-horn.com	<b>CIVIL ENGINEER</b> KIMLEY-HORN 1001 W SOUTHERN AVENUE, SUITE 131 MESA, AZ 85210 602.552.3171  HEATHER D. ROBERTS heatherd.roberts@kimley-horn.com

MASTER SITE PLAN



THE PROMENADE

Surprise, Arizona

CLIENT REVIEW

APRIL 2, 2021



CASE #FS21-076

MSP

20-2007-02  
Preliminary Not For Construction

**Tab C**





## Tab D



## **Tab E**

