

Chapter 24

ZONING*

* **Cross References:** Buildings and building regulations, Ch. 4; signs, Ch. 19.
State Law References: Zoning, A.R.S. § 9-462 et seq.

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ARTICLE I.

IN GENERAL

Sec. 24-1. 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:

Accessory use or structure means a use or a structure subordinate to the principal use or building on a lot and serving a purpose customarily incidental to the use of the principal building, provided any such structure is built with or after the construction of the principal building.

Alley means any public or private way less than thirty-one (31) feet in width set aside as a permanent right-of-way for street purposes.

Apartment house means a building occupied or intended to be occupied as an abode by three (3) or more families.

Board of adjustment means the official body designated by ordinance to hear and decide applications for variances from the provisions of this chapter and appeals from decisions of the zoning administrator.

Buildable area means the net lot area remaining after deducting the required yards (front, rear and side yards) from the gross area of a lot or parcel of land of record.

Building means any structure used or built for the shelter or enclosure of persons, animals or chattels.

Bulk station means a place where liquefied petroleum gas, crude petroleum, gasoline, naphtha, benzine, benzol, kerosene or any other liquid except such as will stand a test of one hundred fifty (150) degrees Fahrenheit, closed cup testers, are stored in wholesale quantities, where the aggregate capacity of all storage tanks is more than ten thousand (10,000) gallons.

Dwelling means a building occupied or intended to be occupied as an abode by not more than two (2) families.

Dwelling court means the customary arrangement of a number of dwellings upon one (1) lot and grouped around an open area.

Family means any number of individuals customarily living together as a single housekeeping unit and using common cooking facilities.

Garage, neighborhood or community means a space or structure or a series of structures, principally for the storage of the self-propelled vehicles or trailers of the residents of the neighborhood, in which no commercial repair is conducted, and all services and selling facilities are located inside the garage building and are for the use exclusively of the tenants of such garage.

Garage, private means a space or structure on the same lot with or in the building to which it is accessory, for use only by persons residing on the premises, except as hereinafter specified, for the storage only of self-propelled vehicles or trailers, having no shop or service in connection therewith, and in which no business or industry is conducted.

Garage, public means a space or structure other than a private, neighborhood or community garage, for the storage, sale, hire, or care of, repair or refinishing of self-propelled vehicles or trailers. "Public garage" does not include a structure or room used solely for the display and sale of such vehicles, in which they are not operated under their own power, and in connection with which there is no repair, maintenance or refinishing service or storage of vehicles other than those displayed.

Height (of wall, or of the part of a building) means the vertical distance from the average established curb grade in front of the lot or from the average finished grade, at the building line, if higher, to the average height of the top of the cornice of flat roofs, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or domer in a pitched or hipped roof, or, if there are no gables or dormers, to the middle height of such pitched or hipped roof.

Lot means a piece or parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or which may hereafter be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by the provisions of this chapter.

Lot, corner means a lot of which at least two (2) adjacent sides abut for their full lengths upon streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at its points of intersection at the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner is that point on the tangents above described.

Lot depth means the distance measured in the mean direction of the side lot lines from the midpoint of the street lot line to the opposite main rear line of the lot. In the case of an interior lot running through between two (2) streets which make an angle of less than forty-five (45) degrees with one another, the lines entirely

within the lot equidistant from the two (2) street lot lines may be deemed to be the rear line, provided there can be compliance with the open space requirements of this chapter.

Lot, interior means a lot other than a corner lot. Any portion of a corner lot more than one hundred twenty-five (125) feet from the corner measured along a street lot line is an interior lot.

Lot, key means any lot abutting along the entire length of at least one (1) of its side lot lines, either directly or across an alley, the rear lot line of any lot or lots; or any lot situated between two (2) such key lots.

Lot line means the property line bounding a lot.

Lot line, front, in the case of a lot abutting on only one (1) street means the line separating such a lot from such street. In the case of any other lot, the owner shall have the privilege of electing any street lot line as the front lot line, provided that the choice, in the opinion of the building inspector, will not be injurious to the existing or to the desirable future development of adjacent properties.

Lot line, rear means that lot line which is opposite and most distant from the front lot line. The rear lot line of any irregular triangular or gore lot shall be a line entirely within the lot, ten (10) feet along, parallel to, and most distant from the front line.

Lot line, side means any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street shall be called a side street lot line. A side line separating a lot from another lot is an interior side lot line.

Lot line, street or alley, means a lot line separating the lot from a street or alley.

Lot width means the mean width of the lot measured at right angles to its depth.

Marijuana Dispensary shall have the same meaning as ‘Nonprofit Medical Marijuana Dispensary or other dispensary definition as defined by A.R.S. § 36-2801.

Marijuana Dispensary Offsite Cultivation Location means the additional location, if any, where marijuana may be cultivated for the use of a Marijuana Dispensary as disclosed pursuant to A.R.S. § 36-2804

Mobile home or house trailer means any unit used for living or sleeping purposes and designed to be equipped with wheels or similar devices for the purpose of transporting the unit from place to place, whether by motive power or by other means.

Nonconforming use means a building, structure or land which does not conform with the provisions of this chapter for the zoning district in which it is located and which lawfully existed on or prior to February 14, 1978 or on the date the use became nonconforming because of annexation of the property to the city, rezoning of the property, or amendment to the text of this chapter.

Planning agency means the official body designated by ordinance to carry out the purposes of this chapter.

Professional includes accountant, architect, chiropodist, chiropractor, dentist, engineer, lawyer, naturopath, osteopath, physician, surveyor or veterinarian.

Sanatorium or *sanitarium* means a building or group of buildings arranged, intended, designed or used for housing care or treatment of sick people or convalescents.

Semiprofessional includes insurance broker, photographer, public stenographer, real estate broker, stockbroker and other persons who operate or conduct offices which do not require the stocking of goods for sale at wholesale or retail. "Semiprofessional" does not include barber, beauty operator, cosmetologist, embalmer or mortician.

Small cell wireless facility means a wireless facility that meets both of the following:

- a. All antennas are located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of the antenna's exposed elements could fit within an imaginary enclosure of not more than six cubic feet in volume.
- b. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume or fifty cubic feet in volume if the equipment was ground mounted before August 9, 2017. The following types associated ancillary equipment are not included in the calculation of equipment volume pursuant to this subdivision:
 1. An electronic meter
 2. Concealment elements
 3. A telecommunications demarcation box
 4. Grounding equipment
 5. A power transfer switch
 6. A cutoff switch
 7. Vertical cable runs for the connection of power and other services

Stable means the same as garage, one (1) draft animal being considered the equivalent of one (1) self-propelled vehicle.

Street means any of the following:

- a. Any public or private way thirty-one (31) feet or more in width set aside as a permanent right-of-way for street purposes, if same existed on February 14, 1978.
- b. Any such public or private way fifty (50) feet or more in width as may be created after February 14, 1978.

Swap meet means the use of a lot or lots for multiple, short term (e.g., hourly or daily) rentals of outdoor or semienclosed spaces for the purpose of the display and sale, exchange or barter of goods, exclusive of occasional craft fairs and benefit sales held on public property.

Usable open space, as applied to SR-3 zoning districts, means any horizontal surface including a court,

yard, deck area, landscaped area, balcony, ramada and covered terrace open on at least two (2) sides, which is usable by an accessible to the occupants of a dwelling unit on the lot for recreational purposes. "Usable open space" does not include a rooftop or an area used for a driveway, loading, parking, drainage, trash collection, or an accessory building.

Yard means an open space on the same lot with a building unoccupied and unobstructed from the ground upward.

Yard, front means a yard extending the full width of the lot between a building and the front lot line.

Yard, front, least depth means the shortest distance, measured horizontally, between any part of a building and the front lot line.

Yard, rear means a yard extending the full width of a lot between a building and the rear lot line.

Yard rear, least depth means the shortest distance measured horizontally, between any part of a building, and the rear lot line, or, when an alley exists to the rear of a lot, the minimum required rear yard shall be measured to the centerline of such an alley.

Yard, side means a yard extending from the front yard to the rear yard between a building or a series of buildings and the side lot line.

Yard, side least width means the shortest distance, measured horizontally between any part of a building and the nearest side lot line.

Zoning administrator means the official responsible for enforcement of the provisions of this chapter. (Ord. No. 78-3, § 12.107, 2-14-78)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 24-2. Interpretation.

(a) *Provisions declared minimum.* In the interpretation and application of the provisions of this chapter, the provisions thereof shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

(b) *Effect on other provisions.* Whenever the provisions of this chapter require a greater width or size of yards or other open spaces, or require a lower height or building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any statute, other ordinance, regulation, legal covenant, agreement or contract, the provisions of this chapter shall govern. Whenever the provisions of any statute, other ordinance, regulation, legal covenant, agreement or contract require a greater width or size of yards or other open spaces, or require a lower height of building or a lesser number of stories, or require a greater percentage of a lot to be left unoccupied or impose other higher standards than are required by this chapter, the requirements of this chapter shall not be deemed to abrogate the provisions of such statute, ordinance, regulation, legal covenant, agreement or contract.

(c) *Authorization in one (1) zone operates as prohibition in more restrictive zoning districts.* The express enumeration and authorization in this chapter of a particular class of building, structure, premises or use

in a zoning district shall be deemed a prohibition of such building, structure, premises or use in all other zoning districts of a more restrictive classification.

(Ord. No. 78-3, §§ 12.101--12.103, 2-14-78)

Sec. 24-3. Compliance.

No building, structure or land shall hereafter be used and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered, except in conformity with the provisions specified in this chapter for the zoning district in which it is located except as specified otherwise in this chapter.

(Ord. No. 78-3, § 12.104, 2-14-78)

Sec. 24-4. Violations.

(a) Violations of this chapter are a misdemeanor.

(b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the city attorney, in addition to other remedies, shall institute any appropriate action or proceedings to prevent such unlawful erection, construction, alterations, repair, conversion, maintenance or use, to restrain, correct or abate such violations, to prevent the occupancy of such buildings, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

(c) The building inspector shall report all violations of this chapter to the city attorney immediately.

(d) If a person fails to comply with the decisions or requirements of the board of adjustment or continues to violate the provisions of this chapter after being denied a variance or an exception, the building inspector may order utility companies to disconnect utility services to the premises involved until compliance therewith. No such action by the inspector shall be taken until ten (10) days after receipt by the person or owner of the premises of written notice of intent to take such action. If a written request for a review of the matter is made within ten (10) days after receipt of the notice of intent, the action by the building inspector shall be stayed until a hearing thereon by the board of adjustment. The board may affirm, reverse or modify the inspector's proposed action. This subsection does not preclude the use of any other enforcement method.

(Ord. No. 78-3, §§ 12.425, 12.427, 2-14-78)

Secs. 24-5--24-15. Reserved.

ARTICLE II.

ADMINISTRATION AND ENFORCEMENT

DIVISION 1.

GENERALLY

Sec. 24-16. Zoning administrator.

- (a) The position of zoning administrator is created.
- (b) The purpose of this section is to provide a means of applying the city's land use policies and regulations that responds to the following needs:
 - (1) To insure fairness and due process in public hearings.
 - (2) To provide efficient, timely public review of private development proposals under the city's land use regulations.
- (c) The duties of the zoning administrator include but are not restricted to the duty to:
 - (1) Perform those administrative actions as required by this chapter.
 - (2) Maintain the provisions of this chapter, zoning district maps, and all records of regulatory actions and cases.
 - (3) Subject to supervision of the planning director, and to the general and specific policies laid down by the council, interpret the provisions of this chapter to the public, city departments, and other branches of government, including the duty to advise applicants.
 - (4) Enforce this chapter.
 - (5) Make recommendations for changes and improvements in ordinances and procedures.
 - (6) Rule on the following:
 - a. Site plans and design review as permitted.
 - b. Issuance of zoning compliance certificates for uses subject to performance standards.
 - (7) Refer matters to the zoning commission or the planning director as deemed appropriate or as required by the provisions of this chapter.

(Ord. No. 78-3, §§ 12.391--12.393, 2-14-78)

Sec. 24-17. Enforcement generally.

It shall be the duty of the zoning administrator with the aid of the building inspector and police department to enforce this chapter in accordance with the administrative provisions of this article. The building inspector shall assist the zoning administrator in carrying out the purposes of this chapter and shall provide such assistance as is reasonably required.

(Ord. No. 78-3, § 12.421, 2-14-78)

Cross References: Officers and employees generally, § 2-51 et seq.; personnel, Ch. 17.

Sec. 24-18. Nonconforming uses and structures.

(a) *Continuing existing uses.* Any building, structure, or use lawfully existing on or prior to February 14, 1978, may be continued, even though such building, structure or use does not conform with the provisions of this chapter for the zoning district in which it is located. Similarly, whenever a zoning district shall be changed, the then existing lawful use may be continued.

(b) *Extending nonconforming uses.* Except when authorized by the board of adjustment as provided in section 24-22 no building or premises containing a nonconforming use shall hereafter be extended unless such extension conforms with the provisions of this chapter for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to February 14, 1978, if no structural alterations except those required by law or ordinance are made therein.

(c) *Reconstructing nonconforming structures.* Any nonconforming building or structure, or one (1) or more of a group of nonconforming buildings or structures related to one (1) industry and under one (1) ownership, which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or act of God, may be reconstructed and used as before, if it be done within twelve (12) months of such calamity or if the area restored does not exceed the area as it existed at the time of such calamity.

(d) *Resuming nonconforming use after discontinuance.* No building, structure or premises where a nonconforming use has been discontinued for more than six (6) months or has been changed to a use permitted in the zoning district in which it is located shall again be devoted to a nonconforming use.

(e) *Restoring unsafe buildings.* Nothing in this chapter prevents the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector, or from complying with the lawful requirements.

(f) *Effect on pending building permits.* Nothing in the provisions of this chapter requires any change in the plans, construction, size or designated use of any building, structure or part thereof, for which a building permit has been granted before February 14, 1978, and the construction of which, from such plans, started by April 15, 1978.

(Ord. No. 78-3, §§ 12.105, 12.291--12.296, 2-14-78)

State Law References: Nonconforming uses, A.R.S. § 9-462.02.

Sec. 24-19. Appeals to board of adjustment.

(a) The board of adjustment shall hear and decide appeals where it is alleged that there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by the zoning administrator or building official in the enforcement of this chapter.

(b) An appeal to the board of adjustment may be taken by any person aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the zoning administrator in the enforcement of this chapter. Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing with the zoning administrator and with the board a notice of appeal specifying the grounds therefor. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal stays all proceedings in the matter appealed from, unless the zoning administrator

certifies to the board that, based upon facts stated in the certificate, a stay could cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed, except by restraining order granted by the board, or by a court of record on application and notice to the zoning administrator.

(d) In exercising its powers, the board may, in conformity with the provisions of A.R.S. tit. 9, ch. 4, art. 6 [§ 9-461 et seq.] and of this chapter reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(Ord. No. 78-3, §§ 12.402, 12.404(A), 12.407, 12.410, 12.411, 2-14-78)

Sec. 24-20. Appeals from decision of board of adjustment.

Any person aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the city, may at any time within thirty (30) days after the filing of the decision in the office of the board, obtain judicial review of same by filing a petition for a writ of certiorari. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, with notice to the board and on due cause shown, grant a restraining order and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.

(Ord. No. 78-3, § 12.413, 2-14-78)

Sec. 24-21. Variances.

(a) *Generally.* The board of adjustment shall hear and decide, grant or deny appeals for variances from the provisions of this chapter. The board shall grant variances only when to do so will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of this chapter will result in an unnecessary hardship. The board may not grant variances from the provisions of this chapter governing the use of land. The board may not grant a variance to a substantially greater extent or degree than indicated in the public notice of the hearing thereon.

(b) *Conditions may be imposed.* In granting a variance, the board may attach such reasonable conditions as it may deem necessary to implement the purposes of this chapter.

(c) *Required findings.* The board of adjustment may grant a variance only if it finds:

- (1) Because there are special circumstances applicable to the property, strict enforcement of this chapter will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
- (2) The special circumstances or conditions applicable to the property were not self-imposed nor created by the owner or person in possession of the property.
- (3) The variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the property is located.

- (4) Because of physical circumstances or conditions such as irregular shape, narrowness or shallowness of the lot, or exceptional topographic conditions of the specific property, the property cannot reasonably be developed in conformity with the provisions of this chapter.
- (5) The granting of the variance will not be detrimental to the public welfare nor injurious to other property or improvements in the neighborhood in which the property is located.
- (6) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
- (7) The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions in question.

(Ord. No. 78-3, §§ 12.404(H), 12.405, 12.406, 12.409(A), (C), (D), 2-14-78)

Sec. 24-22. Exceptions, extensions of nonconforming uses, etc.

(a) The board of adjustment shall hear and decide on applications for exceptions or special variances as set forth in this chapter and subject to the limitations therein set forth and other exceptions set forth in subsections (b) and (c) of this section. The board may deny such request, or may grant such request in whole or in part subject to such conditions as it may impose, provided in granting such request the board finds all of the following:

- (1) The exception is not contrary to the general intent of the provisions of this chapter and the public interest.
- (2) The property rights of adjoining owners are substantially preserved.
- (3) The exception will not create a new variance, nor increase an existing variance.

(b) Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines as shown on the zoning district map, the board of adjustment, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this chapter for the particular section or zoning district in question.

(c) The board may grant extensions of structures, buildings or premises devoted to a nonconforming use as an exception to section 24-3. Every exception allowed must comply with the presently existing district and general requirements; no new variances to current regulations shall be allowed nor existing variances increased. Such extensions shall be subject to the following provisions:

- (1) The board may allow an extension of a building devoted to a nonconforming use upon the lot occupied by such building or on a lot adjoining; provided all of the following conditions are satisfied:
 - a. The adjoining lot was under the same ownership as the lot in question on January 1, 1978.

- b. The extension is necessarily incident to the existing nonconforming use.
- c. The amount of such extension shall not exceed in all twenty-five (25) percent of the floor area of the existing buildings devoted to a nonconforming use, and that such extension shall adjoin the existing building or premises.
- d. The extension shall in any case be undertaken within five (5) years of the time the use in the existing building was made nonconforming.

- (2) The board may allow an extension of a use of building, within the same lot existing and of record on January 1, 1978, into a contiguous, more restricted district, but not more than twenty-five (25) feet beyond the dividing line of the two (2) districts. In borderline cases the board of adjustment may recommend to the council the redistricting of any lot, plot or part thereof, where, in its opinion, this will cause no hardship, and will not impair the intent and purpose of this chapter.

(Ord. No. 78-3, § 12.404(B)--(D), 2-14-78)

Sec. 24-23. Reserved.

Sec. 24-24. Fees.

(a) The common council shall by ordinance or resolution establish fees to be imposed by the planning department in connection with applications for textural amendments to this chapter and building zone map amendments, tentative and final plats, conditional uses, temporary uses, substitution of nonconforming uses, specific plans, and general plan amendments, and applications to the board of adjustment.

(b) *Waiver.* In such cases where undue hardship would occur or an inability to pay those fees as found in subsection (a) of this section, the board of adjustment may waive such fees upon written request from the applicant, who shall be responsible for submitting proof of an inability to pay the required fees.
(Ord. No. 78-3, §§ 12.416--12.419, 2-14-78; Ord. No. 85-14, §§ 1, 2, 12-16-85)

Sec. 24-25. Building permits.

(a) All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of the lot, of the buildings and accessory buildings existing, and the lines within which the building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the building inspector. Records of such compliance shall be maintained by the building inspector.

(b) All dimensions shown in the plans relating to the location and size of the lot to be built upon shall be based on an actual survey. The lot and the location of the building thereon shall be staked out on the ground before the construction is started and shall be certified upon inspection as to accuracy by the building inspector.

(Ord. No. 78-3, § 12.422, 2-14-78)

Sec. 24-26. Zoning compliance certificate.

(a) *Zoning compliance certificate authorized.* Under such rules and regulations as may be established by the zoning administrator, a zoning compliance certificate may be issued in accordance with the provisions of this chapter.

(b) No land or building shall be occupied or used, and no building shall be constructed, reconstructed, altered, repaired, used or changed in use until a zoning compliance certificate shall have been issued. Such certificate shall state that such building or premises, or a part thereof, and the proposed use thereof are in conformity with the provisions of this chapter.

The building inspector shall not issue a permit for excavations for a foundation or construction of any sort, before a zoning compliance certificate shall have been issued.

(c) Upon written request from the owner or tenant, the zoning administrator shall issue a zoning compliance certificate for any building or premises existing on February 14, 1978, certifying, after inspection, the extent and kind or use of the building or premises and whether such use conforms to the provisions of this chapter.

(d) Prior to the issuance of a zoning compliance certificate for a building permit or home occupation, application therefor shall be reviewed and approved by the zoning administrator for compliance with the provisions of this chapter.

If in the zoning administrator's judgment, based on standards set forth for home occupations, the certificate applied for may become incompatible with the neighborhood, the administrator may refer the applicant to the board of adjustment for a decision. The board will review the matter upon receipt of a fee of twenty-five dollars (\$25.00).

A zoning compliance certificate for a home occupation may be revoked by the zoning administrator upon a showing that the activity adversely affects or tends to alter the residential character of the neighborhood. (Ord. No. 78-3, §§ 12.423--12.426, 2-14-78)

Secs. 24-27--24-35. Reserved.

DIVISION 2.

AMENDMENTS*

* **State Law References:** Amendments, A.R.S. § 9-462.03 et seq.

Sec. 24-36. Generally.

(a) Except as otherwise provided, the provisions of this division apply to amendments to the zoning

district map and to amendments to the provisions of this chapter.

(b) The council may amend by ordinance the boundaries or districts established on the map or the provisions of this chapter. Any proposed amendment may be initiated by the council, the zoning commission, the city planning department, or upon denial of an application for initiation by the council and the city planning department, then by petition of affected persons.

(Ord. No. 78-3, § 12.430, 2-14-78)

Sec. 24-37. Effect of failure to give or post notices.

The failure to give written notice by mail in compliance with the provisions of section 24-43 shall not invalidate an ordinance, provided such failure was not intentional, nor shall the omission of the name of any owner or occupant of property who may be affected by such amendment, supplement, modification or change invalidate any ordinance. It is the intention of this chapter, as may be possible, to provide notice to be given to persons substantially interested in the proposed change that such a proposed ordinance is pending before the zoning commission and the council which proposes to amend, supplement, modify or change the boundaries of zoning districts or the text of this chapter.

(Ord. No. 78-3, § 12.441, 2-14-78)

Sec. 24-38. Fees.

The fees for filing the application or petitions referred to in section 24-39 shall be in accordance with section 24-24.

(Ord. No. 78-3, § 12.442, 2-14-78)

Sec. 24-39. Applications--Generally.

(a) Applications for amendments shall be submitted to the zoning administrator, upon appropriate forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the zoning commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the zoning commission or the council shall be accompanied by a resolution of record of either body pertaining to such proposed amendment.

(b) Every applicant proposing that the planning department initiate an amendment and every petitioner initiating an amendment shall accompany the application or petition with an accurate, verified list, made within the previous thirty (30) days, giving the names and addresses of the owners of all properties lying within the area of the proposed change and of all properties any part of which is within three hundred (300) feet of the area of proposed change and within three hundred (300) feet from the street frontage if the opposite lots are separated therefrom by not more than one (1) street. Should the planning department enlarge the area of the proposed change, the applicant or petitioner shall furnish a similar supplemental list showing the required information within the modified area of proposed change and within three hundred (300) feet of the modified area of proposed change and within three hundred (300) feet from the street frontage of the opposite lots if separated therefrom by not more than one (1) street. These lists shall be furnished by the applicant or petitioner at the applicant's or petitioner's own expense and may be rejected for insufficiency by the planning department.

(Ord. No. 78-3, §§ 12.432, 12.433, 2-14-78)

Sec. 24-40. Same--Preliminary findings and report.

The city planning department shall initiate amendments in accordance with the following:

- (1) Any person proposing that the planning director initiate an amendment shall file with the zoning administrator an application for such amendment on the form adopted by the zoning administrator and pay a fee to the city clerk as provided in section 24-24.
- (2) Upon receipt of the application the planning director's staff shall make a preliminary study and findings and report the same to the planning director. The report shall include the extent and boundaries which shall constitute a zoning district as recommended by the staff.
- (3) If, after consideration of the preliminary staff reports, the planning director determines to initiate the proposed amendment, the zoning administrator shall delimit a zoning district and shall set the matter for public hearing, with due notice thereof being given as provided in section 24-43.
- (4) If, however, after consideration of the preliminary staff report, the planning director determines not to initiate the proposed amendment, the planning director shall proceed no further unless so directed by the council; however, the planning director shall, upon making such adverse determination, notify the applicant and afford an appeal to the zoning commission.

(Ord. No. 78-3, § 12.431, 2-14-78)

Sec. 24-41. Initiation by council.

The council may initiate any proposed amendment by motion duly made and carried at any regular or special meeting of the council. Upon the adoption of the motion, the city clerk shall notify the zoning administrator of the action taken by the council.

(Ord. No. 78-3, § 12.434, 2-14-78)

Sec. 24-42. Appeal from adverse determination of planning director.

If the planning director determines not to initiate a proposed amendment, the applicant may request, in writing, with a copy to the planning director, a hearing before the zoning commission by filing an appeal with the zoning administrator. Upon receipt of the request, the zoning administrator shall set the appeal for hearing within thirty (30) days upon the zoning commission agenda and notify the applicant. At the public hearing, the applicant may show cause why the zoning commission should initiate the proposed amendment. Thereafter, the zoning commission may either affirm the planning director's determination and refuse to initiate the proposed amendment, or it may initiate the proposal and refer the matter to the council for approval. If the applicant does not appeal to the zoning commission within fourteen (14) days from an adverse determination of the planning director, the matter shall be closed.

(Ord. No. 78-3, § 12.435, 2-14-78)

Sec. 24-43. Hearing procedures.

(a) The zoning administrator shall proceed in accordance with this section and such other rules and regulations for the conduct of hearings as the administrator may adopt subject to approval by the zoning commission whenever this chapter requires the administrator to make findings and recommendations upon the record after a hearing.

(b) The zoning commission may adopt rules of procedure subject to approval by the council for the conduct of hearings before it. Copies of such rules shall be made available to the public by the zoning administrator.

(c) The following applies to conduct of hearings:

(1) *Application.* An application for which this chapter requires the commission to make findings and recommendations upon the record after a hearing shall be filed with the zoning administrator. If an application meets the filing requirements of the planning department and the rules of the zoning commission, the zoning administrator shall assign the earliest possible date for a hearing consistent with notice requirements and the zoning commission's docket, unless a later date is requested by the applicant.

(2) *Notice of hearing.*

a. Notice of a public hearing before the zoning commission shall contain the following information:

1. The date, time and place of the hearing.
2. Description of the subject property, reasonably calculated to give notice as to its actual location, including, but not limited to, street address, relationship to arterial streets, and notation on a map of the area in which the subject property is located.
3. The nature of the proposed action.
4. Notice that interested parties may appear and be heard.
5. A notice that the hearing shall be held pursuant to the rules of procedure adopted by the commission for the conduct of hearings.
6. A listing of the address and telephone number of the zoning administrator or other officer or employee of the planning department from whom additional information about the subject matter of the application may be obtained.

b. Such notice shall be sent by mail to the following persons not less than ten (10) days prior to the hearing:

1. The applicant.
2. All owners of record of land lying within three hundred (300) feet of the

boundaries of the land subject to the application for a hearing. Public rights-of-way shall not be included in the calculation of the notification area.

3. Any person or organization who files with the zoning administrator a request to receive such notice upon payment of a reasonable fee.
 4. Pima County and the City of Tucson where the property which is the subject of the application is within three hundred (300) feet of the boundaries of the City of Tucson.
 5. The zoning administrator may notify such other persons as the administrator deems necessary to insure adequate notice of the public hearing. In all cases where the zoning administrator has carried out such additional notifications, full information concerning the people notified and the reasons therefore, shall be included in the zoning administrator's report to the council.
- c. For the purpose of personal notification, the records of the county assessor shall be used, and persons whose names and addresses are not on file at the time of the filing of the application need not be notified of the hearing. The failure of the property owner to receive notice shall not invalidate the hearing or any subsequent action by the council if a good faith attempt were made to notify all persons entitled to personal notice.
 - d. Notice shall also be posted in three (3) conspicuous places in the immediate vicinity of the property which is the subject of the application at least ten (10) days prior to the date of hearing.
 - e. Notice shall also be given by publication at least once, in a newspaper of general circulation in the city at least fifteen (15) days prior to the date of hearing.
 - f. The hearing may be continued from time to time as necessary to gather additional information on the application and no additional notice need be given if the hearing be adjourned to a certain date, unless so ordered by the commission.
 - g. All application files in the custody of the zoning administrator shall be open to public inspection during regular office hours. Such files shall not be removed from the planning department or inspected at other times by any person; except that such files may be removed or inspected at other times by any person pursuant to court order or a member of the council or the board of adjustment, by the city manager, the city attorney, or the zoning commission.
- (3) *Planning department report.* When an application has been set forth public hearing, the planning department shall coordinate and assemble the review of other departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the planning department findings and recommendation. The findings shall include the views of interested persons or groups other than the applicant, to the extent that such views have been identified before the hearing. At least ten (10) days prior to the date of the public

hearing, the report shall be filed with the zoning administrator and copies thereof shall be mailed to the applicant and any person or organization entitled to receive notice of the public hearing as provided in paragraph (2)b. of this subsection.

(4) *Parties designated.* The following persons, only if making an appearance of record, are defined as parties and shall be entitled either themselves or through a representative to a public hearing before the commission and, upon such participation, to perfect an appeal to the council and the courts:

- a. The applicant.
- b. All owners of record of land within the notification area specified by paragraph (2)b. of this section and any tenants residing on the land.
- c. Any person who demonstrates to the zoning administrator that he has a significant interest in the subject matter of the hearing.

For the purpose of this section, an "appearance of record" means either an oral statement sufficiently identifying the person making the same or by the person's representative, made at the hearing; or a written statement giving the name and address of the person making the appearance, signed by the person or the person's representative, and filed with the zoning administrator either prior to the commencement of the hearing or when permitted by the commission.

(5) *Presentation of evidence.*

- a. The commission may administer oaths and may issue subpoenas to compel the attendance of witnesses and the production of relevant papers, including witnesses and papers requested by any party.
- b. A party shall be afforded an opportunity to present evidence and argument and examine and cross-examine witnesses on all relevant issues, but the commission may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony and cross-examination. The commission may call witnesses and introduce papers on its own volition.

(6) *Record of the hearing.* The minutes of its proceedings shall be a public record and shall be maintained in the office of the city planning department.

(d) When the commission renders a decision of recommendation, it shall make and enter written findings from the record and conclusions thereof which support its recommendation, and the findings and conclusions shall set forth and demonstrate the manner in which the decision recommended meets the provisions of this chapter for the approval of applications by the council. The findings shall include a summary of the views of any parties opposing the application, as well as those in support.

(e) Any party to the hearing before the commission who believes that the recommendation of the

commission is based on errors of procedure or fact may make a written request for review by the commission within fourteen (14) days of the conclusion of the hearing. This request shall set forth the alleged errors and the commission may, after a review of the record, take such further action as they deem proper and may render a revised recommendation.

(Ord. No. 78-3, § 12.436, 2-14-78)

Sec. 24-44. Recommendations of zoning commission.

Within five (5) days of the conclusion of a hearing, the zoning commission shall render a written recommendation and transmit a copy of this recommendation, by first class mail, to the applicant and other parties of record in the case requesting same. At the expiration of the fourteen-day period provided for appeals or within five (5) days of the conclusion of an appeal, if an appeal is conducted, the commission shall file its recommendation, together with recommended implementary ordinance, if required, with the city manager. Thereupon the city manager shall place the recommended action or proposed ordinance on the agenda of the council. The concurrence in any other recommendations of the commission shall be accomplished by motion of the council.

(Ord. No. 78-3, § 12.437, 2-14-78)

Sec. 24-45. Appeals from adverse determinations of zoning commission.

(a) If the zoning commission, after a public hearing, affirms the planning director's determination not to initiate the proposed amendment, the applicant may request, in writing, with a copy to the commission, an appeal before the council requesting additional consideration. The written notice of such appeal shall be filed with the zoning administrator within fourteen (14) days of the conclusion of a public hearing, rehearing, or reconsideration, whichever occurs later. Upon receipt of such request, the city manager shall set such written appeal upon the agenda of the following regular meeting of the council and the zoning administrator shall notify the applicant.

(b) Unless otherwise provided by the council in this section, the review of the commission's action shall be confined to the record of the hearing which shall include:

- (1) All materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered by the commission as evidence.
- (2) All materials submitted by the planning department with respect to the application.
- (3) The transcript of the hearing.
- (4) The findings and action of the commission and the notice of review.

(c) The council may, at its option, whether upon motion of a party or not, elect to hear the application de novo and allow testimony and other evidence in addition to that received at the hearing. In such cases, unless otherwise provided by the council, the matter will be heard in a manner similar to the hearing before the commission.

- (d) The council may affirm, reverse or amend the action of the commission and may grant approval

subject to the conditions as provided for in section 24-43. If the council reverse or amend the decision of the commission, the decision shall include written findings and conclusions. The council may also remand the matter back to the commission for the taking of additional information or rehearing.
(Ord. No. 78-3, §§ 12.438, 12.439, 2-14-78)

Sec. 24-46. Protest by property owners in or near area.

If the owners of twenty percent (20%) or more of the property, by area and number of lots, tracts, and condominium units within the zoning area of the affected property files a protest in writing against a proposed amendment, the change shall not become effective except by the favorable vote of not less than three-fourths of all members of the council. If any members of the council are unable to vote on such question because of conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the council; provided, that such required number of votes shall in no event be less than a majority of the full membership of the council. For the purpose of this section, the vote shall be rounded to the nearest whole number. In determining the ratio of twenty percent (20%), the “zoning area” means both of the following:

1. The area within one hundred and fifty (150) feet, including all right-of-ways, of the affected property subject to the proposed amendment or change.
2. The area of the proposed amendment or change.

A protest filed pursuant to this section shall be signed by the property owners opposing the proposed amendment and filed in the office of the City Clerk no later than 12:00 noon, one business day before the date on which the council will vote on the proposed amendment or on an earlier time and date established by the council.

(Ord. No. 78-3, § 12.440, 2-14-78)

Secs. 24-47--24-55. Reserved.

DIVISION 3.

ZONING COMMISSION

Sec. 24-56. Established.

There is established a zoning commission.
(Ord. No. 78-3, § 12.377, 2-14-78)

Sec. 24-57. Members.

The zoning commission shall consist of seven (7) members to be appointed by the mayor, subject to the approval of the council. All members of the commission shall be either residents of the city or business persons within the city and shall serve without compensation. No member of the commission shall hold any state elective, city or county office. The term of each member shall be for three (3) years, or until a successor takes office and all vacancies occurring in the membership of the commission, otherwise than through expiration of

term, shall be filled for the unexpired portion of the term. Any member may, after public hearing, be removed by the council for inefficiency, neglect of duty or malfeasance in office. The council shall file a written statement of the reasons for removal.

(Ord. No. 78-3, § 12.378, 2-14-78)

Sec. 24-58. Officers, meetings and rules.

The zoning commission shall elect a chairperson from among its members and shall elect such other officers as it may determine. The term of chairperson shall be one (1) year, with eligibility for reelection. The commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(Ord. No. 78-3, § 12.379, 2-14-78)

Sec. 24-59. Staff assistance.

(a) *Planning department.* The planning department shall perform the staff work required by the zoning commission to carry on its functions and duties. The head of the department shall be the planning director.

(b) *Planning director.* The planning director or the director's delegate shall:

- (1) Maintain a record of all hearings and enter into the record all continuances, postponements, dates of giving notice and all findings and recommendations of the commission.
- (2) Serve copies of the commission's findings and recommendations by mail upon parties at hearings, and upon any person or organization requesting copies upon payment of a reasonable fee.
- (3) Conduct correspondence of the zoning commission.

(c) *Zoning administrator.* The zoning administrator or the administrator's delegate shall:

- (1) Schedule and assign applications and appeals for hearing.
- (2) Give notice as required by this chapter.
- (3) Compile and maintain all necessary records, files and indexes.
- (4) Provide any other administrative support as may be necessary to carry out the duties of the commission.

(Ord. No. 78-3, §§ 12.380, 12.382, 12.383, 2-14-78)

Sec. 24-60. Freedom from improper influence.

Individual members of the council, city officials or any other person shall not improperly influence, or

attempt to improperly influence the zoning commission in the performance of its duties.
(Ord. No. 78-3, § 12.386, 2-14-78)

Sec. 24-61. Functions generally.

(a) On behalf of the council, the zoning commission shall receive and consider available information, conduct public hearings and prepare a record thereof, and enter findings and conclusions which contain recommendations to the council for the approval or rejection of:

(1) Applications for rezoning of property, as provided in division 2 of this article;

(b) The commission's recommendations may be to grant or deny the application or appeal, or the commission may recommend that the council approve the application with such conditions, modifications and restrictions as the commission finds necessary to make the development which is the subject of the application compatible with its environment and carry out the objectives of the comprehensive plan, specific plans, this chapter, the subdivision regulations and other official policies of the city. Examples of the kinds of conditions, modifications and restrictions which may be imposed are additional setbacks, screenings in the form of landscaping or fencing, covenants, easements and dedications of additional road right-of-way, and performance bonds which may be required to insure compliance with the conditions, modifications and restrictions.

(c) The council may request from the zoning commission a report or recommendation in connection with any matter relating to the physical development of the city. The commission shall have authority to make such investigations, maps, reports and recommendations in connection therewith as seem desirable. In every case when the commission disapproves a matter which, under the terms of this chapter, the council is required to submit to the commission for approval, disapproval or recommendation, the commission shall communicate its reasons to the council which shall have the power to overrule the disapproval. Failure of the commission to act within thirty (30) days from the date of official submission to it, or such longer period as may be designated by the council, shall be deemed to be approval.

(d) The zoning commission may promote public interest in, and understanding of, the plans prepared by it and to that end may publish and distribute copies of this chapter or of any report relative thereto, and may employ such other means of publicity and education as it may determine. It shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens in relation to the protecting or carrying out of its functions under this chapter. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such authority as may be necessary to enable it to fulfill its functions, promote zoning and carry out the purposes of this chapter.

(e) In the course of zoning review, the zoning commission shall make careful and comprehensive surveys and studies of present conditions and prospective future growth of the territory under its jurisdiction. The zoning map shall be administered with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city which will, in accordance with present and future needs and resources, best promote health, safety, morals, order, convenience, prosperity and general welfare.

(f) The legal status of this chapter shall be that of an official guide for the zoning commission in the performance of its duties and functions under this chapter.
(Ord. No. 78-3, §§ 12.381, 12.384, 12.385, 2-14-78)

Secs. 24-62--24-70. Reserved.

DIVISION 4.

BOARD OF ADJUSTMENT*

* **State Law References:** Board of adjustment, A.R.S. § 9-462.06.

Sec. 24-71. Established.

There is established a board of adjustment.
(Ord. No. 78-3, § 12.395(A), 2-14-78)

Sec. 24-72. Members.

(a) The board of adjustment consists of five (5) members, appointed by the council. All members of the board shall be either residents of the city or business persons within of the city, and shall serve without compensation. No member of the board shall hold any city, county or state elective office.

(b) The term of each member shall be for one (1) year. However, unless a successor is appointed within sixty (60) days of each subsequent anniversary date of a member's appointment to the board, the term of the member shall be extended for one (1) year. Vacancies shall be filled for the unexpired term.

(c) A member may be removed for just cause upon filing of written charges, and by the vote of two-thirds of the council voting affirmatively therefor.
(Ord. No. 78-3, § 12.396, 2-14-78)

Sec. 24-73. Officers, meetings and rules.

(a) The board of adjustment shall elect a chairperson and vice-chairperson from among its members. The board shall hold at least one (1) regular meeting per month in transaction of business and shall keep a record of its resolutions, transactions, findings and determinations which shall be a public record. It shall adopt rules and regulations, consistent with law, which may be necessary and convenient for carrying out its functions. Copies of such rules and regulations shall be made available to the public by the zoning administrator. The chairperson, or in the chairperson's absence, the vice-chairperson, may administer oaths, take evidence and compel the attendance of witnesses.

(b) All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the action of the board and the vote, of each member upon each question, or, if absent or failing to vote, indicating such fact. The board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and be a public record.

(c) The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to grant any variance from the provisions of this chapter.
(Ord. No. 78-3, §§ 12.397--12.399, 2-14-78)

Sec. 24-74. Cooperation of other departments.

The city manager shall insure that all city departments and persons under the manager's authority shall cooperate in providing assistance and data to the board of adjustment.
(Ord. No. 78-3, § 12.400, 2-14-78)

Sec. 24-75. Powers and duties generally.

(a) The board of adjustment shall interpret, protect and insure the validity of this chapter. The board shall be a quasi-judicial body to hear and decide appeals and variances as provided in this chapter.

(b) The board of adjustment has the powers and duties provided in this chapter and in A.R.S. § 9-462.06. The board shall hear and decide such other matters as may be provided by ordinance.
(Ord. No. 78-3, §§ 12.395, 12.404, 12.408, 2-14-78)

Sec. 24-76. Authority to allow certain prohibited industries.

(a) The board of adjustment may permit in SB-2 business districts, manufacturing or processing as provided in article IV, divisions 16 and 17 of this chapter, but only as a necessary incidental accessory to a principal use permitted in the district on the same lot with such principal use, subject to such conditions as will safeguard the public health, safety, convenience and welfare; provided also, that the entire product of the use is used in the principal use to which it is accessory.

(b) The board may permit in SI-1 or other industrial zoning districts any of the industries or uses listed in section 24-473, subsection (c) or as specified elsewhere, and in doing so, may require the installation, operation and maintenance in connection with the proposed use of such devices or such methods of operation as may, in the opinion of the board, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, watercarried waste, noise, vibration or similar objectionable features, and may impose such conditions regarding the extent of open spaces between the proposed use and surrounding properties as will tend to prevent or reduce the harm which might result from the proposed use to surrounding properties and neighborhoods.
(Ord. No. 78-3, § 12.404(F), 2-14-78)

Sec. 24-77. No authority to reword chapter.

The board of adjustment may not make changes in the wording or terms or provisions of this chapter.
(Ord. No. 78-3, § 12.409(B), 2-14-78)

Sec. 24-78. Hearings.

The board of adjustment shall assign the earliest practical date for a hearing consistent with notice

requirements and the board of adjustment's docket, unless a later date is requested by the applicant. Public notice of such hearing shall be deemed to have been given when a notice setting forth the general purpose of the hearing, together with the time and place thereon, has been published one (1) time in a newspaper of general circulation in the city not less than fifteen (15) days prior to the date of the hearing. The board shall also mail notices to the applicant or appellant, and to the building inspector, at least ten (10) days before the time when such application or appeal shall be considered by the board. Any party may appear at the hearing in person or by agent or by attorney. The board shall decide an application or appeal within a reasonable time. (Ord. No. 78-3, § 12.403, 2-14-78)

Sec. 24-79. Applications to board.

An application to the board of adjustment, in cases in which it has original jurisdiction under the provisions of this chapter may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the zoning administrator who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the board.

(Ord. No. 78-3, § 12.401, 2-14-78)

Sec. 24-80. Fees.

Fees for matters before the board of adjustment shall be as provided in section 24-24.

(Ord. No. 78-3, § 12.414(A), 2-14-78)

Sec. 24-81. Enforcement of decisions.

Decisions of the board of adjustment shall be enforced as provided in section 24-4, subsection (d).

(Ord. No. 78-3, § 12.414(B), 2-14-78)

Secs. 24-82--24-90. Reserved.

DIVISION 5.

DEVELOPMENT PLAN

Sec. 24-91. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Common usable open space means a designated area or areas within the site. To qualify as common usable open space, the area shall be under a joint interest, joint ownership, joint easements, or trust representing the owners of some or all of the dwelling units.

Density means the number of one-family units per acre that may be constructed and occupied on a site, exclusive of areas for public uses, such as schools, parks, or drainageways within the interior of the site, but not excluding streets, alleys or other public rights-of-way.

Lot means the portion of the site that is sold to an individual purchaser for the purchaser's exclusive use and enjoyment.

One-family unit means the space in a building occupied as an abode by one (1) family or an individual householder.

Site means the gross land area on which a residential development project is constructed, or the gross area of an existing unimproved subdivision, measured to the centerline of abutting streets, alleys and drainageways.

Usable open space means any horizontal surface including courts, yards, open deck areas and balconies with a minimum dimension of eight (8) feet, landscaped areas, and ramadas and covered terraces open on at least three (3) sides which is usable by and accessible to an occupant and owner in a residential development project for recreational purposes. "Usable open space" does not include portions of the site areas used for automobile circulation, loading, parking, or common trash collection or service areas. "Usable open space" includes a building devoted to recreational and social center purposes.
(Ord. No. 78-3, § 12.327(3), 2-14-78)

Sec. 24-92. General requirements.

When a development plan is required, it shall be submitted to the planning department for review and approval by the city for the following purposes:

- (1) Furnishing information about the contemplated development to the city.
- (2) To provide guidance and direction to the prospective developer in order to achieve:
 - a. Development of sites in harmony with surrounding areas.
 - b. Protection from flooding.
 - c. Safe and efficient on-site circulation and ingress and egress to the site.
 - d. Optimum utilization of topographical features.
 - e. Provisions for efficient fire protection and trash collection.
 - f. Proper design and placement of utilities.
 - g. Provisions for adequate open spaces, light and air.
 - h. Proper spacing and relationships of buildings to the street and abutting development.
 - i. Adequate off-street parking.

j. Other amenities of proper land use.
(Ord. No. 78-3, § 12.328, 2-14-78)

Sec. 24-93. Plan requirements.

(a) A development plan shall include at the time of submittal an accurate map drawn at a scale of not less than forty (40) feet to the inch showing:

- (1) The boundaries and dimensions of the site.
 - (2) A north arrow.
 - (3) Names and dimension of all streets, alleys and easements bounding or touching the site.
 - (4) Location, dimensions, direction and bearing of any major physiographic features such as railroads, drainageways.
 - (5) Existing topographic contours at intervals of not more than five (5) feet.
 - (6) The proposed finished grading of the site.
 - (7) Proposed public dedications, if any, within the site.
 - (8) The proposed location, finished grade, vertical dimensions and use of all buildings on abutting property within one hundred (100) feet of the site.
 - (9) The location, quantity and a typical stall dimension of off-street parking and loading facilities.
 - (10) Points of ingress to and egress from the site, including width of curbcuts.
 - (11) Internal circulation.
 - (12) Refuse collection areas and fire lanes, if any.
 - (13) Off-site improvements, if any.
 - (14) The proposed location of open space and recreational facilities on the site.
 - (15) Location of landscaping used for screening or ornamental purposes and the location and height of screen walls.
 - (16) Location and specifications for any other proposed features of development contributing substantially to the enjoyment of the use of the site and to the compatibility of the proposed development with the surrounding area.
- (b) To the extent that they are applicable to the proposed development, calculations shall be

tabulated on the map for parking ratio; number of dwelling units; area of usable open space pursuant to the definition in section 24-91; building floor area by category of use; and percentage and area of coverage of the site.

(Ord. No. 78-3, § 12.328(A), 2-14-78)

Sec. 24-94. Submittal and review.

(a) A development plan shall be submitted to the planning department for review and processing. It is intended that the review procedure be kept as flexible as possible in view of varying development concepts, locations and requirements.

(b) Ten (10) copies of all development plans shall be submitted to the planning director for review and approval. Appeals from the requirements of the planning director shall be made progressively to the board of adjustment and the council. Decisions of the council shall be final.

(c) The planning director shall notify the applicant or developer within thirty (30) days following submittal of the plan of recommendations or required modifications. If no notification is given in writing by the planning director within sixty (60) days, the development plan shall be deemed automatically approved. The same schedule and procedures shall apply to all subsequent resubmittals.

(d) Appeals from the planning director requirements shall be filed in writing with the planning director within thirty (30) days of notification of such requirements requesting a hearing. The matter will be forthwith filed for hearing by the board of adjustment. Appeal from the board's determination to the council must be filed in writing with the city clerk within thirty (30) days following the board's decision.

(e) Following approval of development plan, the approved development plan shall be filed with the official building records and shall be the basis for issuance of building permits. Drawings submitted with an application for a building permit shall include copies of the development plan bearing the stamp of approval of the planning director. Subsequent applications for building permits involving construction which deviates from the development plan as originally approved shall be accompanied by drawings which include copies of an amended development plan bearing the stamp of approval of the planning director. The planning director may approve minor modifications from the plan.

(f) Where review and approval by the board of adjustment is required, seven (7) copies of the development plan shall be submitted to the building inspector for submittal to the board.

(Ord. No. 78-3, § 12.328(B), (C), 2-14-78)

Sec. 24-95. Dedication, etc., of common open space.

An instrument approved by the city specifying the responsibility for maintenance of common usable open space shall be properly recorded with the county recorder. The instrument shall:

- (1) Be in the form of a deed restriction or covenant, enforceable jointly or severally by the city, a homeowners' association or property owners in the site.
- (2) Run with the land.

(3) Provide for assessments or other payments as necessary to cover costs of maintenance, management and improvements.

(4) Provide for a homeowners' association or other cooperative organization for administrative and management purposes.

(Ord. No. 78-3, § 12.327(3)(f), 2-14-78)

Secs. 24-96--24-105. Reserved.

DIVISION 6.

DESIGN REVIEW AND DESIGN REVIEW BOARD

Sec. 24-106. Design review board.

A design review board is established to review proposed buildings, structures landscaping, architectural features, development plans and site plans where and to the extent set forth in the provisions of this chapter. The design review board shall consist of the city manager, building inspector, city planner, the community development director and the city engineer.

(Ord. No. 78-3, §§ 12.444, 12.446, 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Sec. 24-107. Design review required.

(a) In order to preserve the natural beauty and cultural heritage of the city's sites, to prevent indiscriminate clearing of property and the destruction of trees and shrubs, to ensure that structures are properly related to their site and to the overall cultural heritage (semblance of Southwestern motif) of the city and to ensure that open spaces, parking areas, pedestrian walks and landscaping are arranged to accomplish the objectives of this division, plans for all new commercial structures and new major improvements to existing commercial structures (i.e., improvements greater than ten thousand dollars (\$10,000.00) per Uniform Building Code guidelines) shall be subject to review and recommendations of the design review board.

(b) No zoning certification or building permit for commercial structure, building or use that is subject to design review as prescribed in this division shall be issued unless the applicant's site plan and other submittals have been reviewed and signed by the members of the design review board.

(c) No zoning certification or building permit for a new commercial use or structure or for the major exterior alteration or enlargement of an existing structure or use that is subject to design review as prescribed in this division shall be issued until the drawings required by section 24-108 have been approved by the design review board.

(Ord. No. 78-3, §§ 12.445, 12.448, 12.449, 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Sec. 24-108. Application.

In order to obtain design review board approval the owner or authorized agent shall submit the following drawings to the planning director and building inspector prior to or at the time of applying for a building permit

or zoning certification:

- (1) A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, fences, walls, landscaping, off-street loading areas. The site plan shall indicate the location of entrances and exits, the location of each parking space and each vehicle loading space. The site plan shall indicate how utility services and drainage are to be provided.
- (2) Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all requirements and showing all elevations of the proposed structure as they will appear upon completion. All exterior surfacing material and colors shall be specified.
- (3) Additional information required by the planning director, building inspector or board of adjustment if necessary to determine whether the purposes of this division are being carried out. Any of such officers may authorize omission of any or all of the drawings required by this section if they are not necessary.

(Ord. No. 78-3, § 12.450(A), 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Sec. 24-109. Fees.

Fees to cover the cost of design review shall be paid to the city. Fees shall be based on those found in the Uniform Building Code, 1985 Edition, section 304.

(Ord. No. 78-3, § 12.450(B), 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Sec. 24-110. Criteria for plan review.

(a) The following criteria shall generally be followed by the design review board in making a determination under the provisions of this division:

- (1) Whether the proposed development and architectural features consistent with what the board deems to be in the best interest of the city.
- (2) Whether the design stabilizes and protects property values from substandard depreciation.
- (3) Whether the design enhance the desirability and enjoyment of the immediate neighborhood.
- (4) Whether the design improve community appearances by preventing extremes of similarity or monotony.
- (5) Whether the design upgrade property in the area with accompanying betterment of conditions affecting public health, safety, morals and welfare.

(b) The board shall consider the following factors in applying such criteria:

- (1) Height, location, bulk, area, material, color and texture.

- (2) Site layout, orientation and relationship to open areas, topography and existing or proposed structures in the general area.
 - (3) Sign design and placement.
 - (4) Probable useful life of other structures on the site or in the immediate neighborhood.
 - (5) Relationship of proposed use to other existing and proposed facilities.
- (Ord. No. 78-3, § 12.447, 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Sec. 24-111. Action of planning director or building inspector on design review.

Within thirty (30) days of the date the drawings were submitted, the planning director and building inspector shall approve, conditionally approve or disapprove the drawings or shall request the applicant to revise them. Failure to act within the thirty (30) days shall be deemed approval of the drawings.

(Ord. No. 78-3, § 12.451, 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Sec. 24-112. Standards for approval of design.

The planning director and building inspector shall not approve any drawings for design review unless:

- (1) Drawings meet the standards expressly applied by all ordinances and regulations adopted by the council and expressed in the Uniform Building Code for the type of commercial structure, building or use.
 - (2) Completed structure, building or use will provide for adequate, safe, efficient vehicular and pedestrian access, adequate utility services and drainage.
- (Ord. No. 78-3, § 12.453, 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Sec. 24-113. Notice of design review decision.

Within ten (10) days following the date of decision of the design review board written transmittal of notice of the decision may be sent to the applicant.

(Ord. No. 78-3, § 12.452, 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Sec. 24-114. Appeals.

Applicants for design review who are aggrieved by the decision of the design review board may appeal as prescribed in sections 24-19 and 24-20.

(Ord. No. 78-3, § 12.454, 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Sec. 24-115. Lapse of design review approval.

Design approval shall lapse and be void six (6) months following the date upon which the drawings were approved, unless prior to the expiration a building permit is issued and construction is commenced and

diligently pursued toward completion.
(Ord. No. 78-3, § 12.455, 2-14-78; Ord. No. 87-04, § 1, 7-20-87)

Secs. 24-116--24-125. Reserved.

DIVISION 7.

CONDITIONAL USES

Sec. 24-126. Generally.

A conditional use is a use which, under the terms of this chapter, is allowed only after an application for the use has been approved by the planning director. Although conditional uses are often desirable, they may nevertheless have a detrimental effect upon adjacent properties, the neighborhood, or even the community if not properly designed and controlled. Therefore, review and approval is necessary to insure that proposed conditional uses will not cause any problems or hazards and will be consistent with the intent of this chapter.
(Ord. No. 78-3, § 12.336, 2-14-78)

Sec. 24-127. Application.

(a) Applications for conditional uses shall be made on forms provided by the planning department, and accompanied by a development plan of the proposed use and other such information as the planning director may require in order to properly evaluate the application. The planning director may establish application requirements.

(b) The planning director shall review each application for compliance with established application requirements and shall formally accept or reject the application within two (2) working days.

(c) An application filed pursuant to this section shall be accompanied by a fee as provided in section 24-24.
(Ord. No. 78-3, § 12.337, 2-14-78)

Sec. 24-128. Review procedure.

Upon acceptance of an application for a conditional use the planning director shall take the following actions:

(1) *Notice.*

a. Within five (5) working days, notice of the proposed conditional use shall be sent by mail to the following persons:

1. All owners of land lying within three hundred (300) feet of the boundaries of the land subject to the application. For purposes of the calculation of this notice area:

A. Public rights-of-way shall be excluded in determining the extent of the

notice area.

B. Adjoining land under the same ownership as the land subject to the application shall be included in determining the boundaries from which the notice area is measured.

2. Any person or organization who files with the planning director a request to receive such notice upon payment of a reasonable fee.
3. Applicable adjoining political subdivisions where the property which is the subject of the application is within three hundred (300) feet of the city boundary.
4. Such other persons as the director determines are likely to be affected by the proposed use.

b. The notice shall contain:

1. A description of the proposed conditional use and its location.
2. The place and time by which comments on the proposed use must be filed.

(2) *Planning director's decision.* The planning director shall review the application and shall, not later than eighteen (18) working days after the date of acceptance of the application, unless the time limit is extended with the consent of the applicant, either approve, approve subject to conditions, or deny the application. If the planning director fails to make a decision within eighteen (18) working days, the application shall be deemed approved and notice of approval shall be given as provided in paragraph (3) of this section. The decision of the planning director shall not be final until ten (10) calendar days after the director makes the decision. No building permit shall be issued for an approved conditional use until the planning director's decision has become final.

(3) *Notice of director's decision.* Within two (2) calendar days of the date of the decision, the director shall provide written notice of the decision to all of the following:

- a. The applicant.
- b. Any person notified of the application for a conditional use pursuant to this section.
- c. The building inspector.

(Ord. No. 78-3, § 12.338(A)--(C), 2-14-78)

Sec. 24-129. Standards for approval.

(a) *Required findings.* The planning director shall not approve an application for a conditional use unless the director finds that the proposed conditional use:

- (1) Meets any standards expressly applied by all ordinances and regulations adopted by the council for that type of conditional use or to a class of conditional uses which includes that type of conditional use.
- (2) Does not adversely affect adjacent land uses and the surrounding neighborhood.
- (3) Provides for adequate, safe and efficient vehicular and pedestrian access, circulation and parking.
- (4) Can be adequately and efficiently served by public facilities and services such as water, storm water drainage, fire and police protection, and solid and liquid waste disposal and/or collection as approved by the county health department.

(b) *Additional conditions.* In approving an application for a conditional use, the planning director may impose such reasonable and appropriate conditions and safeguards as may be necessary to insure that the criteria for the approval of the conditional use will be complied with and to reduce or minimize any potentially injurious effect of the conditional use on adjacent properties, the character of the neighborhood, or the health, safety, morals or general welfare of the community. Such additional conditions may include:

- (1) Requirement of setbacks of structures and activities greater than the minimum required by the applicable zoning district requirements.
- (2) Requirement of additional structural or plant screening to buffer the conditional use from surrounding uses.
- (3) Requirement of limitations on the height, size or illumination of signs more restrictive than the applicable limitations in chapter 19.
- (4) Requirement of limitations on the conduct of a conditional use; such as hours of operation, use of loudspeakers, or external lighting; whatever may be necessary to protect adjacent residential uses.
- (5) Requirement for dedication of necessary street, alley, drainage and utility rights-of-way.

(Ord. No. 78-3, § 12.339, 2-14-78)

Sec. 24-130. Appeals to board of adjustment.

(a) A final decision of the planning director on a conditional use application may be appealed to the board of adjustment in accordance with the provisions of this section.

(b) An appeal may be brought by:

- (1) Any person notified of the application for a conditional use pursuant to section 24-43.
- (2) Any other person who has, or represents persons who have, a significant interest affected by the planning director's decision.

(c) An appeal must be filed with the zoning administrator within ten (10) days of the date of the director's decision. The filing of an appeal shall stay the issuance of building permits or any other development permission required from the city.

(d) Upon receipt of the record and the planning director's recommendation, the zoning administrator shall transmit the appeal to the board of adjustment for hearing. At least fifteen (15) days prior to the date of the hearing, written notice of the hearing shall be provided to the appellant and any person notified of the application for a conditional use pursuant to section 24-128.

(e) Within five (5) days of the conclusion of the hearing, the board of adjustment shall uphold, modify or reverse the decision of the planning director, providing written notice of the decision and the reasons therefor to the appellant and any person receiving notice of the hearing who became a party by making an appearance of record within the meaning of section 24-43. For the purpose of the issuance of building permits or any other development permission required from the city, the board's decision becomes final fifteen (15) days after the date of the decision.

(Ord. No. 78-3, § 12.340(A)--(C), 2-14-78)

Sec. 24-131. Appeal from decision of board of adjustment.

A decision of the board of adjustment under this division is subject to review by the superior court in a special action on the basis of the record made before the board. An appeal must be brought within fifteen (15) days of the date the board make the decision. An appeal may be brought by:

- (1) The person appealing the director's decision to the board of adjustment.
- (2) Any city officer or department having a significant interest affected by the board's decision.
- (3) Any other person receiving notice of the board's hearing who became a "party" to the proceedings by making an appearance of record within the meaning of section 24-43.

(Ord. No. 78-3, § 12.340(D), 2-14-78)

Sec. 24-132. Expiration.

Approval of a conditional use shall expire one (1) year from the date the director's decision becomes final unless prior to such expiration date the applicant obtains a building permit pursuant to the conditional use approval or complies with any other applicable ordinances.

(Ord. No. 78-3, § 12.338(D), 2-14-78)

Sec. 24-133. Transferability.

Unless otherwise provided as a condition of approval, the right to conduct a conditional use attaches to the parcel of land for which it was obtained and is not personal to the applicant.

(Ord. No. 78-3, § 12.338(E), 2-14-78)

Sec. 24-134. Uses designated.

The following uses are permitted as conditional uses:

- (1) Swap meets or open-air market places as found in section 24-387 subsection (e) and section 24-521.

(Ord. No. 78-3, § 12.335, 2-14-78)

Secs. 24-135--24-175. Reserved.

ARTICLE III.

ZONING DISTRICTS CREATED; ZONING DISTRICT MAPS

Sec. 24-176. Zoning districts created.

- (a) The city is divided into the following zoning districts:

- (1) SR-1 single-family residence district.
- (2) SR-2 duplex multifamily residence district.
- (3) SMH mobile homesite district.
- (4) SR-3 residence district.
- (5) SPR parking residential district.
- (6) SB-1 retail local district.
- (7) SB-2A local retail center district.
- (8) SB-2 business district.
- (9) SP-I park industrial district.
- (10) SI-1 light industrial district.

- (b) Such districts may be referred to by name, by number or by both name and numbers.

(c) The SR-1, SR-2, SMH, SR-3 and SPR districts are residence zoning districts. The SB-1, SB-2A and SB-2 districts are business districts. The SP-I and SI-1 districts are industrial districts.

(Ord. No. 78-3, § 12.108, 2-14-78)

Sec. 24-177. Map.

The boundaries of the zones are established as shown on maps entitled "zoning district maps" or "building zone maps" copies of which are on file in the offices of the city clerk and planning department.

(Ord. No. 78-3, § 12.109, 2-14-78)

Sec. 24-178. Determination of boundaries generally.

Except where referenced on the zoning district maps to a street line or other designed line by dimensions shown on the maps, the zoning district boundary lines are intended to follow lot lines to the centerlines of streets, alleys or railroad rights-of-way, or extensions thereof.

(Ord. No. 78-3, § 12.110, 2-14-78)

Sec. 24-179. Applicable provisions when boundary divides a lot.

Where a zoning district boundary line divides a lot which was in a single ownership and of record February 18, 1978, the use authorized on, and the other zoning requirements applying to, the least restricted portions of such lot shall be construed as extending not more than twenty-five (25) feet into the more restricted portion of such lot.

(Ord. No. 78-3, § 12.111, 2-14-78)

Sec. 24-180. Interpretation of maps.

The board of adjustment may, upon notice to the owners of the property and after public hearing, hear and decide applications for interpretation of the building zone map to determine exact location of zoning district boundary lines where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the building zone or zoning district map.

(Ord. No. 78-3, §§ 12.112, 12.404(G), 2-14-78)

Secs. 24-181--24-200. Reserved.

ARTICLE IV.

ZONING DISTRICT REGULATIONS

DIVISION 1.

GENERALLY

Secs. 24-201--24-215. Reserved.

DIVISION 2.

SR-1 SINGLE-FAMILY RESIDENCE DISTRICT*

* **Cross References:** Sign regulations for SR-1 district, § 19-106.

Sec. 24-216. Scope.

The provisions of this division apply to the SR-1 residence district.

Sec. 24-217. Permitted uses.

(a) *Generally.* No building, structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the purposes specified in this section.

(b) *Principal uses and buildings.* The following principal uses and buildings are allowed:

(1) A one-family, single, detached dwelling for one (1) housekeeping unit only.

(2) A one-family principal dwelling for one (1) housekeeping unit together with a secondary one-family dwelling, either attached or detached, provided:

a. The secondary dwelling unit is no larger than one-half the size in floor area of the primary principal dwelling unit.

b. The minimum lot size is six thousand five-hundred (6,500) square feet.

c. Both dwelling units shall be under the same ownership.

d. Both dwelling units shall be within the buildable area of the lot.

e. The minimum distance between the two (2) dwellings, if not attached, be fifteen (15) feet.

(3) Public parks, public or parochial schools, churches, other public and semipublic uses, including colleges, community service agencies, governmental uses, libraries, museums, playgrounds or athletic fields, private schools, or private athletic or recreation clubs or lodges. Such uses are subject to the following requirements:

a. The minimum size of site shall be thirteen thousand (13,000) square feet.

b. The maximum lot coverage for all improvements, except swimming pools, shall be forty (40) percent of site area.

c. The minimum distance of outdoor recreational areas to any adjacent property line in a residential zone shall be twenty (20) feet.

d. Screening around outdoor swimming pools and bathhouses and adjoining recreational areas except parks and playgrounds by a six-foot high solid masonry wall, or a six-foot high chain link fence plus dense screen planting.

e. Outdoor lighting directed away from all property lines.

f. Approval by the board of adjustment of any semipublic or private use within one hundred fifty (150) feet of any single-family residence.

(4) Nurseries, truck gardens greenhouses; provided that any greenhouse heating plant shall be not less than one hundred (100) feet from each lot line.

(5) Branch telephone exchanges and static transformer stations without service or storage yards, when authorized by the board of adjustment. Any such building shall conform architecturally with the character of the zoning district in which located.

(c) *Accessory uses and structures.* The following accessory uses or structures, including private garage and private stables, which are incidental and subordinate to the permitted principal use are permitted subject to the provisions set forth below:

(1) Home occupations, provided:

a. The activity is conducted entirely within a dwelling.

b. The activity is clearly secondary to the use of the structure as a dwelling.

c. Only members of the family residing on the premises are employed in the home occupation.

d. No more than twenty-five (25) percent of the gross floor area of each dwelling is devoted to the home occupation.

e. Except for signs as regulated by chapter 19 there shall be no external evidence of the activity such as outside storage, noise, dust, odors, noxious fumes, vibration of nuisance emanating from the premises.

f. No goods are sold on the premises.

(2) The keeping of not more than two (2) roomers or boarders by a resident family.

(3) Residence in an accessory building or other rear building is prohibited, except that the board of adjustment may permit such use if it is located in the rear of the principal building and with no immediate street frontage, but only for persons employed on the premises and their immediate families.

(4) A fallout or blast shelter shall be permitted on any part of a front or side yard of a lot not less than five (5) feet from any lot line, provided that the same does not extend over three (3) feet above the average natural grade of the front or side yard, and the shelter may be connected underground to the principal building. A shelter shall be permitted in the rear yard subject to the provisions applying to any other accessory use or building therein, except that a shelter in the rear yard may be connected to the principal building either underground or aboveground.

(Ord. No. 78-3, § 12.113, 2-14-78)

Sec. 24-218. Height limitations.

The maximum height of any building or structure shall be as follows:

(1) In a buildable area, the lesser of two and one-half (2 1/2) stories or twenty-six (26) feet.

(2) In required rear yards, the lesser of one (1) story or twelve (12) feet.

(Ord. No. 78-3, § 12.114, 2-14-78)

Sec. 24-219. Lot and area requirements.

(a) *Lot areas and widths.* The minimum lot area shall be sixty-five hundred (6500) square feet. The minimum lot width, along front lot line shall be thirty (30) feet.

(b) *Lot coverage.* For the purpose of this subsection, swimming pools are not considered structures. Lot coverage requirements are as follows:

(1) The maximum lot coverage by principal structures to be located only in buildable area shall be one-third of total lot area. In this paragraph:

a. Covered shelters open for full length on two (2) or more sides, in buildable area are not considered structures.

b. "Open" means unscreened and otherwise unenclosed.

(2) The maximum lot coverage by accessory structures located in required rear yard shall be twenty-five (25) percent of the required rear yard plus twenty-five (25) percent of additional area in the rear of principal building. In this paragraph covered shelters extending into required rear yard shall be counted.

(c) *Spacing of buildings.* Minimum distance requirements are as follows:

(1) Between principal buildings, fifteen (15) feet.

(2) Between principal buildings and detached accessory sleeping structure, fifteen (15) feet.

(3) Between principal building or detached accessory sleeping structure and any other accessory building, ten (10) feet.

(4) Between two (2) or more accessory buildings not sleeping structures and not having a common wall, six (6) feet.

(5) Between an accessory sleeping structure and any street or alley line, ten (10) feet.

(6) Between an accessory sleeping structure and any lot line, seven (7) feet.

(d) *Front and rear yards.* Minimum front and rear yard requirements are as follows:

(1) Minimum front yard, fifteen (15) feet.

(2) Minimum rear yard, fifteen (15) feet.

(3) Minimum front yard plus rear yard together, thirty-five (35) feet.

(4) Minimum front yard, on any lot of record in city limits on or before February 14, 1978, fifteen (15) feet. For purposes of this paragraph yards are measured to property lines only, and not to any part of an alley.

(e) *Side yards.* The least width of any side yard and the sum of the widths of both side yards shall be as follows:

<i>Number of Stories</i>	<i>Side Yards Least Width (feet)</i>	<i>Sum of Least Widths of Both Side Yards</i>
1	5	11
1 1/2	5	11
2	7	15
2 1/2	7	15

For purposes of this subsection yards are measured to property lines only, and not to any part of an alley.

(f) *Side street yards.* Side street yards shall be at least ten (10) feet.

(g) *Projections into front and rear yards.*

(1) There is no limitation on projections from principal buildings of unroofed, open terraces or other projections not over three (3) feet in height into required front and rear yards.

(2) Covered shelters open for full length on at least three (3) sides may extend no more than ten (10) feet from a principal building into a required rear yard, provided the minimum distance from the rear property line measured to the supports shall be not less than twenty (20) feet.

(h) *Projections into side yards.* Covered shelters not for the sheltering, parking or storage of automotive vehicles, boats or trailers open for full length on at least three (3) sides may extend from principal building into a required side yard, provided it is so designed that the shelter, parking or storage of automotive vehicles, boats or trailers cannot be accommodated; and further provided the minimum distance from the side lot line measured to the shelter supports shall be:

(1) From interior side lot line, five (5) feet.

(2) From side street lot line, ten (10) feet.

(i) *Projections into rear yards abutting open spaces.* Covered shelters may extend from a principal building into a required yard to within ten (10) feet of a rear lot line under any of the following circumstances:

(1) The rear yard abuts a dedicated public park or other public open space not less than forty (40) feet in width, except a street.

(2) The rear yard abuts a golf course or other similar open space, public or private.
(Ord. No. 78-3, §§ 12.115--12.122, 2-14-78)

Secs. 24-220--24-230. Reserved.

DIVISION 3.

SR-2 DUPLEX MULTIFAMILY RESIDENCE DISTRICT*

* **Cross References:** Sign regulations for SR-2 district, § 19-107.

Sec. 24-231. Scope.

The provisions of this division apply to the SR-2 residence district.

Sec. 24-232. Permitted uses.

(a) *Generally.* No building, structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the purposes set forth in this section.

(b) *Principal uses and buildings.* The following principal uses and buildings are allowed:

(1) Dwelling or apartment houses.

(2) Dwelling courts as regulated in section 24-540.

(3) Public and parochial school, colleges and universities, including dormitories in connection therewith, public libraries, public museums and public art galleries.

(4) Educational institutions limited to a private kindergarten or nursery school or to a private school or educational institution for academic instruction when authorized by the board of adjustment under adequate conditions and safeguards.

(5) Nurseries or greenhouses; provided that any greenhouse heating plant shall be not less than one hundred (100) feet from every lot line.

(6) Group housing projects when authorized by the board of adjustment as provided in section 12-504.

(7) Hotels or inns for any number of guests, but not primarily for transients, including therein

incidental accessory services such as restaurants and newsstands, when authorized by the board of adjustment; provided all of the following criteria are satisfied:

- a. Such a building will have a site of not less than one (1) acre.
 - b. The aggregate ground coverage of all structures will not exceed twenty-five (25) percent of the area of the site.
 - c. All structures shall be at least fifteen (15) feet distant from every lot line.
- (8) Municipal, county, state or federal buildings or properties, except for such uses as warehouses or garages or other uses that are customarily conducted as a gainful business, including municipal water wells and necessary accessory equipment, provided that no part of the well is nearer than forty (40) feet to the front lot line or fifteen (15) feet to any side or rear lot line.
 - (9) Municipal uses such as water wells, water towers, water tanks, filter beds or towers, if located not less than twenty (20) feet from any lot in any residence zoning district not used for a similar purpose.
 - (10) Branch telephone exchanges and static transformer stations without service or storage yards, when authorized by the board of adjustment. Any such building shall conform architecturally with the character of the zoning district in which located.
 - (11) Public utility uses such as radio broadcasting stations, towers and studios when authorized by the board of adjustment and under such conditions and with such safeguards as the board of adjustment may deem proper and adequate for the appropriate development of adjoining area in each case.
 - (12) Railroad right-of-way, but not including switching, storage, freight yards or sidings.
 - (13) Churches and other places of worship, and Sunday schools.
 - (14) Public recreational and community center buildings and grounds; parish houses and grounds for games or sports, except those the chief activity of which is one customarily carried on as a business.
 - (15) Social uses such as clubs, lodges, social and recreational central buildings except those the chief activity of which is one customarily carried on as a business.
 - (16) Welfare uses such as sanatoriums, hospital dispensaries, clinics or physician's offices when authorized by the board of adjustment; provided:
 - a. The aggregate ground coverage of all structures shall not exceed twenty (20) percent of the area of the site.
 - b. The architecture shall be in reasonable harmony with the residential character of the

immediate vicinity as determined by the planning department.

- c. Unless a portion of the site abuts a business or industrial zoning district, either directly or across an alley, the application to the board of adjustment shall be accompanied by the written consent of at least seventy-five (75) percent of the owners, by number and area, of all properties in any SR-1, SR-2 or SMH residence zoning district, any part of which is within two hundred (200) feet of such site.
 - d. Such use, if not primarily for contagious, infectious or communicable diseases, shall be at least fifteen (15) feet distant from every lot line.
 - e. Such use if primarily for contagious, infectious or communicable diseases shall not be permitted.
- (17) Residential development projects, subject to the provisions of article V, division 5 of this chapter; provided:
- a. Prior to issuance of a building permit, a development plan has been reviewed and approved by the planning director as in conformity with development plan requirements set forth in article II, division 5 of this chapter and with sound neighborhood design, public health and safety standards.
 - b. The planning director certifies that the improvements proposed by the building permit substantially comply with the approved plan.

(c) *Accessory uses and structures.* The following accessory uses or structures, including private garages, which are incidental and subordinate to the permitted principal use are permitted subject to the provisions set forth:

- (1) Home occupations, provided:
- a. The activity is conducted entirely within a dwelling.
 - b. The activity is clearly secondary to the use of the structure as a dwelling or housekeeping unit.
 - c. Only members of the family residing in the dwelling or housekeeping unit are employed in the home occupation.
 - d. No more than twenty-five (25) percent of the gross floor area of each dwelling or housekeeping unit is devoted to the home occupation.
 - e. Except for signs as regulated by chapter 19, there shall be no external evidence of the activity such as outside storage, noise, dust, odors, noxious fumes, vibrations or other nuisances emanating from the premises.

- f. No goods are sold on the premises.
- (2) The keeping of not more than four (4) roomers or boarders, or care of not more than two (2) sick people or convalescents by a resident family, but not to exceed two (2) such persons for each three thousand (3,000) square feet of lot area.
- (3) Residence in an accessory building or other rear building is prohibited, except that the board of adjustment, however, may permit such use if located in the rear of the principal building and with no immediate street frontage, but only for persons employed on the premises and their immediate families.
- (4) A fallout or blast shelter shall be permitted on any part of a front or side yard of a lot not less than five (5) feet from any lot line, provided that the same does not extend over three (3) feet high above the average natural grade of the front or side yard, and the shelter may be connected underground to the principal building. A shelter shall be permitted in the rear yard subject to the provisions applying to the other accessory use of building therein, except that a shelter in the rear yard may be connected to the principal building either underground or aboveground.

(Ord. No. 78-3, § 12.131, 2-14-78)

Sec. 24-233. Maximum height.

The maximum height of any building or structure shall not exceed twenty-five (25) feet or two (2) stories.

(Ord. No. 78-3, § 12.132, 2-14-78)

Sec. 24-234. Lot and area requirements.

- (a) *Lot area.* Minimum lot area requirements are as follows:
 - (1) For single-family detached structures, six thousand five hundred (6,500) square feet, except that any lot of record in the city on February 14, 1978 that is less than five thousand (5,000) square feet in area but over three thousand (3,000) square feet in area may be used for a single-family detached structure.
 - (2) For multifamily structures, three thousand (3,000) square feet for each resident family or housekeeping unit in any building.
- (b) *Front and rear yards.* The minimum front yard shall be fifteen (15) feet. The minimum rear yard shall be fifteen (15) feet. The minimum front yard plus rear yard together shall be thirty-five (35) feet. For the purpose of this section yards are measured to property lines only and not to any part of an alley.
- (c) *Projections into front and rear yards.* Unroofed, open terraces, or other projections not over three (3) feet high may extend from principal buildings into a required front and rear yard no more than seven (7) feet.
- (d) *Side yards.* The least width of any side yard, and the sum of the widths of both side yards

measured to the property lines only and not to any part of an alley shall be as follows:

- (1) For single-family detached structures:

<i>Number of Stories</i>	Side Yards Least Widths (feet)	Sum of Least Widths of Both Side Yards (feet)
1	3	10
2	3	10

- (2) For single-family detached structures, there shall be no opening in buildings into any side yard which is less than six (6) feet.

- (3) For multifamily structures:

<i>Number of Stories</i>	Side Yards Least Widths (feet)	Sum of Least Widths of Both Side Yards (feet)
1	6	14
2	7	16

- (e) *Side street yards.* Side street yards shall be at least ten (10) feet.

(f) *Rear yard coverage by accessory uses.* The maximum rear yard coverage by accessory buildings or structures, for permitted incidental accessory uses shall be thirty (30) percent of the minimum required rear yard area plus fifty (50) percent of any additional space in the rear of the principal building. Any rear yard sleeping room or pavilion shall be not over one (1) story or twelve (12) feet in height and not over two hundred fifty (250) square feet in area, and shall be located not less than fifteen (15) feet from any side lot line or other structure on the same lot and not less than ten (10) feet from any rear lot line.

(Ord. No. 78-3, §§ 12.133--12.137, 2-14-78)

Secs. 24-235--24-245. Reserved.

DIVISION 4.

SMH MOBILE HOMESITE DISTRICT*

* **Cross References:** Sign regulations for SMH district, § 19-108.

Sec. 24-246. Scope.

The provisions of this division apply to the SMH mobile homesite district.

Sec. 24-247. Permitted uses.

- (a) No building, structure or land shall be used, and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the

purposes specified in this section.

(b) *Principal uses and buildings.* The following principal uses and buildings are allowed:

- (1) A one-family, single, detached dwelling for one (1) housekeeping unit only.
- (2) Educational uses public and parochial schools, colleges and universities, including dormitories in connection therewith public libraries, public museums and public art galleries.
- (3) Churches and other places of worship and Sunday schools.
- (4) Municipal, county, state or federal buildings or properties, except for such uses as warehouses or garages or other uses that are customarily conducted as a gainful business; including municipal water wells and necessary accessory equipment, provided that no part thereof is nearer than ten (10) feet to the front lot line or fifteen (15) feet to any side or rear lot line.
- (5) Public recreational and community center buildings and grounds; parish houses and grounds for games or sports, except those the chief activity of which is one customarily carried on as a business.
- (6) Nurseries or greenhouses.
- (7) Branch telephone exchanges and static transformer stations without service or storage yards, when authorized by the board of adjustment. Any such building shall conform architecturally with the character of the zoning district in which located.
- (8) A mobile home or house trailer.

(c) *Accessory uses and structures.* The following accessory uses or structures, including private garages which are incidental and subordinate to the permitted principal uses, are permitted subject to the provisions set forth:

- (1) Home occupations, provided:
 - a. The activity is conducted entirely within a dwelling or mobile home.
 - b. The activity is clearly secondary to the use of the structure as a dwelling or mobile home.
 - c. Only members of the family residing in the dwelling or mobile home are employed in the home occupations.
 - d. No more than twenty-five (25) percent of the gross floor area of each dwelling or mobile home is devoted to the home occupation.
 - e. Except for signs as regulated by chapter 19, there shall be no external evidence of the activity such as outside storage, noise, dust, odors, noxious fumes, vibration or other

nuisances emanating from the premises.

f. No goods are sold on the premises.

- (2) The keeping of not more than two (2) roomers or boarders by a resident family.
- (3) Residence in an accessory building or other rear building is prohibited except that the board of adjustment may permit such use if located in the rear of the principal building and with no immediate street frontage, but only for persons employed on the premises and their immediate families.
- (4) A fallout or blast shelter shall be permitted on any part of a front or side yard of a lot not less than five (5) feet from any lot line, provided that the same does not extend over three (3) feet above the average natural grade of the front or side yard, and it may be connected underground to the principal building. The shelter shall be permitted in the rear yard subject to the provisions applying to any other accessory use or building therein, except that the shelter in the rear yard may be connected to the principal building either underground or aboveground.

(Ord. No. 78-3, § 12.141, 2-14-78)

Sec. 24-248. Maximum height.

The maximum height of any building or structure shall not exceed two (2) stories or thirty (30) feet.

(Ord. No. 78-3, § 12.142, 2-14-78)

Sec. 24-249. Lot and area regulations.

(a) *Generally.* The minimum lot area shall be six thousand five hundred (6,500) square feet. The minimum lot area per dwelling unit shall be six thousand five hundred (6,500) square feet. The minimum lot area per mobile home shall be six thousand five hundred (6,500) square feet.

(b) *Lot width.* The minimum lot width shall be forty-five (45) feet.

(c) *Yards.* The minimum front yard shall be twenty (20) feet. Side yards shall be at least eight (8) feet each. The minimum rear yard for a dwelling shall be twenty (20) feet.

(d) *Rear yard for house trailer or mobile home on single lot.* The minimum rear yard for a house trailer or mobile home on a single lot shall be twenty (20) feet. Attached structures to the mobile home or house trailer may not extend into the required minimum rear yard or adjusted side yards.

(e) *Distance between buildings and trailers.* The minimum distance between main building and trailers or between trailers shall be twenty (20) feet.

(Ord. No. 78-3, §§ 12.143--12.151, 2-14-78)

Sec. 24-250. Detached accessory buildings.

The following provisions apply to detached accessory buildings:

- (1) The maximum permitted coverage shall be twenty-five (25) percent of the minimum rear yard plus fifty (50) percent of any additional space in the rear of the principal building.
 - (2) The maximum height shall be twenty (20) feet.
 - (3) The minimum distance to the main building shall be seven (7) feet.
 - (4) The minimum distance to front lot line shall be fifty (50) feet.
 - (5) The minimum distance to side lot lines shall be four (4) feet.
 - (6) The minimum distance to rear lot line shall be four (4) feet.
- (Ord. No. 78-3, § 12.141, 2-14-78)

Secs. 24-251--24-260. Reserved.

DIVISION 5.

SR-3 RESIDENCE DISTRICT*

* **Cross References:** Sign regulations for SR-3 district, § 19-109.

Sec. 24-261. Scope.

The provisions of this division apply to the SR-3 residence district.

Sec. 24-262. Permitted uses.

- (a) *Generally.* No building, structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the purposes specified in this section.
- (b) *Principal uses and buildings.* The following principal uses and buildings are allowed:
 - (1) An apartment house for any number of families or housekeeping units.
 - (2) Dwellings.
 - (3) A dwelling court for any number of families or housekeeping units, subject to provisions of section 24-540.
 - (4) Public and parochial schools, colleges and universities, including dormitories in connection therewith, public libraries, public museums and public art galleries.

- (5) A private kindergarten or nursery school, or a private school or educational institution for academic instruction.
- (6) A fraternity or sorority house for any number of guests.
- (7) Nurseries or greenhouses; provided that any greenhouse heating plant shall be not less than one hundred (100) feet from every lot line.
- (8) Group housing projects when authorized by the board of adjustment as provided in section 24-504.
- (9) A hotel, inn or lodginghouse for any number of guests, but not primarily for transients, including therein incidental customary accessory services such as, but not necessarily limited to, barbershops, beauty parlors, newsstands. Such uses are subject to the following:
 - a. Restaurants may not serve spirituous liquors.
 - b. There shall be no bars or cocktail lounges separately or in connection with a restaurant.
 - c. All such services shall be conducted and entered from within the building.
 - d. There shall be no exterior display or advertising except for an identification sign.
 - e. The incidental customary accessory services shall not be advertised and offered to the general public except as a part of hotel, inn and lodginghouse accommodations.
- (10) Municipal county, state or federal buildings or properties, except for such uses as warehouses or garages or other uses that are customarily conducted as a gainful business; including municipal water wells and necessary accessory equipment are allowed, provided that no part thereof is nearer than eighty (80) feet to the front lot line or fifteen (15) feet to any side or rear lot line.
- (11) Municipal uses such as water wells, water towers, water tanks, filter beds or towers, if located not less than twenty (20) feet from any lot in a residence zoning district not used for a similar purpose.
- (12) Branch telephone exchanges and static transformer stations without service or storage yards, when authorized by the board of adjustment. Any such building shall conform architecturally with the character of the zoning district in which located.
- (13) Public utility uses such as radio broadcasting stations, towers and studios when authorized by the board of adjustment and under such conditions and with such safeguards as the board of adjustment may deem proper and adequate for the appropriate development of adjoining areas in each case.
- (14) Railroad rights-of-way, but not including switching, storage, freight yards or sidings.

- (15) Churches and other places of worship, and Sunday schools.
- (16) Public recreational and community center buildings and grounds; parish houses and grounds for games or sports, except those the chief activity of which is one customarily carried on as a business.
- (17) Social uses such as clubs, lodges, social and recreational center buildings except those the chief activity of which is one customarily carried on as a business.
- (18) A sanatorium, hospital, dispensary, clinic or physician's office may be authorized by the board of adjustment, provided:
 - a. The aggregate ground coverage of all structures shall not exceed twenty-five (25) percent of the area of the site.
 - b. The architecture shall be in reasonable harmony with the residential character of the immediate vicinity.
 - c. Unless a portion of the site abuts either directly or across an alley in a business or industrial zoning district, the application to the board shall be accompanied by the written consent of at least seventy-five (75) percent of the owners, by number and area, of all properties in any SR-1, SR-2, or SR-3 district, any part of which is within two hundred (200) feet of the site.

- (19) Residential development projects subject to the provisions of article V, division 4 of this chapter; provided:
 - a. Prior to issuance of a building permit, a development plan has been reviewed and approved by the planning director as being in conformity with development plan requirements set forth in article II, division 5 of this chapter and with sound neighborhood design, public health and safety standards.
 - b. The planning director certifies that the improvements proposed by the building permit substantially comply with the approved plan.

(c) *Accessory uses and structures.* The following accessory uses or structures, including private garages and private storage which are incidental and subordinate to the permitted principal use, are permitted subject to the provisions set forth.

- (1) Home occupations, provided:
 - a. The activity is conducted entirely within a dwelling or housekeeping unit.
 - b. The activity is clearly secondary to the use of the structure as a dwelling or housekeeping unit.

- c. Only members of the family residing in the dwelling or housekeeping unit are employed in the home occupations.
- d. No more than twenty-five (25) percent of the gross floor area of each dwelling or housekeeping unit is devoted to the home occupation.
- e. Except for signs as regulated by chapter 19, there shall be no external evidence of the activity such as outside storage, noise, dust, odors, noxious fumes, vibration or other nuisances emanating from the premises.
- f. No goods are sold on the premises.

(2) The taking of boarders and the leasing of rooms by a resident family.

(3) Residence in an accessory building or other rear building is prohibited, except that the board of adjustment may permit such use if located in the rear of the principal building and with no immediate street frontage, but only for persons employed on the premises and their immediate families.

(4) A fallout or blast shelter shall be permitted on any part of a front or side yard of a lot not less than five (5) feet from any lot line, provided that the same does not extend over three (3) feet high above the average natural grade of the front or side yard, and it may be connected underground to the principal building. A shelter shall be permitted in the rear yard subject to the provisions applying to any other accessory use or building therein, except that the shelter in the rear yard may be connected to the principal building either underground or aboveground.

(Ord. No. 78-3, § 12.155, 2-14-78; Ord. No. 85-13, § 1, 12-9-85)

Sec. 24-263. Maximum height.

No part of any building or structure shall exceed forty (40) feet in height.

(Ord. No. 78-3, § 12.156, 2-14-78; Ord. No. 85-13, § 1, 12-9-85)

Sec. 24-264. Lot and area requirements.

(a) *Lot area.* The minimum lot area shall be as follows:

(1) For single-family detached structures, three thousand (3,000) square feet.

(2) For multifamily structures, three thousand (3,000) square feet for each resident family or housekeeping unit in any building.

(b) *Usable open space.* In this section "usable open space" means any horizontal surface including courts, yards, deck areas, landscaped areas, balconies, ramadas and covered terraces open on at least two (2) sides, which is usable by and accessible to the occupants of a dwelling unit on the lot for recreational purposes, but does not include rooftops, or areas used for driveways, loading, parking, trash collection, or accessory buildings. The minimum usable open space for each resident family or housekeeping unit on a lot shall be five

hundred (500) square feet.

(c) *Front yards.* There shall be a front yard on every lot. The least depth of any front yard shall be fifteen (15) feet. Unroofed, open terraces or projections not over three (3) feet high may extend from the principal building not over seven (7) feet into the required front yard.

(d) *Side yards.* The least width of any side yard, and the sum of the widths of both side yards measured to the property lines only and not to any part of an alley shall be as follows:

(1) For single-family detached structures:

<i>Number of Stories</i>	Side Yards Least Widths (feet)	Sum of Least Widths of Both Side Yards (feet)
1	3	12
2	3	14

(2) For single-family detached structures, there shall be no opening in buildings into any side yard which is less than six (6) feet.

(3) For multifamily structures:

<i>Number of Stories</i>	Side Yards Least Widths (feet)	Sum of Least Widths of Both Side Yards (feet)
1	6	12
2	7	14
over 2	8	16

(e) *Side yards on corner lots.* On any corner lot abutting in the rear on a residence zone, the least width of any side yard along a side street lot line shall be ten (10) feet, unless such corner lot is back to back, either directly or across an alley with another corner lot, in which case each yard need be only of the required least width.

(f) *Rear yards required.* There shall be a rear yard on every lot. The least depth of any rear yard shall be twenty (20) feet. Unroofed, open terraces or projections not over three (3) feet high may extend from the principal building not over seven (7) feet into the required rear yards.

(g) *Accessory building in rear yards.* Accessory buildings or structures for incidental accessory uses may occupy in the aggregate not over thirty-five (35) percent of the required rear yard plus fifty (50) percent of any additional space in the rear of the principal building.

(Ord. No. 78-3, §§ 12.157--12.163, 2-14-78; Ord. No. 85-13, § 1, 12-9-85)

Secs. 24-265--24-275. Reserved.

DIVISIONS 6--9.

RESERVED

Secs. 24-276--24-325. Reserved.

DIVISION 10.

SPR PARKING RESIDENTIAL DISTRICT

Sec. 24-326. Scope.

The provisions of this division apply to the SPR parking residential district.

Sec. 24-327. Purpose.

The purpose of the SPR district is to provide off-site, off-street parking at or below grade to areas in residential zones to serve buildings and uses which cannot feasibly provide on-site parking as required by this chapter.

(Ord. No. 78-3, § 12.356, 2-14-78)

Sec. 24-328. Permitted uses.

(a) Permitted uses are as follows:

(1) A parking lot at or below grade for customers, employees, occupants or visitors of a use for which the parking lot is provided including a sign for identification of the use provided it complies with the requirements pertaining to such signs as set forth in chapter 19. If such parking lot occupies only a portion of a lot and the remainder of the lot is used for any other purpose, the parking lot shall not be located within any front, side or rear yard required for the other use.

(b) Accessory uses are not allowed.

(c) Accessory buildings are not allowed.

(Ord. No. 78-3, § 12.357, 2-14-78)

Sec. 24-329. Maximum height.

No building or structure shall exceed eight (8) feet in height.

(Ord. No. 78-3, § 12.358(A), 2-14-78)

Sec. 24-330. Lot and area requirements.

The minimum lot area shall be six thousand five hundred (6,500) square feet. The maximum lot area shall be twenty thousand (20,000) square feet. The minimum front yard shall be ten (10) feet. The minimum side yard shall be five (5) feet. The minimum rear yard shall be five (5) feet.

(Ord. No. 78-3, § 12.358(B)--(F), 2-14-78)

Secs. 24-331--24-350. Reserved.

DIVISION 11.

SB-1 RETAIL LOCAL DISTRICT*

* **Cross References:** Sign regulations for SB-1 district, § 19-110.

Sec. 24-351. Scope.

The provisions of this division apply to the SB-1 business district.

Sec. 24-352. Permitted uses.

(a) *Generally.* No building, structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the purposes specified in this section.

(b) *Residential principal uses and buildings.* The following principal uses and buildings are allowed:

(1) An apartment house for any number of families or housekeeping units subject to provisions in section 24-355.

(2) Dwellings.

(3) A dwelling court for any number of families or housekeeping units as provided in section 24-540.

(4) Public and parochial schools, colleges and universities, including dormitories in connection therewith, public libraries, public museums and public art galleries.

(5) A private kindergarten or nursery school, or a private school or educational institution for academic instruction.

(6) A fraternity or sorority house for any number of guests.

(7) Nurseries or greenhouses.

(8) Group housing projects when authorized by the board of adjustment as provided in section 24-504.

(9) Municipal, county, state or federal buildings or properties, except for such uses.

(10) Municipal uses such as water wells, water towers, water tanks, filter beds or towers, if located not less than twenty (20) feet from any lot in any residence zoning district not used for a similar purpose.

- (11) Branch telephone exchanges and static transformer stations without service or storage yards, when authorized by the board of adjustment.
- (12) Public utility uses such as radio broadcasting stations, towers and studios when authorized by the board of adjustment and under such conditions and with such safeguards as the board of adjustment may deem proper and adequate for the appropriate development of adjoining areas in each case.
- (13) Railroad rights-of-way, but not including switching, storage freight yards or sidings.
- (14) Churches and other places of worship, and Sunday schools.
- (15) Public recreational and community center buildings and grounds; parish houses and grounds for games or sports, except those the chief activity of which is one customarily carried on as a business.
- (16) Social uses such as clubs, lodges, social and recreational center buildings except those the chief activity of which is one customarily carried on as a business.
- (17) A sanatorium, hospital or charitable institution not for penal or correctional purposes or for the care of the insane or feebleminded; provided:

- a. The aggregate ground coverage of all structures shall not exceed twenty-five (25) percent of the area of the lot.
- b. All principal structures shall be at least twenty (20) feet distant from all lot lines.

(c) *Residential accessory uses and structures.* Accessory uses or structures customarily incident to any permitted use specified in subsection (b) of this section are allowed, including private garages, and storage, under conditions hereinafter specified; provided, that such accessory uses shall not involve the conduct of any business or industry, or any driveway or walk giving access thereto:

- (1) Customary, incidental home occupations when conducted and entered from within the dwelling and in which no person not a resident of the premises is employed, provided:
 - a. Not more than one-fourth of the floor area of one (1) story is devoted to the home occupation.
 - b. No display of goods or commodities pertaining to it is visible from the street.
 - c. No goods or commodities shall be sold on the premises.
 - d. No mechanical equipment shall be used except such as is customary for domestic or household purposes.

- (2) The taking of boarders and the leasing of rooms by a resident family.
- (3) Residence in an accessory building or other rear building is prohibited, except that the board of adjustment may permit such use if located in the rear of the principal building and with no immediate street frontage, but only for persons employed on the premises and their immediate families.
- (4) A fallout or blast shelter shall be permitted on any part of a front or side yard of a lot not less than five (5) feet from any lot line, provided that the same does not extend over three (3) feet high above the average natural grade of the front or side yard, and it may be connected underground to the principal building therein, except that said shelter in the rear yard may be connected to the principal building. A shelter shall be permitted in the rear subject to the provisions applying to any other accessory use or building therein, except that a shelter in the rear yard may be connected to the principal building either underground or aboveground.

(d) *Local business uses.* The following uses are allowed provided that any use operating as a business shall be a retail establishment, that all products produced on the premises shall be sold at retail on the premises, and that no merchandise or supplies shall be stored or displayed outside an enclosed building:

- (1) Antique store, entirely within an enclosed building.
- (2) Apparel store.
- (3) Art needlework or handcraft establishment.
- (4) Art gallery or store, picture framing.
- (5) Automobile parking.
- (6) Automobile service station, (incidental repairing only), excluding mechanical or steam washracks.
- (7) Bakery employing not more than three (3) bakers.
- (8) Bank, safe depository or trust company.
- (9) Barber or beauty shop.
- (10) Baths, Swedish, Turkish, steam, etc.
- (11) Bicycle shop.
- (12) Billiard or pool hall.
- (13) Book, newspaper, magazine store, new and used.

- (14) Catering service.
- (15) Cigar store.
- (16) Clinic.
- (17) Club or lodge.
- (18) Collection agencies for cleaning, dyeing or laundry.
- (19) Confectionery store, provided not more than three (3) persons are employed in the manufacture of products.
- (20) Custom dressmaking, millinery, hemstitching, pleating, weaving or mending.
- (21) Dealer in coins, stamps or similar collector's items.
- (22) Delicatessen.
- (23) Dental or medical laboratory.
- (24) Drugstore.
- (25) Dry goods, notions or variety store.
- (26) Electrical appliance and equipment store.
- (27) Florist shop.
- (28) Food store, provided no live poultry are kept on the premises.
- (29) Frozen food locker, but not including slaughtering.
- (30) Furniture, house furnishing or office equipment store, selling new merchandise exclusively.
- (31) Gift, curios, novelty, toy or hobby shop.
- (32) Hardware store.
- (33) Hotel, inn or lodginghouse.
- (34) Ice cream store, soda fountain.
- (35) Ice storage, of not more than five (5) tons capacity, or sale.
- (36) Interior decorator.

- (37) Jewelry store or jewelry and watch repair.
- (38) Laundry and/or drycleaning establishment, provided:
 - a. Such establishment shall not exceed three thousand (3,000) square feet of floor area.
 - b. An attendant shall be on the premises during all open hours where self-service or coin operated drycleaning units are used.
 - c. Only cleaning fluids which are not flammable and not explosive at temperatures below one hundred thirty-eight and one-half (138 1/2) degrees Fahrenheit are used.
- (39) Leather goods store.
- (40) Library, rental or public.
- (41) Liquor store for packaged sales only.
- (42) Locksmith, tool or cutlery sharpening, lawnmower repair, fix-it or handyman shop.
- (43) Massage establishment, reducing salon.
- (44) Multigraphing, mimeographing, duplicating, addressographing.
- (45) Music, phonograph or radio store.
- (46) Nursery, flower, plant or tree, within a building or enclosure.
- (47) Office, business, professional or semi-professional.
- (48) Orthopedic appliance shop.
- (49) Pet shop, within completely enclosed building. Animal boarding or an animal hospital is not allowed.
- (50) Photographic studio or photographic supply store.
- (51) Postal station.
- (52) Refreshment stand.
- (53) Religious rescue mission or temporary revival, within completely enclosed building.
- (54) Resale dress shop provided there shall be no resale of accessories such as purses, shoes, gloves.

- (55) Restaurant, cafe, lunchroom, tearoom.
- (56) School, barber, beauty culture, business, handicraft, art, music, dancing.
- (57) Shoe store or shoe repair shop.
- (58) Sign painting shop, within completely enclosed building.
- (59) Sporting goods, hunting and fishing equipment.
- (60) Station, bus or stage.
- (61) Stationery, art and drawing supply store.
- (62) Tailor shop, pressing establishment.
- (63) Taxicab stand.
- (64) Taxidermist.
- (65) Theater within completely enclosed building.
- (66) Water, telephone or telegraph distribution installation, electrical receiving or distribution station, subject to the other provisions of this chapter.

(Ord. No. 78-3, § 12.191, 2-14-78)

Sec. 24-353. Alcoholic beverages.

(a) The dispensing or sale of spirituous liquor or any alcoholic beverage for on-premises consumption shall not be allowed in any commercial establishment, except in a restaurant that meets all of the following requirements:

- (1) The restaurant holds a no. 16 restaurant license from the state.
- (2) The restaurant is regularly open for the serving of meals to guests for compensation.
- (3) The restaurant has suitable kitchen facilities connected therewith for keeping, cooking and preparing foods required for ordinary meals.
- (4) The restaurant has a seating capacity of dining room tables and/or booths in excess of fifty (50).

(b) Dispensing of liquor as is permitted by this section shall not include authorization to operate public bar or cocktail lounge in connection with restaurant except that an employees service bar for service to customers at tables shall be permitted.

- (c) In this section, "meals" means the usual assortment of foods commonly ordered at various hours

of the day, but the service of such food and victuals primarily as sandwiches or salads shall not be deemed a compliance with this requirement.

(d) For purposes of this section seating capacity in separated private banquet rooms and at counters will not be counted in the minimum seating capacity requirements.
(Ord. No. 78-3, § 12.192, 2-14-78)

Sec. 24-354. Maximum height.

No building or structure shall exceed two (2) stories nor thirty (30) feet in height.
(Ord. No. 78-3, § 12.193, 2-14-78)

Sec. 24-355. Restriction on housekeeping units.

The number of housekeeping units permitted for any lot shall be limited to the similar requirements of the nearest adjoining and most restrictive residence zone. In cases where the size of any lot has been reduced by conveyance to the public for street widening purposes at no cost to the city the number of housekeeping units permitted shall be based upon the area of the lot as it existed prior to the conveyance.
(Ord. No. 78-3, § 12.194, 2-14-78)

Sec. 24-356. Lot and area requirements.

(a) *Front yards.* There shall be a front yard on every lot. The least depth of any front yard shall be fifteen (15) feet, except in such parts of any zone as are within the same block front with a resident zone and adjoin the same along the side lot line of an interior lot, in which parts the depth of any front yard shall be the same as required in the adjoining residence zone if greater than fifteen (15) feet. In cases where the depth of any lot has been reduced by conveyance to the public for street widening purposes, the required front yard shall be measured from the front lot line as it existed prior to the conveyance, provided that all buildings shall be situated within the property lines as they exist subsequent to the conveyance.

(b) *Side yards.* No side yards are required except as follows:

(1) On a lot adjoining a residence zone along its side lot line, as provided in section 24-539.

(2) In a district entirely surrounded by residence districts, along a side street lot line of a corner lot abutting in the rear on a residence district or separated therefrom by an alley. The least width of such side yard shall be one-half of the least width of the side yard required in the adjoining residence district for a building of the same height and length in case such lot is back to back, either directly or across an alley, with another corner lot, and at least ten (10) feet wide in any other case. In cases where the width of any corner lot has been reduced by conveyance to the public for street widening purposes, the required side yard shall thereafter be measured from the side street lot line as it existed prior to the conveyance, provided that all buildings shall be situated within the property lines as they exist subsequent to the conveyance.

(c) *Rear yards.* There shall be a rear yard on every lot. The minimum depth of rear yards shall be twenty (20) feet. Accessory buildings may occupy forty (40) percent of the required rear yard area and fifty (50)

percent of any additional space in the rear of the principal building.
(Ord. No. 78-3, §§ 12.195--12.198, 2-14-78)

Sec. 24-357. Architectural approval.

A building erected for other than dwelling or apartment house purposes shall be compatible architecturally to the prevailing type of dwelling or apartment house existing in the neighborhood. The owner must have the architectural approval of the design review board before a permit shall be granted by the building inspector for any such construction or improvement; provided, however, that if a proposed building or other structure is a connected extension of an approved design that now exists, or if a proposed building is a separate duplication of an existing approved building on an adjacent lot, then approval is not required.
(Ord. No. 78-3, § 12.199, 2-14-78)

Sec. 24-358. Off-street parking and loading.

When a building site is bounded on all sides by existing streets:

- (1) Off-street parking shall be provided on the site for the rate of at least one (1) automobile space per seven hundred fifty (750) square feet of net tenant area. The parking area shall not be counted in computing the net tenant area.
- (2) Off-street service pickup and delivery, and auto passenger discharge and embarking space shall be provided.

(Ord. No. 78-3, § 12.290, 2-14-78)

Secs. 24-359--24-370. Reserved.

DIVISION 12.

SB-2A LOCAL RETAIL CENTER DISTRICT*

* **Cross References:** Sign regulations for SB-2A district, § 19-111.

Sec. 24-371. Scope.

The provisions of this division apply to the SB-2A business district.

Sec. 24-372. Permitted uses.

(a) *Generally.* No building, structure or land shall be used, and no building, or structure, shall be erected or altered; which is intended or designed to be used in whole or in part for any other than one (1) or more of the purposes specified in this section.

(b) *Residential principal uses and buildings.* The following principal uses and buildings are allowed:

- (1) An apartment house for any number of families or housekeeping units.
- (2) Dwellings.
- (3) A dwelling court for any number of families or housekeeping units as provided in section 24-540.
- (4) Public and parochial schools, colleges and universities, including dormitories in connection therewith, public libraries, public museums and public art galleries.
- (5) A private kindergarten or nursery school, or a private school or educational institution for academic instruction.
- (6) A fraternity or sorority house for any number of guests.
- (7) Nurseries or greenhouses.
- (8) Group housing projects when authorized by the board of adjustment as provided in section 24-504.
- (9) Municipal, county, state or federal buildings or properties except for such uses as warehouses or garages or other uses that are customarily conducted as a gainful business; including municipal water wells and necessary accessory equipment, provided that no part thereof is nearer than eighty (80) feet to the front lot line or fifteen (15) feet to any side or rear lot line.
- (10) Municipal uses such as water wells, water towers, water tanks, filter beds or towers, if located not less than twenty (20) feet from any lot in any residence zoning district not used for a similar purpose.
- (11) Branch telephone exchanges and static transformer stations without service or storage yards, when authorized by the board of adjustment.
- (12) Public utility uses such as radio broadcasting stations, towers and studios when authorized by the board of adjustment and under such conditions and with such safeguards as the board of adjustment may deem proper and adequate for the appropriate development of adjoining areas in each case.
- (13) Railroad rights-of-way, but not including switching, storage, freight yards or sidings.
- (14) Churches and other places of worship and Sunday schools.
- (15) Public recreational and community center buildings and grounds; parish houses and grounds for games or sports, except those the chief activity of which is one customarily carried on as a business.
- (16) Social uses such as clubs, lodges, social and recreational center buildings except those the chief

activity of which is one customarily carried on as a business.

- (17) A sanatorium, hospital or charitable institution not for penal or correctional purposes or for the care of the insane or feebleminded, provided the following criteria are satisfied:
- a. The aggregate ground coverage of all structures shall not exceed twenty-five (25) percent of the area of the lot.
 - b. All principal structures shall be at least twenty (20) feet distant from all lot lines.

(c) *Residential accessory uses and structures.* Accessory uses or structures customarily incident to any permitted use allowed in subsection (b) of this section are allowed, including private garages and storage, under conditions hereinafter specified; provided, that such accessory uses shall not involve the conduct of any business or industry, or any driveway or walk giving access thereto:

- (1) Customary, incidental home occupations when conducted and entered from within the dwelling and in which no persons not a resident of the premises is employed, provided:
 - a. Not more than one-fourth of the floor area of one (1) story is devoted to such home occupation.
 - b. No display of goods or commodities pertaining to it is visible from the street.
 - c. In connection with such home occupation no goods or commodities shall be sold on the premises.
 - d. No mechanical equipment shall be used except such as is customary for domestic or household purposes.
- (2) The taking of boarders and the leasing of rooms by a resident family.
- (3) Residence in an accessory building or other rear building is prohibited, except that the board of adjustment may permit such use if located in the rear of the principal building and with no immediate street frontage, but only for persons employed on the premises and their immediate families.
- (4) A fallout or blast shelter shall be permitted on any part of a front or side yard of a lot not less than five (5) feet from any lot line, provided that the same does not extend over three (3) feet high above the average natural grade of the front or side yard, and it may be connected underground to the principal building. A shelter shall be permitted in the rear yard subject to the provisions applying to any other accessory use of building therein, except that a shelter in the rear yard may be connected to the principal building either underground or aboveground.

(d) *Local business uses.* Except as modified in subsection (e) of this section, the following uses are allowed, provided that any use operating as a business shall be a retail establishment, that all products produced on the premises shall be sold at retail on the premises, and that no merchandise or supplies shall be stored or

displayed outside an enclosed building:

- (1) Antique store, entirely within an enclosed building.
- (2) Apparel store.
- (3) Art needle work or handcraft establishment.
- (4) Art gallery or store, picture framing.
- (5) Automobile parking.
- (6) Automobile service station, (incidental repairing only) excluding mechanical or steam washracks.
- (7) Bakery employing not more than three (3) bakers.
- (8) Bank, safe depository, trust company.
- (9) Barber or beauty shop.
- (10) Baths, Swedish, Turkish, steam, etc.
- (11) Bicycle shop.
- (12) Billiard or pool hall.
- (13) Book, newspaper, magazine store, new and used.
- (14) Catering service.
- (15) Cigar store.
- (16) Clinic.
- (17) Club or lodge.
- (18) Collection agencies for cleaning, dyeing or laundry.
- (19) Confectionery store, provided not more than three (3) persons are employed in the manufacture of products.
- (20) Custom dressmaking, millinery hemstitching, pleating, weaving or mending.
- (21) Dealer in coins, stamps or similar collector's items.

- (22) Delicatessen.
- (23) Dental or medical laboratory.
- (24) Drugstore.
- (25) Dry goods, notions or variety store.
- (26) Florist shop.
- (27) Food store, provided no live poultry are kept on the premises.
- (28) Frozen food locker, but not including slaughtering.
- (29) Furniture, house furnishing or office equipment store, selling new merchandise exclusively.
- (30) Gift, curio, novelty, toy or hobby shop.
- (31) Hardware store.
- (32) Hotel, inn or lodginghouse.
- (33) Ice cream store, soda fountain.
- (34) Ice storage, of not more than five (5) tons capacity, or sale.
- (35) Interior decorator.
- (36) Jewelry store or jewelry and watch repair.
- (37) Laundry and/or drycleaning establishment, provided:
 - a. Such establishment shall not exceed three thousand (3,000) square feet of floor area.
 - b. An attendant shall be on the premises during all open hours where self-service or coin operated drycleaning units are used.
 - c. Only cleaning fluids which are not inflammable and not explosive at temperatures below one hundred thirty-eight and one-half (138 1/2) degrees Fahrenheit are used.
- (38) Leather goods store.
- (39) Library, rental or public.
- (40) Liquor store for packaged sales only.

- (41) Locksmith, tool or cutlery sharpening, lawnmower repair, fix-it or handyman shop.
- (42) Marijuana Dispensary or Establishment provided:
- a. The maximum floor area of the marijuana dispensary or establishment shall not exceed 2,500 square feet
 - b. The secure storage area for the marijuana stored at the marijuana dispensary or establishment shall not exceed 500 square feet of the total 2,500 square foot maximum floor area of a marijuana dispensary or establishment.
 - c. A marijuana dispensary or establishment shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle
 - d. The permitted hours of operation of a marijuana dispensary or establishment shall be from 7:00 am to 10:00 pm.
 - e. The marijuana dispensary or establishment shall have an indoor customer waiting space area equal to twenty-five (25) percent of the gross floor area.
 - f. A marijuana dispensary or establishment shall not have drive-through service and shall not have outdoor seating areas.
 - g. A marijuana dispensary or establishment shall not provide for offsite delivery of the marijuana.
 - h. A marijuana dispensary or establishment shall be setback a minimum of 21,000 feet from any other marijuana dispensaries or establishment measured from parcel boundaries.
 - i. A marijuana dispensary or establishment shall be setback a minimum of 1,000 feet from a public, private, parochial, charter facility where children may be enrolled.
 - j. A marijuana dispensary or establishment shall be setback a minimum of 500 feet from a church, library, or public park.
 - k. A marijuana dispensary or establishment shall not include the cultivation, processing, or manufacture of marijuana products.
- (43) Massage establishment, reducing salon.
- (44) Multigraphing, mimeographing, duplicating, addressographing.
- (45) Music, phonograph or radio store.
- (46) Nursery, flower, plant or tree within a building or enclosure.

- (47) Office, business, professional or semi-professional.
- (48) Orthopedic appliance shop.
- (49) Pet shop within completely enclosed building. Animal boarding or animal hospital is not allowed.
- (50) Photographic studio or photographic supply store.
- (51) Postal station.
- (52) Refreshment stand.
- (53) Religious rescue mission or temporary revival, within completely enclosed building.
- (54) Resale dress shop (no resale of accessories such as purses, shoes, gloves).
- (55) Restaurant, cafe, lunchroom or tearoom.
- (56) School, barber, beauty culture, business, handicraft, art, music, dancing.
- (57) Shoe store or shoe repair shop.
- (58) Sign painting shop within completely enclosed building.
- (59) Sporting goods, hunting and fishing equipment.
- (60) Station, bus or stage.
- (61) Stationery, art and drawing supply store.
- (62) Tailor shop, pressing establishment.
- (63) Taxicab stand.
- (64) Taxidermist.
- (65) Theater, within completely enclosed building.
- (66) Water, telephone or telegraph distribution installation, electrical receiving of distribution station, subject to the other provisions of this chapter.
- (e) *General business uses.* The following uses are allowed:
 - (1) Advertising sign, structure of billboard, as regulated in chapter 19.

- (2) Ambulance service.
- (3) Amusement or recreational enterprise (within a completely enclosed structure) including billboard or pool hall, bowling alley, dance hall, gymnasium, penny arcade, shooting gallery, skating rink, sports arena.
- (4) Amusement or recreational enterprise (outdoor) including archery range, miniature golf or practice driving or putting range, games of skill or science, pony riding ring without stables, swimming pool or commercial beach or bathhouse, tennis court.
- (5) Auction, public (no animals).
- (6) Auditorium or assembly hall.
- (7) Automobile rental garage.
- (8) Auto repair, mechanical or steam washracks, battery service. No body or fender work, painting or upholstery work is allowed unless incidental to such business.
- (9) Bar, nightclub, cabaret, tavern, taproom; however, it is unlawful for any person to knowingly conduct, maintain, own, manage or operate any bar, nightclub, cabaret, tavern, taproom or any other public place serving spirituous liquors, as defined by A.R.S. tit. 4, ch. 1, art. 1 [§ 4-101 et seq.], as amended, in which live, recorded, and/or simulated performances involving nudity or semi-nudity occur. In this paragraph:
 - a. *Performance* means any exhibition, dance or appearance in which a person, male or female, manifests any degree of nudity or seminudity or removes from or places upon his or her body clothing or covering, and as part of or in addition to such exhibition, dance or appearance, employs body motions including, but not limited to, torso gyrations, bumps and grinds, or gesticulations that are sexually suggestive while presenting his or her body in any degree of nudity or seminudity.
 - b. *Nudity or seminudity* means the appearance whether clothed, unclothed, costumed or uncostumed in such a manner that:
 1. The nipple, the areola (the more darkly pigmented portion of the breast encircling the nipple) or a substantial portion of the breast are not fully covered by a completely opaque material, or is so thinly covered so as to appear uncovered.
 2. The lower part of his or her torso, consisting of the human male or female genitals or pubic area, or anal cleft, or cleavage of the buttocks, is not covered by a fully opaque material, or is so thinly covered so as to appear uncovered.
- (10) Baths (Turkish, Swedish, steam, etc.).

- (11) Blueprinting, photostating.
- (12) Boats, storage or rental.
- (13) Burglar alarm service.
- (14) Carpenter shop.
- (15) Cigar manufacturing (custom hand-rolled).
- (16) Club, athletic, private, social, sport or recreational (operated for profit), except sports stadium or field.
- (17) Engraving, photoengraving, lithographing.
- (18) Fair, carnival or tent show for not longer than fifteen (15) days, if sufficient parking area for patrons is provided.
- (19) Fortunetelling.
- (20) Garage, public (for commercial use).
- (21) Juke box or coin machine business (limited to assembly, repair and servicing).
- (22) Laundry, steam or wet-wash.
- (23) Locksmith, tool or cutlery sharpening, lawnmower repairing, fix-it or handyman shop.
- (24) Lumberyard, retail (provided no machinery is used other than a rip saw and a cut-off saw, and machinery for the limited mixing of concrete for sale; provided the mixing of concrete for sale shall be permitted only if the following provisions are met:
 - a. The mixing drum does not exceed one-half cubic yard.
 - b. The power source is electrical.
 - c. Storage of all bulk material is in an enclosed hopper or closed structure.
 - d. All conveyors, bucked lines or other means of transporting materials within the mixer or from storage structures to the mixer are fully enclosed.
 - e. The area upon which the mixer and related facilities are placed is paved.
 - f. No vehicles with a load capacity in excess of one (1) cubic yard or four thousand fifty (4,050) pounds are loaded.

- g. The use meets all the requirements of paragraph (h)(16) of this section.
 - h. The size of the mixing drum and the vehicle capacity may be increased, but not by more than ten (10) percent, by the board of adjustment and no other provisions for this use shall be subject to modification by the board.
- (25) Massage establishment, reducing salon or gymnasium.
 - (26) Mattress shop for repairing only (no renovating).
 - (27) Merchandise broker's display, wholesale.
 - (28) Motorcycle or motor scooter repair or storage.
 - (29) Mortuary or embalming establishment or school.
 - (30) Oxygen equipment, rental or distribution.
 - (31) Pawnshop.
 - (32) Piano repairing.
 - (33) Plumbing, retail custom.
 - (34) Printing or publishing.
 - (35) Record recording studio or sound-score production. No manufacturing or treatment of records is allowed.
 - (36) Refrigeration installation or service.
 - (37) School or college (operated as a commercial enterprise) for dancing or musical instruction; industrial or trade school teaching occupations or operations are permitted.
 - (38) Sheetmetal or tinsmith shop.
 - (39) Sign painting shop.
 - (40) Trade show, industrial show or exhibition.
 - (41) Transfer or express shop.
 - (42) Upholstery shop.
 - (43) Wallpaper sales, paperhanging.

- (f) *Sales, rentals or display.* Sale, rental or display of the following is allowed:
- (1) Airplanes or parts.
 - (2) Automobiles or trailers.
 - (3) Barber's supplies or beauty shop equipment.
 - (4) Boats.
 - (5) Butcher's supplies.
 - (6) Clothing or accessories (wholesale).
 - (7) Contractor's equipment or supplies.
 - (8) Drugs or medical, dental or veterinarian's supplies (wholesale).
 - (9) Farm equipment or machinery.
 - (10) Feed, other than at wholesale.
 - (11) Flowers, plants or trees, provided:
 - a. A maximum area of five hundred (500) square feet may be used for outdoor display.
 - b. The display or storage may be not less than thirty (30) feet from any street property line.
 - (12) Garage equipment.
 - (13) Hardware (retail or wholesale).
 - (14) Hotel equipment or supplies.
 - (15) Household appliances, sewing machines, etc. (wholesale).
 - (16) Machinery, commercial and industrial.
 - (17) Monuments or tombstones but not at wholesale.
 - (18) Office equipment (safes, business machines, etc.) (wholesale).
 - (19) Orthopedic appliances (trusses, wheel chairs, etc.).
 - (20) Painting equipment or supplies (paint, varnish, etc.).

- (21) Pets (no boarding or hospital).
- (22) Plastic or plastic products (wholesale).
- (23) Plumbing, heating and ventilating fixtures or supplies.
- (24) Restaurant or soda fountain equipment or supplies.
- (25) Secondhand goods including personal goods, furniture, books, magazines, automobiles, but not including secondhand auto parts, nor auto salvage.
- (26) Tents or awnings.
- (27) Trunks or luggage (wholesale).
- (28) Upholsterer's supplies.
- (29) Venetian blinds.
- (30) Window shades.

(g) *Manufacturing uses--Generally.* Manufacturing, treatment, converting, altering, finishing or body and fender work, or assembling may be carried on in any part of any building, but only when a necessary incidental accessory to a permitted principal use; provided:

- (1) No more than twenty-five (25) percent of the total floor area of the building is used for such purposes.
- (2) Any such use which, in the opinion of the building inspector, may be noxious or offensive or injurious by reason of the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried wastes, so as to be detrimental to the public health, safety or general welfare, shall be permitted only by authorization of the board of adjustment.

(h) *Same--Over twenty-five (25) percent of floor area.* Manufacturing in excess of twenty-five (25) percent of the total floor area of the building used for such purposes, including treatment, converting, altering, compounding, processing, packaging, assembly, and finishing shall be permitted without requiring board of adjustment authorization providing the following provisions are met:

- (1) Only uses permitted in the SP-I district listed in section 24-454 paragraphs (a)(3), (a)(4), (a)(5), (a)(9) and (a)(10) shall be allowed.
- (2) The manufacturing type uses and activities shall be conducted in conjunction with a use otherwise permitted in the zone.
- (3) The manufacturing shall be located on the same lot or site with the permitted use.

- (4) If a site abuts an alley less than thirty (30) feet wide for its entire length, such alley shall not be used for vehicular access to the site.
- (5) Points of ingress and egress to and from the site used for manufacturing purposes shall be on a street not less than sixty (60) feet in width, and traffic circulation must be located and regulated in such a manner that the traffic generated by this use is directed away from residential areas and will not in any case travel a residential street.
- (6) The minimum lot area shall be ten thousand (10,000) square feet.
- (7) All buildings and structures including accessory buildings and structures shall not occupy more than forty (40) percent of the site.
- (8) The minimum lot width shall be ninety (90) feet.
- (9) The maximum height of any structure housing any manufacturing use shall be thirty-five (35) feet.
- (10) The minimum depth of the rear yard where the lot is adjacent to or abuts a residential zone:
 - a. For a principal structure, thirty-five (35) feet.
 - b. For an accessory structure, twenty-five (25) feet.
- (11) The minimum side yard when lot is adjacent to or adjoins a residential zone shall be as follows:
 - a. For an interior side yard, thirty-five (35) feet.
 - b. For a street side yard, twenty-five (25) feet.
- (12) The manufacturing and other activities including the storage of goods and material shall be conducted wholly within completely enclosed buildings.
- (13) All outside work and activity in connection with the manufacturing use and the loading and unloading areas, docks and platforms shall be located entirely within an area on the lot which is enclosed on all sides by a building or by a solid wall or fence six (6) feet in height. Such loading and unloading areas, docks and platforms shall be located as far from any surrounding residential uses as is reasonably possible.
- (14) When the lot is adjacent to or abuts a residential zone, a solid wall or fence six (6) feet high shall be erected along the property lines adjoining the residential zone.
- (15) Landscaping shall be installed and maintained in such a manner as to promote the compatibility of the manufacturing use with the surrounding area, and to negate the adverse visual effects of large paved or dirt areas, as well as to provide sound barriers between the manufacturing use and any adjacent residential areas. All open areas not used for parking or loading purposes shall be

landscaped with trees, shrubs and suitable ground cover. The amount of such landscaped areas shall not be less than a figure calculated by multiplying the total footage of street frontage of the site by five (5), or five (5) percent of the total site area, whichever is the greater.

- (16) The manufacturing and allied uses and activities shall be conducted in conformance with the following performance standards:

a. *Noise.* At no point beyond the property lines of the lot shall the sound pressure level of any individual operation exceed the decibel levels in the designated octave bands shown below. (Excluding operation of motor vehicles or other transportation facilities).

<i>Octave Band Cycles per Second</i>	Maximum Sound Pressures Level in Decibels .0002 dynes per CM ²
0-- 75	67
75-- 150	52
150-- 300	45
300-- 600	38
600--1200	35
1200--2400	31
2400--4800	28
Above 4800	26

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to the standard prescribed by the American Standards Association. Measurements shall be made using the flat network of the count level meter. Impulsive type noises shall be subject to the performance standards provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

- b. *Smoke.* No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringelmann Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringelmann Chart, for not more than four (4) minutes in any thirty (30) minutes period. For the purpose of grading the density of smoke, the Ringelmann Chart as published by the U.S. Bureau of Mines shall be the standard.
- c. *Glare or heat.* Any activity producing intense glare or heat shall be performed in such a manner as not to create a nuisance or hazard beyond the property lines.
- d. *Odors.* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.
- e. *Vibration.* No vibration shall be permitted which is discernible beyond the property lines

to the human sense of feeling for three (3) minutes or more duration in any one (1) hour between 7:00 a.m. and 7:00 p.m., or thirty (30) seconds or more duration in any one (1) hour between 7:00 p.m. and 7:00 a.m.

- f. *Fly ash, dust, fumes, vapors, gases and other forms of air pollution.* No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause any excessive soiling.
- g. *Liquids and solid waste.* No wastes shall be discharged in the streets, drainageways or any property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.
- h. *Illumination.* Illumination of buildings and open areas shall be so arranged as to eliminate glare toward streets and adjoining properties.

(17) A development plan must be submitted to the city planning department for approval. This development plan must show compliance with all the requirements pertaining to manufacturing uses prior to obtaining a building permit or certificate of occupancy, and in addition thereto it must show:

- a. The location, dimensions, and legal description of the property.
- b. Abutting streets and alleys.
- c. The existing and proposed buildings on the property in relation to property lines.
- d. The height and dimensions of the buildings.
- e. The gross floor area to be used by all buildings on the property.
- f. The total floor area to be used for manufacturing purposes.
- g. The layout of parking and loading areas, curbcuts, driveways, screening, landscaping.
- h. A statement setting forth the number of employees on the largest shift in the manufacturing operation.

(18) No building permit or certificate of occupancy shall be issued unless the plans for all exterior structural changes to any existing structure or the plans for any new structure are approved by the zoning commission as provided in section 24-357.

(h) *Wholesaling.* Wholesaling of the products permitted in subsection (f) of this section is allowed unless specifically prohibited, with storage space not exceeding fifteen hundred (1500) square feet of floor area.

(i) *Accessory buildings or uses.* Accessory buildings or uses that do not involve open storage are

allowed if located on the same building site.
(Ord. No. 78-3, § 12.205, 2-14-78; Ord. No. 84-03, § 1, 11-19-84)

Sec. 24-373. Maximum height.

Except as otherwise provided, no building or structure shall exceed a height of thirty-five (35) feet.
(Ord. No. 78-3, § 12.206, 2-14-78)

Sec. 24-374. Lot and area requirements.

- (a) *Residential uses.* The following provisions apply to residential uses:
 - (1) The minimum lot area shall be six thousand five hundred (6,500) square feet.
 - (2) The minimum net buildable area per dwelling unit shall be five hundred (500) square feet.
 - (3) The minimum front yard shall be fifteen (15) feet.
 - (4) Side yards shall be at least seven (7) feet each.
 - (5) The rear yard shall be at least twenty (20) feet.
 - (6) The distance between main buildings shall be at least fourteen (14) feet.
- (b) *Nonresidential uses.* The following provisions apply to nonresidential uses:
 - (1) The minimum front yard shall be fifteen (15) feet.
 - (2) The rear yard shall be at least ten (10) feet.
- (c) *Detached accessory buildings.* The following provisions apply to detached accessory buildings:
 - (1) The maximum permitted coverage shall be forty (40) percent of the required rear yard and any additional space within the buildable area.
 - (2) The maximum building height shall be:
 - a. Twenty (20) feet within the required rear yard.
 - b. Thirty-five (35) feet within the buildable area.
 - (3) The minimum distance to the main building shall be seven (7) feet.
 - (4) The minimum distance to front lot line shall be fifteen (15) feet.
 - (5) The minimum distance to rear lot line shall be four (4) feet.

(Ord. No. 78-3, §§ 12.206, 12.207, 2-14-78)

Sec. 24-375. Architectural approval.

Buildings erected for other than dwelling or apartment house purposes shall be required to obtain architectural approval as required in section 24-357.

(Ord. No. 78-3, § 12.208, 2-14-78)

Secs. 24-376--24-385. Reserved.

DIVISION 13.

SB-2 BUSINESS DISTRICT*

* **Cross References:** Sign regulations for SB-2 district, § 19-112.

Sec. 24-386. Scope.

The provisions of this division apply to the SB-2 business district.

Sec. 24-387. Permitted use.

(a) *Generally.* No building, structures or land shall be used, and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the purposes specified in this section.

(b) *Principal noncommercial uses.* The following principal noncommercial uses are allowed:

- (1) An apartment house for any number of families or housekeeping units.
- (2) Dwellings.
- (3) A dwelling court for any number of families or housekeeping units, subject to section 24-540.
- (4) Public and parochial schools, colleges and universities, including dormitories in connection therewith, public libraries, public museums and public art galleries.
- (5) A private kindergarten or nursery school, or a private school or educational institution for academic instruction.
- (6) A fraternity or sorority house for any number of guests.
- (7) Nurseries or greenhouses.
- (8) Group housing projects, when authorized by the board of adjustment as provided in section 24-

504.

- (9) Municipal, county, state or federal buildings or properties, except for such uses as warehouses or garages or other uses that are customarily conducted as a gainful business; including municipal water wells and necessary accessory equipment, provided that no part thereof is nearer than eighty (80) feet to the front lot line or fifteen (15) feet to any side or rear lot line.
 - (10) Municipal uses such as water wells, water towers, water tanks, filter beds or towers, if located not less than twenty (20) feet from any lot in any residence zoning district not used for a similar purpose.
 - (11) Branch telephone exchanges and static transformer stations without service or storage yards, when authorized by the board of adjustment.
 - (12) Public utility uses such as radio broadcasting stations, towers and studios when authorized by the board of adjustment and under such conditions and with such safeguards as the board of adjustment may deem proper and adequate for the appropriate development of adjoining areas in each case.
 - (13) Railroad rights-of-way, but not including switching, storage, freight yards or sidings.
 - (14) Churches and other places of worship and Sunday schools.
 - (15) Public recreational and community center buildings and grounds; parish houses and grounds for games or sports, except those the chief activity of which is one customarily carried on as a business.
 - (16) Social uses such as clubs, lodges, social and recreational center buildings except those the chief activity of which is one customarily carried on as a business.
 - (17) A sanatorium, hospital or charitable institution not for penal or correctional purposes or for the care of the insane or feebleminded, provided:
 - a. The aggregate ground coverage of all structures shall not exceed twenty-five (25) percent of the area of the lot.
 - b. All principal structures shall be at least twenty (20) feet distant from all lot lines.
- (c) *Noncommercial accessory uses and structures.* The following accessory uses or structures customarily incident to any permitted use specified in subsection (a) of this section are allowed, including private garages and storage, under conditions below specified; provided, that such accessory uses shall not involve the conduct of any business or industry, or any driveway or walk giving access thereto:
- (1) Customary, incidental home occupations when conducted and entered from within the dwelling and in which no person not a resident of the premises is employed provided:

- a. Not more than one-fourth of the floor area of one (1) story is devoted to such home occupation.
 - b. No display of goods or commodities pertaining to it is visible from the street.
 - c. No goods or commodities shall be sold on the premises.
 - d. No mechanical equipment shall be used except such as is customary for domestic or household purposes.
- (2) The taking of boarders and the leasing of rooms by a resident family.
- (3) Residence in an accessory building or other rear building is prohibited, except that the board of adjustment may permit such use if located in the rear of the principal building and with no immediate street frontage, but only for person employed on the premises and their immediate families.
- (4) A fallout or blast shelter shall be permitted on any part of a front or side yard of a lot not less than five (5) feet from any lot line, provided that the same does not extend over three (3) feet above the average natural grade of the front or side yard, and it may be connected underground to the principal building. A shelter shall be permitted in the rear yard subject to the provisions applying to any other accessory use or building therein, except that a shelter in the rear yard may be connected to the principal building either underground or aboveground.
- (d) *Local business uses.* The following local business uses are allowed:
- (1) Antique store.
 - (2) Apparel store.
 - (3) Art needlework or handcraft establishment.
 - (4) Art gallery or store, picture framing.
 - (5) Automobile parking.
 - (6) Automobile service station.
 - (7) Bakery.
 - (8) Bank, safe depository or trust company.
 - (9) Barber or beauty shop.
 - (10) Baths, Swedish, Turkish, steam, etc.

- (11) Bicycle shop.
- (12) Billiard or pool hall.
- (13) Book, newspaper, magazine store, new and used.
- (14) Catering service.
- (15) Cigar store.
- (16) Clinic.
- (17) Club or lodge.
- (18) Collection agencies for cleaning, dyeing or laundry.
- (19) Confectionery store.
- (20) Custom dressmaking, millinery hemstitching, pleating, weaving or mending.
- (21) Dealer in coins, stamps or similar collector's items.
- (22) Delicatessen.
- (23) Dental or medical laboratory.
- (24) Drugstore.
- (25) Dry goods, notions or variety store.
- (26) Electrical appliance and equipment store.
- (27) Florist shop.
- (28) Food store.
- (29) Frozen food locker.
- (30) Furniture, house furnishing or office equipment store.
- (31) Gift, curio, novelty, toy or hobby shop.
- (32) Hardware store.
- (33) Hotel, inn or lodginghouse.

- (34) Ice cream store, soda fountain.
- (35) Ice storage, of not more than five (5) tons capacity, or sale.
- (36) Interior decorator.
- (37) Jewelry store or jewelry and watch repair.
- (38) Laundry and/or drycleaning establishment.
- (39) Leather goods store.
- (40) Library, rental or public.
- (41) Liquor store.
- (42) Locksmith, tool or cutlery sharpening, lawnmower repair, fix-it or handyman shop.
- (43) Marijuana Dispensary or Establishment provided:
 - a) The maximum floor area of the marijuana dispensary shall not exceed 2,500 square feet.
 - b) The secure storage area for the marijuana stored at the marijuana dispensary or establishment shall not exceed 500 square feet of the total 2,500 square foot maximum floor area of a marijuana dispensary or establishment.
 - c) A marijuana dispensary or establishment shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle
 - d) The permitted hours of operation of a marijuana dispensary or establishment shall be from 7:00 am to 10:00 pm.
 - e) The marijuana dispensary or establishment shall have an indoor customer waiting space area equal to twenty-five (25) percent of the gross floor area.
 - f) A marijuana dispensary or establishment shall not have drive-through service and shall not have outdoor seating areas.
 - g) A marijuana dispensary or establishment shall not provide for offsite delivery of the marijuana.
 - h) A marijuana dispensary or establishment shall be setback a minimum of 1,000 feet from any other marijuana dispensaries measured from parcel boundaries.
 - i) A marijuana dispensary or establishment shall be setback a minimum of 1,000 feet from a

public, private, parochial, charter facility where children may be enrolled.

- j) A marijuana dispensary or establishment shall be setback a minimum of 500 feet from a church, library, or public park.
- (44) Marijuana Dispensary, or Establishment Offsite Cultivation Location provided:
- a) The total maximum floor area of a marijuana dispensary, or establishment offsite cultivation location shall not exceed 10,000 square feet.
 - b) The secure storage area for the marijuana stored at the marijuana dispensary or establishment offsite cultivation location shall not exceed 1,000 square feet of the floor area of a marijuana dispensary or establishment offsite cultivation location.
 - c) A marijuana dispensary or establishment offsite cultivation location, must be located in a permanent building and shall not be located in a trailer, cargo container mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
 - d) A marijuana dispensary or establishment offsite cultivation location, shall be setback a minimum of 1,000 feet from any other marijuana dispensary or establishment offsite cultivation locations measured from the parcel boundary to the parcel boundaries.
 - e) A marijuana dispensary or establishment offsite cultivation location, facility shall be setback a minimum of 1,000 feet from a public, private, parochial, charter, facility where children may be enrolled.
 - f) A marijuana dispensary or establishment offsite cultivation location shall be setback a minimum of 500 feet from a church, or library.
- (45) Marijuana Designated Caregiver Cultivation Location, provided:
- a) All conditions and restrictions for marijuana dispensary or establishment offsite cultivation locations apply.
 - b) A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with A.R.S. § 36-2806.01.
 - c) More than one designated caregiver may co-locate cultivation locations.
- (46) Massage establishment, reducing salon.
- (47) Multigraphing, mimeographing, duplicating addressographing.
- (48) Music, phonograph or radio store.

- (49) Nursery, flower, plant or tree.
- (50) Office, business professional or semiprofessional.
- (51) Orthopedic appliance shop.
- (52) Pet shop.
- (53) Photographic studio or photographic supply store.
- (54) Postal station.
- (55) Refreshment stand.
- (56) Religious rescue mission or temporary revival.
- (57) Resale dress shop.
- (58) Restaurant, cafe, lunchroom, tearoom.
- (59) School, barber, beauty culture, business, handicraft, art, music, dancing.
- (60) Shoe store or shoe repair shop.
- (61) Sign painting shop.
- (62) Sporting goods, hunting and fishing equipment.
- (63) Station, bus or stage.
- (64) Stationery, art and drawing supply store.
- (65) Tailor shop, pressing establishment.
- (66) Taxicab stand.
- (67) Taxidermist.
- (68) Theater.
- (69) Water, telephone or telegraph distribution installation electrical receiving or distribution station, subject to the other provisions of this chapter.
- (e) *General business uses.* The following general business uses:
 - (1) Advertising sign, structure of billboard, as regulated in chapter 19.

- (2) Ambulance service.
- (3) Amusement enterprise conducted as a business, including archery range, bowling alley, dance hall, games of skill and science, gymnasium, miniature golf or practice driving or putting range, penny arcade, pony riding ring without stables, racetrack, shooting gallery, skating rink, sports arena, swimming pool, commercial beach or bathhouse, tennis court.
- (4) Animal hospital or boarding of small animals, if the site is located two hundred (200) feet or more from any residence zoning district.
- (5) Auction, except if no animals.
- (6) Auditorium or assembly hall.
- (7) Automobile accessories, parts, supplies and equipment sales. Automobile salvage yards are not allowed.
- (8) Automobile, trailer or machinery repair or painting, including body and fender work only as may be permitted by subsection (f) of this section, mechanical or steam washracks, battery service; provided that where such use is located within thirty (30) feet of a lot in a residence zoning district, a solid wall at least six (6) feet high, or a garage wall with no openings other than stationary windows, shall be erected and maintained between such use and such residential lot.
- (9) Automobile, trailer or machinery sales, new and used, or rentals, provided:
 - a. Any such unenclosed area is surfaced with a hard, durable, dustproof material.
 - b. The required yards are provided and properly maintained.
 - c. Any lights used to illuminate such area shall be so arranged as to reflect the light away from adjoining premises in any residence zoning district.
- (10) Bakery.
- (11) Bar, nightclub, cabaret, tavern, taproom. It is unlawful for any person to knowingly conduct, maintain, own, manage or operate any bar, nightclub, cabaret, tavern, taproom or any other public place serving spirituous liquors, as defined by A.R.S. tit. 4, ch. 4, art. 1 [§ 4-101 et seq.], as amended, wherein live, recorded, and/or simulated performances involving nudity or seminudity occur.

In this paragraph:

- a. *Performance* means any exhibition, dance or appearance in which a person, male or female, manifests any degree of nudity or seminudity or removes from or places upon his or her body clothing or covering, and as part of or in addition to such exhibition, dance or

appearance, employs body motions including, but not limited to, torso gyrations, bumps and grinds, or gesticulations that are sexually suggestive while presenting his or her body in any degree of nudity or seminudity.

- b. *Nudity or seminudity* means the appearance whether clothed, unclothed, costumed or uncostumed in such a manner that:
 - 1. The nipple, the areola (the more darkly pigmented portion of the breast encircling the nipple) or a substantial portion of the breast are not fully covered by a completely opaque material, or is so thinly covered so as to appear uncovered.
 - 2. The lower part of his or her torso, consisting of the human male or female genitals or pubic area, or anal cleft, or cleavage of the buttocks, is not covered by a fully opaque material, or is so thinly covered so as to appear uncovered.
- (12) Blueprinting or photostating.
- (13) Bottling works.
- (14) Building materials sales yard, for new materials.
- (15) Circus or amusement enterprise of a similar type, for not longer than fifteen (15) days; if for longer than fifteen (15) days, then only by authorization of the board of adjustment.
- (16) Cigar manufacture (custom hand-rolled).
- (17) Cleaning and dyeing establishment.
- (18) Contractor's equipment yard.
- (19) Engraving, photo-engraving or lithographing.
- (20) Feed or fuel store (no processing), provided:
 - a. Coal shall be stored in dust-controlling containers or the dust controlled by means of effective devices.
 - b. No coal yard shall be within two hundred (200) feet of any residence zoning district.
- (21) Fortunetelling.
- (22) Gas storage in quantities not exceeding five thousand (5,000) cubic feet or in quantities not exceeding one hundred (100) cubic feet if the pressure exceeds one hundred (100) pounds per square inch.
- (23) Gasoline or oil storage in quantities not exceeding one hundred fifty (150) gallons aboveground

or five thousand (5,000) gallons belowground.

- (24) Juke box or coin machine business (limited to assembly, repair, servicing and sales).
- (25) Laboratory, experimental, photo or motion picture film or testing.
- (26) Laundry, steam or wet-wash.
- (27) Lumberyard.
- (28) Mattress shop for repairing only, no renovating is allowed.
- (29) Motorcycle or motor scooter sales, storage or repair.
- (30) Mortuary or embalming establishment or school; however a crematory is not allowed.
- (31) Pawnshop.
- (32) Piano repairing.
- (33) Plumbing shop.
- (34) Printing or publishing.
- (35) Public utility service yard.
- (36) Record studio or sound score production (no manufacture of records).
- (37) Secondhand store selling books, magazines, furniture or personal goods.
- (38) Sheetmetal or tinsmith shop.
- (39) Sign manufacture, including neon or electrical signs.
- (40) Stone or monument works (but not including a rock crusher).
- (41) Swap meets, or other open-air marketplaces, subject to the provisions of section 24-521.
- (42) Trade school teaching occupations or operations.
- (43) Trade show, industrial show or exhibition.
- (44) Transfer, hauling or express service, but not including a commercial warehouse.
- (45) Upholstery shop.

(46) Warehouse or storage building only in conjunction with and for the purpose of a principal permitted use.

(47) Wholesale business.

(f) *Manufacturing--Generally.* Manufacturing, treatment, converting, altering finishing or body and fender work, or assembling may be carried on in any part of any building, but only when a necessary incidental accessory to a permitted principal use; provided:

- a. Not more than one-third of the total floor area of the building is used for such purposes.
- b. Any such use which, in the opinion of the building inspector may be noxious or offensive or injurious by reason of the emission of odor, dust, smoke cinders, gas fumes, noise, vibration, refuse matter or water-carried wastes, so as to be detrimental to the public health, safety or general welfare, shall be permitted only by authorization of the board of adjustment.

(g) *Same--Using over one-third of floor area.* Manufacturing where in excess of one-third of the total floor area of the building used for such purpose, including treatment, converting, altering, compounding, processing, packaging, assembly and finishing shall be permitted without requiring board of adjustment authorization providing the following criteria are met:

- (1) Only uses permitted in the SP-1 park industrial district listed in section 24-454, paragraphs (a)(3), (a)(4), (a)(5), (a)(9), (a)(10) shall be allowed.
- (2) The manufacturing type uses and activities shall be conducted in conjunction with a permitted use.
- (3) The manufacturing shall be located on the same lot or site with the permitted use.
- (4) If a site abuts an alley less than thirty (30) feet wide for its entire length, such alley shall not be used for vehicular access to the site.
- (5) Points of ingress and egress to and from the site used for manufacturing purposes shall be on a street not less than sixty (60) feet in width, and traffic circulation must be located and regulated in such a manner that the traffic generated by this use is directed away from residential areas and will not in any case travel a residential street.
- (6) The minimum lot area shall be ten thousand (10,000) square feet.
- (7) All buildings and structures including accessory buildings and structures shall not occupy more than forty (40) percent of the site.
- (8) The minimum lot width shall be ninety (90) feet.
- (9) The maximum height of any structure housing any manufacturing use shall be thirty-five (35)

feet.

- (10) The minimum side yard when lot is adjacent to or adjoins a residential zone shall be as follows:
 - a. Interior side yard, thirty-five (35) feet.
 - b. Street side yard, twenty-five (25) feet.
- (11) The minimum depth of the rear yard where the lot is adjacent to or abuts a residential zone shall be thirty-five (35) feet for principal structure and twenty-five (25) feet for an accessory structure.
- (12) The manufacturing and other activities including the storage of goods and material shall be conducted wholly within completely enclosed buildings.
- (13) All outside work and activity in connection with the manufacturing use and the loading and unloading areas, docks and platforms shall be located entirely within an area on the lot which is enclosed on all sides by a building or by a solid wall or fence six (6) feet in height. Such loading and unloading area, docks and platforms shall be located as far from any surrounding residential uses as is reasonably possible.
- (14) When the lot is adjacent to or abuts a residential zoning district, a solid wall or fence six (6) feet high shall be erected along the property lines adjoining the residential zoning district.
- (15) Landscaping shall be installed and maintained in such a manner as to promote the compatibility of the manufacturing use with the surrounding area, and to negate the adverse visual effects of large paved or dirt areas, as well as to provide sound barriers between the manufacturing use and any adjacent residential areas. All open areas not used for parking or loading purposes shall be landscaped with trees, shrubs and suitable ground cover. The amount of such landscaped areas shall not be less than a figure calculated by multiplying the total footage of street frontage of the site by five (5), or five (5) percent of the total site area, whichever is the greater.
- (16) The manufacturing and allied uses and activities shall be conducted in conformance with the following performance standards:

a. *Noise.* Except for operation of motor vehicles or other transportation facilities, at no point beyond the property lines of the lot shall the sound pressure level of any individual operation exceed the decibel levels in the designated octave bands shown below:

<i>Octave Band Cycles per Second</i>	Maximum Sound Pressures Level in Decibels .0002 dynes per CM ²
0-- 75	67
75-- 150	52
150-- 300	45
300-- 600	38
600--1200	35
1200--2400	31
2400--4800	28
Above 4800	26

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

- b. *Smoke.* No emission of smoke from any source shall be permitted to exceed a greater density than the density described as No. 1 on the Ringelmann Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringelmann Chart, for not more than four (4) minutes in any thirty-minute period. For the purpose of grading the density of smoke, the Ringelmann Chart as published by the U.S. Bureau of Mines shall be the standard.
 - c. *Glare or heat.* Any activity producing intense glare or heat shall be performed in such a manner as not to create a nuisance or hazard beyond the property lines.
 - d. *Odors.* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.
 - e. *Vibration.* No vibration shall be permitted which is discernible beyond the property lines to the human sense of feeling for three (3) minutes or more duration in any one (1) hour between 7:00 a.m. and 7:00 p.m., or of thirty (30) seconds or more duration in any one (1) hour between 7:00 p.m. and 7:00 a.m.
 - f. *Fly ash, dust, fumes, vapors, gases and other forms of air pollution.* No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, which can cause any excessive soiling.
 - g. *Liquids and solid waste.* No wastes shall be discharged in the streets, drainageways or any property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.
 - h. *Illumination.* Illumination of buildings and open areas shall be so arranged as to eliminate glare toward streets and adjoining properties.
- (17) A development plan must be submitted to the city planning division for approval. This development plan must show compliance with all the requirements pertaining to manufacturing

uses prior to obtaining a building permit or certificate of occupancy, and in addition thereto it must show:

- a. The location, dimensions, and legal description of the property.
- b. Abutting streets and alleys.
- c. The existing and proposed buildings on the property in relation to property lines.
- d. The height and dimensions of these buildings.
- e. The gross floor area of all buildings on the property.
- f. The total floor area to be used for manufacturing purposes.
- g. The layout of parking and loading areas, curbcuts, driveways, screening, landscaping.
- h. A statement setting forth the number of employees on largest shift in the manufacturing operation.

- (18) No building permit or certificates of occupancy shall be issued unless the plans for all exterior structural changes to any existing structure or the plans for any new structure are approved by the zoning commission as provided in section 24-357.

(Ord. No. 78-3, §§ 12.215--12.217, 2-14-78; Ord. No. 84-02, § 1, 11-19-84)

Sec. 24-388. Maximum height.

Except as otherwise provided, no building or structure shall exceed seventy-five (75) feet in height.

(Ord. No. 78-3, § 12.218, 2-14-78)

Sec. 24-389. Lot and area requirements.

(a) *Building area.* No residence, family or house-keeping unit in any building erected shall contain less than four hundred (400) square feet per unit.

(b) *Front yards.* No front yard is required; provided that in such parts of the zone as are within the same block front with a residence district or a SB-1 business district and adjoin the same along a side lot line of an interior lot, the depth of any front yard shall be not less than fifteen (15) feet.

(c) *Side yards.* Except on a lot adjoining a residence zoning district along the side lot line, as provided in section 24-539 of this chapter no side yards are required.

(d) *Rear yards for residence uses.* There shall be a rear yard on every lot used for residence purposes. The least depths or rear yards at the levels of the lowest window sills of the various stories shall be as follows:

- (1) For one (1) story, twenty-five (25) feet.
- (2) For two (2) or more stories, twenty-five (25) feet.

(e) *Accessory buildings in rear yards.* Accessory buildings may occupy forty (40) percent of the required rear yard and any additional space in the rear of the principal building.
(Ord. No. 78-3, §§ 12.219--12.223, 2-14-78)

Sec. 24-390. Architectural approval.

Buildings erected for other than dwelling or apartment house purposes shall be required to obtain architectural approval as required in section 24-357.
(Ord. No. 78-3, § 12.224, 2-14-78)

Secs. 24-391--24-400. Reserved.

DIVISIONS 14, 15.

RESERVED

Secs. 24-401--24-450. Reserved.

DIVISION 16.

SP-I PARK INDUSTRIAL DISTRICT*

* **Cross References:** Sign regulations for SP-I district, § 19-113.

Sec. 24-451. Scope.

The provisions of this division apply to the SP-I park industrial district.

Sec. 24-452. Purpose.

The zone is intended to be used as a buffer for light and heavy industrial areas between residential areas, or in locations which are served by major thoroughfares, but are not feasible for light or heavy industrial developments because of proximity to residential and other uses, which require a controlled type of industrial use. For this reason, development is limited to a low concentration of use, and permitted uses are confined to those administrative, wholesaling, and manufacturing activities that can be carried on in an unobtrusive manner and to certain facilities that are necessary to serve employees of the district.
(Ord. No. 78-3, § 12.260, 2-14-78)

Sec. 24-453. Definition of nuisance.

In this division "nuisance" means any thing, condition or use of property which endangers life or health,

gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.
(Ord. No. 78-3, § 12.263, 2-14-78)

Sec. 24-454. Permitted uses.

The following uses, which shall be conducted wholly within a building, which building shall include both the main portion of such building and all projections or extensions, including garages, outside platforms, docks, carports, canopies and porches, except as otherwise provided, are allowed:

- (1) One (1) dwelling unit for caretaker and the caretaker's family.
- (2) Sanatorium, hospital, dispensary or clinic if on the premises of and clearly incidental to any business, trade or industry.
- (3) Manufacturing, compounding, processing, packaging or treatment of the following: Bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap (cold process only) and food products, except the following: Fish or meat products, sauerkraut, sugar beets, vinegar, yeast and the rendering or refining of fats and oils.
- (4) Manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: Bone, broomcorn, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair or bristles, horn, leather, paper, plastics, rubber, shell, textiles, tobacco, wax (paraffin, tallow, etc.), wood (excluding sawmill or planing mill), yarns.
- (5) Manufacturing, compounding, assembling or treatment of: Glass, pottery or other similar ceramic products (using only previously prepared sand or pulverized clay, and kilns fired only by electricity or gas), musical instruments, toys, novelties, light metal products.
- (6) Laundry, cleaning or dyeing works, carpet and rug cleaning.
- (7) Distribution plant of ice and cold storage plant, beverage bottling plant.
- (8) Wholesale business, storage building or warehouse.
- (9) Retail sales in conjunction with wholesaling, storage, warehousing and permitted manufacturing, provided that the retail sales area shall occupy no more than twenty-five (25) percent of the total floor area, but not to exceed two thousand five hundred (2,500) square feet, and only those articles that are wholesale, manufactured or warehoused on the premises are sold at retail.
- (10) Assembling of electrical appliances, radios and phonographs, including the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders, electric and electronic parts and equipment for wholesale.
- (11) Administrative, engineering, scientific research, design or experimentation facility, assaying of ore by laboratory methods, and such processing and fabrication as may be necessary thereto.

(12) The following businesses providing services primarily to the industrial uses:

- a. Banks and financial institutions.
- b. Blueprinting and photocopying.
- c. Business, research and professional offices.
- d. Printing, lithographing and publishing.
- e. Restaurants (not including drive-in restaurants).
- f. Automobile rental (no sales).

(13) The following if conducted wholly within a completely enclosed building or within an area enclosed on all sides with a masonry wall or compact evergreen hedge, not less than six (6) feet nor more than eight (8) feet in height: Water utility, telephone or telegraph distribution installation, electrical and gas receiving or distribution station.

(Ord. No. 78-3, § 12.261, 2-14-78)

Sec. 24-455. Maximum height.

No building or structure shall exceed a height of fifty (50) feet.

(Ord. No. 78-3, § 12.262, 2-14-78)

Sec. 24-456. Lot and area regulations.

(a) *Lot area.* The minimum lot area shall be thirteen thousand (13,000) square feet.

(b) *Lot width.* The minimum lot width shall be ninety (90) feet.

(c) *Lot coverage.* All buildings including any accessory buildings shall not occupy more than fifty (50) percent of the site.

(d) *Front yard.* The depth of front yard shall be not less than twenty (20) feet from the property line unless a greater depth is otherwise required.

(e) *Side yards.* Unless a greater distance is otherwise required, side yards shall be at least thirty-five (35) feet where abutting a residential zone and twenty-five (25) feet where abutting a street. A total of thirty (30) feet of side yard divided as desired is required.

(f) *Rear yard.* The minimum rear yard shall be twenty (20) feet; however where adjoining a residential zone, it shall be thirty-five (35) feet. Where a site abuts a railroad spur, buildings may have loading docks extending to the rear property line provided such construction does not interfere with utility services.

(g) *Screening.* When the site abuts a residential zone, a masonry wall six (6) feet in height shall be

erected along the property lines adjoining the residential zone. From the front property line to the front yard setback line, the wall shall not be higher than three (3) feet. The wall shall be provided and maintained by the owners of the industrial site.

(h) *Landscaping and paving.* All open areas of an improved lot shall be maintained in a dust-free condition by landscaping with trees, shrubs, suitable ground cover, undisturbed natural growth, or by covering with material that will provide an all-weather surface.

(i) *Storage facilities.* Outdoor storage shall be permitted only in rear yards or side yards when accessory to a permitted use. All areas used for storage shall be enclosed on all sides by a masonry wall or solid fence not less than six (6) feet nor more than eight (8) feet in height. No materials or products shall be stacked or stored to exceed the height of the wall.
(Ord. No. 78-3, § 12.262(B)--(J), 2-14-78)

Sec. 24-457. Barbed wire.

Barbed wire may be used on fences or walls, provided the wire is more than six (6) feet above ground level.
(Ord. No. 78-3, § 12.262(L), 2-14-78)

Sec. 24-458. Performance standards.

(a) *Noise.* Except for operation of motor vehicles or other transportation facilities at no point on the boundary of any residential or business zoning district shall the sound pressure level of any individual operation or plant exceed the decibel levels in the designated octave bands shown below:

<i>Octave Band Cycles per Second</i>	Maximum Sound Pressure Level in Decibels .0002 dynes per CM ²
0-- 75	72
75-- 150	67
150-- 300	59
300-- 600	52
600--1200	46
1200--2400	40
2400--4800	34
Above 4800	32

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

(b) *Smoke.* No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringelmann Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringelmann Chart, for not more than four (4) minutes in any thirty-minute period. For the purpose of grading the density of smoke, the Ringelmann Chart, as published by the U.S. Bureau of Mines shall be the standard.

(c) *Glare or heat.* Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.

(d) *Odors.* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.

(e) *Vibration.* No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour and between 7:00 a.m. and 7:00 p.m., or of thirty (30) seconds or more duration in any one (1) hour between 7:00 p.m. and 7:00 a.m.

(f) *Fly ash, dust, fumes, vapors, gases and other forms of air pollution.* No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause any excessive soiling.

(g) *Liquids and solid waste.* No wastes shall be discharged in the streets, drainageways or any property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.

(h) *Illumination.* Illumination of buildings and open areas shall be so arranged as to eliminate glare towards streets and adjoining properties.
(Ord. No. 78-3, § 12.262(M), 2-14-78)

Sec. 24-459. Certification of compliance.

The building inspector shall not issue a permit for any use until the applicant has provided the required number of plans showing the certificates of the city planning director, public works director, and public safety officer, certifying that the use complies with all laws and regulations under their jurisdiction.
(Ord. No. 78-3, § 12.262(N), 2-14-78)

Secs. 24-460--24-470. Reserved.

DIVISION 17.

SI-1 LIGHT INDUSTRIAL DISTRICT*

* **Cross References:** Sign regulations for SI-1 district, § 19-114.

Sec. 24-471. Scope.

The provisions of this division apply to the SI-1 light industrial district.

Sec. 24-472. Definition of nuisance.

In this division, "nuisance" means any thing, condition or use of property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.
(Ord. No. 78-3, § 12.272, 2-14-78)

Sec. 24-473. Permitted uses.

(a) *Generally.* No building, structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any other than one (1) or more of the purposes specified in this section.

(b) *Permitted residential uses.* The following uses are allowed:

One (1) dwelling unit for a watchman or caretaker employed on the premises and members of the watchman's or caretaker's family.

(c) *Local business uses.* The following uses are also allowed:

- (1) Antique store.
- (2) Apparel store.
- (3) Art needlework or handcraft establishment.
- (4) Art gallery or store, picture framing.
- (5) Automobile parking.
- (6) Automobile service station.
- (7) Bakery.
- (8) Bank, safe depository or trust company.
- (9) Barber or beauty shop.
- (10) Baths, Swedish, Turkish, steam, etc.
- (11) Bicycle shop.
- (12) Billiard or pool hall.

- (13) Book, newspaper, magazine store, new and used.
- (14) Catering service.
- (15) Cigar store.
- (16) Clinic, sanatorium, hospital or dispensary, only if on the premises of, and clearly incidental to, any business, trade or industry.
- (17) Club or lodge.
- (18) Collection agencies for cleaning, dyeing or laundry.
- (19) Confectionery store.
- (20) Custom dressmaking, millinery, hemstitching, pleating weaving or mending.
- (21) Dealer in coins, stamps or similar collector's items.
- (22) Delicatessen.
- (23) Dental or medical laboratory.
- (24) Drugstore.
- (25) Dry goods, notions or variety store.
- (26) Electrical appliance and equipment store.
- (27) Florist shop.
- (28) Food store.
- (29) Frozen food locker.
- (30) Furniture, house furnishing or office equipment store.
- (31) Gift, curio, novelty, toy or hobby shop.
- (32) Hardware store.
- (33) Hotel, inn or lodginghouse.
- (34) Ice cream store, soda fountain.
- (35) Ice storage, of not more than five (5) tons capacity, or sale.

- (36) Interior decorator.
- (37) Jewelry store or jewelry and watch repair.
- (38) Laundry and/or drycleaning establishment.
- (39) Leather goods store.
- (40) Library, rental or public.
- (41) Liquor store.
- (42) Locksmith, tool or cutlery sharpening, lawnmower repair, fix-it or handyman shop.
- (43) Marijuana Dispensary or Establishment provided:
 - a) The maximum floor area of the marijuana dispensary shall not exceed 2,500 square feet.
 - b) The secure storage area for the marijuana stored at the marijuana dispensary or establishment shall not exceed 500 square feet of the total 2,500 square foot maximum floor area of a marijuana dispensary or establishment.
 - c) A marijuana dispensary or establishment shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle
 - d) The permitted hours of operation of a marijuana dispensary or establishment shall be from 7:00 am to 10:00 pm.
 - e) The marijuana dispensary or establishment shall have an indoor customer waiting space area equal to twenty-five (25) percent of the gross floor area.
 - f) A marijuana dispensary or establishment shall not have drive-through service and shall not have outdoor seating areas.
 - g) A marijuana dispensary or establishment shall not provide for offsite delivery of the marijuana.
 - h) A marijuana dispensary or establishment shall be setback a minimum of 1,000 feet from any other marijuana dispensaries measured from parcel boundaries.
 - i) A marijuana dispensary or establishment shall be setback a minimum of 1,000 feet from a public, private, parochial, charter facility where children may be enrolled.
 - j) A marijuana dispensary or establishment shall be setback a minimum of 500 feet from a

church, library, or public park.

(44) Marijuana Dispensary, or Establishment Offsite Cultivation Location provided:

- a) The total maximum floor area of a marijuana dispensary, or establishment offsite cultivation location shall not exceed 10,000 square feet.
- b) The secure storage area for the marijuana stored at the marijuana dispensary or establishment offsite cultivation location shall not exceed 1,000 square feet of the floor area of a marijuana dispensary or establishment offsite cultivation location.
- c) A marijuana dispensary or establishment offsite cultivation location, must be located in a permanent building and shall not be located in a trailer, cargo container mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- d) A marijuana dispensary or establishment offsite cultivation location, shall be setback a minimum of 1,000 feet from any other marijuana dispensary or establishment offsite cultivation locations measured from the parcel boundary to the parcel boundaries.
- e) A marijuana dispensary or establishment offsite cultivation location, facility shall be setback a minimum of 1,000 feet from a public, private, parochial, charter, facility where children may be enrolled.
- f) A marijuana dispensary or establishment offsite cultivation location shall be setback a minimum of 500 feet from a church, or library.

(45) Marijuana Designated Caregiver Cultivation Location, provided:

- a) All conditions and restrictions for marijuana dispensary or establishment offsite cultivation locations apply.
- b) A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with A.R.S. § 36-2806.01.
- c) More than one designated caregiver may co-locate cultivation locations.

(46) Massage establishment, reducing salon.

(47) Multigraphing, mimeographing, duplicating, addressographing.

(48) Music, phonograph or radio store.

(49) Nursery, flower, plant or tree.

(50) Office, business, professional or semiprofessional.

- (51) Orthopedic appliance shop.
- (52) Pet shop.
- (53) Photographic studio or photographic supply store.
- (54) Postal station.
- (55) Refreshment stand.
- (56) Religious rescue mission or temporary revival.
- (57) Resale dress shop (no resale of accessories such as purses, shoes, gloves).
- (58) Restaurant, cafe, lunchroom, tearoom.
- (59) School, barber, beauty culture, business, handicraft, art, music, dancing.
- (60) Shoe store or shoe repair shop.
- (61) Sign painting shop.
- (62) Sporting goods, hunting and fishing equipment.
- (63) Station, bus or stage.
- (64) Stationery, art and drawing supply store.
- (65) Tailor shop, pressing establishment.
- (66) Taxicab stand.
- (67) Taxidermist.
- (68) Theater.
- (69) Water, telephone or telegraph distribution installation, electrical receiving or distribution station, subject to the other provisions of this chapter.
- (d) *General business uses.* The following uses also are allowed:
 - (1) Advertising sign, structure or billboard, as regulated in chapter 19.
 - (2) Ambulance service.

- (3) Amusement enterprise conducted as a business, including archery range, bowling alley, dance hall, games of skill and science, gymnasium, miniature golf or practice driving or putting range, penny arcade, pony riding ring without stables, shooting gallery, skating rink, sports arena, swimming pool, commercial beach or bathhouse, tennis court.
- (4) Animal hospital or boarding of small animals, if the site is located two hundred (200) feet or more from any residence zone.
- (5) Auction, except of animals.
- (6) Auditorium or assembly hall.
- (7) Automobile accessories, parts, supplies and equipment sales, but excluding automobile salvage yards.
- (8) Automobile, trailer or machinery repair or painting, including body and fender work, mechanical or steam washracks, battery service; provided, that where such use is located within thirty (30) feet of a lot in a residence zoning district, a solid wall at least six (6) feet high, or a garage wall with no openings other than stationary windows, shall be erected and maintained between such use and the residential lot.
- (9) Automobile, trailer or machinery sales, new and used, or rentals, provided:
 - a. Any such unenclosed area is surfaced with a hard, durable, dustproof material.
 - b. The required yards are observed and properly maintained.
 - c. Any lights used to illuminate such area shall be so arranged as to reflect the light away from the adjoining premises in any residence zoning district.
- (10) Bakery.
- (11) Bar, cocktail lounge, nightclub, tavern.
- (12) Blueprinting or photostating.
- (13) Bottling works.
- (14) Building materials sales yard for new materials.
- (15) Circus or amusement enterprise of a similar type, for not longer than fifteen (15) days. If for longer than fifteen (15) days, then only by authorization of the board of adjustment.
- (16) Cigar manufacture (custom hand-rolled).
- (17) Cleaning and dyeing establishment.

- (18) Contractor's equipment yard.
- (19) Engraving, photoengraving and lithographing.
- (20) Feed or fuel store with no processing allowed; provided:
 - a. Coal shall be stored in dust-controlling containers or the dust controlled by means of effective devices.
 - b. No coal yard shall be within two hundred (200) feet of any residence zoning district.
- (21) Fortunetelling.
- (22) Gas storage in quantities not exceeding five thousand (5,000) cubic feet or in quantities not exceeding one hundred (100) cubic feet if the pressure exceeds one hundred (100) pounds per square inch.
- (23) Gasoline or oil storage in quantities not exceeding one hundred fifty (150) gallons aboveground or five thousand (5,000) gallons belowground.
- (24) Juke box or coin machine business, limited to assembly, repair, servicing and sales.
- (25) Laboratory, experimental, photo or motion picture film or testing.
- (26) Laundry, steam or wet-wash.
- (27) Lumberyard.
- (28) Mattress shop for repairing only; no renovating is allowed.
- (29) Motorcycle or motor scooter sales, storage or repair.
- (30) Mortuary or embalming establishment or school. No crematory is allowed.
- (31) Pawnshop.
- (32) Piano repairing.
- (33) Plumbing shop.
- (34) Printing or publishing.
- (35) Public utility service yard.
- (36) Record studio or sound-score production.

- (37) Secondhand store selling books, magazines, furniture or personal goods.
- (38) Sheetmetal or tinsmith shop.
- (39) Sign manufacture, including neon or electrical signs.
- (40) Stone or monumental works (not including rock crusher).
- (41) Trade school, teaching occupations or operations.
- (42) Trade show, industrial show or exhibition.
- (43) Transfer, hauling or express service, but not including a commercial warehouse.
- (44) Upholstery shop.
- (45) Warehouse or storage building only in conjunction with and for the purpose of a principal permitted use.

(e) *Other uses.* Any other commercial or industrial use is allowed except those requiring authorization by the board of adjustment pursuant to the provisions of subsection (f) of this section, provided that extension without limitation by the three hundred-foot limit prescribed in subsection (f) of this section and without authorization by the board of adjustment, of any building or use listed is allowed provided such building or use existed in such industrial district on February 14, 1978.

(f) *Permitted uses requiring authorization by board of adjustment.* The following uses when situated at least three hundred (300) feet from any residence or business zoning district boundary line and when authorized by the board of adjustment under adequate conditions and safeguards to minimize the effect of such uses on adjacent properties are allowed:

- (1) Blast furnace.
- (2) Bleaching powder or chlorine manufacture or use on a commercial scale.
- (3) Carbon, lampblack, shoeblack or graphite manufacture.
- (4) Celluloid or pyroxylin manufacture or explosive or inflammable cellulose or pyroxylin products manufacture.
- (5) Coal tar manufacture or tar distillation (except as by-products of public utility gas manufacture) or mineral dye manufacture.
- (6) Creosote manufacture.
- (7) Cupola or metal melting furnace.

- (8) Emery cloth or sandpaper manufacture.
- (9) Explosives or fireworks manufacture, or the storage or loading of explosives in bulk.
- (10) Fat rendering, or tallow, grease or lard refining or manufacture or candle manufacture from fat.
- (11) Fertilizer manufacture from organic material or compounding on a commercial scale.
- (12) Glucose manufacture.
- (13) Gypsum, cement, lime, plaster, or plaster of Paris manufacture; provided, that the following are not authorized:
 - a. The mixing, manufacture or preparation, by mechanical means or otherwise, of lime mortar or putty lime.
 - b. The slacking of lime, by air or water or otherwise.
 - c. The mixing of cement with other ingredients to make concrete in any form.
 - d. The mixing of gypsum plaster mortar with water, cement or other ingredients to form plaster ready for use.
- (14) [Reserved].
- (15) Linoleum manufacture.
- (16) Nitrating processes.
- (17) Oiled cloth or oiled clothing manufacture, or the impregnation of any fabric by oxidizing oils; window shades or patent leather manufacture.
- (18) Ore reduction or the smelting or converting of iron, lead, copper, tin, zinc or aluminum (other than for assay or laboratory purposes).
- (19) Perfume manufacture.
- (20) Petroleum refining.
- (21) Poison manufacture.
- (22) Rubber, caoutchouc or gutta percha manufacture from crude or scrap material or the manufacture of articles therefrom or from balata.
- (23) Sulphurous, sulphuric, nitric, picric or hydrochloric or other corrosive or offensive acid

manufacture, or their storage or use on a commercial scale.

(24) Turpentine, varnish or size manufacture or refining.

(25) Wood or bone distillation.

(26) Any other trade, business, industry or purpose of any kind, if located within three hundred (300) feet of any residence or business zone, which in the opinion of the building inspector may become obnoxious or offensive by reason of the emission of odor, dust, smoke, cinders, fumes, noise, vibration, refuse matter of water-carried waste, so as to be detrimental to the public health, safety or general welfare.

(Ord. No. 78-3, § 12.270, 2-14-78)

Sec. 24-474. Maximum height.

No building or structure shall exceed a height of fifty (50) feet.

(Ord. No. 78-3, § 12.271, 2-14-78)

Sec. 24-475. Barbed wire.

Barbed wire or razor ribbon wire may be used on fences or walls, provided the wire is more than six (6) feet above ground level.

(Ord. No. 78-3, § 12.271(L), 2-14-78)

Sec. 24-476. Lot and area requirements.

(a) *Lot area.* The minimum lot area shall be thirteen thousand (13,000) square feet.

(b) *Lot width.* The minimum lot width shall be ninety (90) feet.

(c) *Lot coverage.* All buildings including any accessory buildings shall not occupy more than fifty (50) percent of the site.

(d) *Front yard.* The depth of the front yard shall be not less than twenty (20) feet from the property line unless a greater depth is otherwise required.

(e) *Side yards.* Unless a greater distance is otherwise required, side yards shall be at least thirty-five (35) feet where abutting a residential zone and twenty-five (25) feet where abutting a street. A total of thirty (30) feet of side yard divided as desired is required.

(f) *Rear yard.* The minimum rear yard shall be twenty (20) feet; however where adjoining a residential zone it shall be thirty-five (35) feet. Where a site abuts a railroad spur, buildings may have loading docks extending to the rear property line provided such construction does not interfere with utility services.

(g) *Screening.* When the site abuts a residential zone, a masonry wall six (6) feet in height shall be erected along the property lines adjoining the residential zone. From the front property line to the front yard

setback line, the wall shall not be higher than three (3) feet. The wall shall be provided and maintained by the owners of the industrial site.

(h) *Landscaping and paving.* All open areas of an improved lot shall be maintained in a dust-free condition by landscaping with trees, shrubs, suitable ground cover, undisturbed natural growth, or by covering with material that will provide an all-weather surface.

(i) *Storage facilities.* Outdoor storage shall be permitted only in rear yards or side yards when accessory to a permitted use. All areas used for storage shall be enclosed on all sides by a masonry wall or solid fence not less than six (6) feet nor more than eight (8) feet in height. No materials or products shall be stacked or stored to exceed the height of the wall.
(Ord. No. 78-3, § 12.271(B)--(J), 2-14-78)

Sec. 24-477. Performance standards.

(a) *Noise.* Except for the operation of motor vehicles or other transportation facilities, at no point on the boundary of residential or business zoning districts shall the sound pressure level of any individual operation or plant exceed the decibel levels in the designated octave bands shown below:

<i>Octave Band Cycles per Second</i>	<i>Maximum Sound Pressure Level in Decibels .0002 dynes per CM²</i>
0-- 75	72
75-- 150	67
150-- 300	59
300-- 600	52
600--1200	46
1200--2400	40
2400--4800	34
Above 4800	32

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

(b) *Smoke.* No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringelmann Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringelmann Chart, for not more than four (4) minutes in any thirty-minute period. For the purpose of grading the density of smoke, the Ringelmann Chart, as published by the U.S. Bureau of Mines shall be the standard.

(c) *Glare or heat.* Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.

(d) *Odors.* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.

(e) *Vibration.* No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour between 7:00 a.m. and 7:00 p.m., or of thirty (30) seconds or more duration in any one (1) hour between 7:00 p.m. and 7:00 a.m.

(f) *Fly ash, dust, fumes, vapors, gases and other forms of air pollution.* No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause any excessive soiling.

(g) *Liquids and solid waste.* No wastes shall be discharged in the streets, drainageways or any property which is dangerous to the public health and safety. No waste shall be discharged in the public sewage system which endangers the normal operation of the public system.

(h) *Illumination.* Illumination of buildings and open areas shall be so arranged as to eliminate glare towards streets and adjoining properties.
(Ord. No. 78-3, § 12.271(M), 2-14-78)

Sec. 24-478. Certification of compliance.

The building inspector shall not issue a permit for any use until the applicant has provided the required number of plans showing the certificates of the city engineer, traffic engineer, public works director, and health officer, certifying that the use complies with all laws and regulations under their jurisdiction.
(Ord. No. 78-3, § 12.271(N), 2-14-78)

Secs. 24-479--24-500. Reserved.

ARTICLE V.

SUPPLEMENTAL REGULATIONS

DIVISION 1.

GENERALLY

Sec. 24-501. Temporary uses and structures.

- (a) Temporary Use: any use allowed for a specified period of time. A use not of a permanent nature including uses or structures not otherwise permitted by code provisions may be permitted provided:
 - (1) The need for the temporary use or structure has arisen from circumstances constituting a substantial hardship, including but not limited to a natural disaster, fire, or governmental action, or construction or development of a permanent structure to replace the temporary use.

- (2) The structure will not violate any applicable yard setbacks.
- (3) Any temporary use permitted must be capable of being removed within fifteen (15) days' notice if the zoning compliance certificate therefore is revoked.
- (4) The temporary use shall not be granted for more than one (1) year, except that an additional one-year period may be granted for good cause shown.
- (5) A cash bond of not less than one thousand dollars (\$1,000.00) or more than five thousand dollars (\$5,000.00) shall be given the city to guarantee termination of the temporary use.

(b) The zoning administrator may approve an application with such conditions, modifications and restrictions as the zoning administrator finds necessary to make the temporary use more compatible with the surrounding neighborhood and to carry out the objectives of the comprehensive plan, specific plans, this chapter, the subdivision regulations and other official policies.

(c) A written application for a temporary use shall be filed with the zoning administrator on a form supplied by the city and shall contain the required information and fee.

(f) The zoning administrator may revoke a zoning compliance certificate for a temporary use after fifteen (15) days' written notice upon violation of any provision of this chapter or to protect the public health, safety and general welfare.

(g) Any person may appeal the zoning administrator's action under this section to the board of adjustment within fifteen (15) days following the action. An appeal stays the effective date of the certificate. (Ord. No. 78-3, §§ 12.294, 12.443, 2-14-78)

Sec. 24-502. Rear dwellings restricted.

(a) In any residence zoning district no rear lot shall contain any building used as a residence unless such lot abuts for at least twelve (12) feet on at least one (1) street, or unless it has an exclusive unobstructed private easement of access or right-of-way at least twelve (12) feet wide to a street.

(b) No building in the rear of a principal building on the same lot shall be used for residence purposes, except only for domestic employees of the owners or tenants of the principal building, unless in addition to conforming to the open space requirements in this chapter for a principal building, it shall also conform to the above street frontage or easement of access requirements, and for the purpose of determining the front yard in such case, the rear line of the rear yard required for the building in front shall be considered the front lot line for the building in the rear.

(Ord. No. 78-3, §§ 12.297, 12.298, 2-14-78)

Sec. 24-503. Accessory buildings in residence districts.

(a) No accessory building shall be erected in any court, or in any yard other than the rear yard. Accessory buildings, except as otherwise provided, shall not exceed twelve (12) feet in height, and shall be

distant at least four (4) feet from all alley lines or at least fourteen (14) feet from the centerline of all alleys, whichever is more restrictive, and at least four (4) feet from lot lines of adjoining lots which are in a residence zone and also from any other building or structure on the same lot; provided an accessory building may be permitted on a side or rear lot line, not an alley lot line, by common written consent of the adjoining property owners concerned.

(b) Where a corner lot adjoins in the rear, either directly or across an alley, a lot in a residence zone, no part of an accessory building within twenty-five (25) feet of the common lot line or center of the alley shall be nearer a side street lot line than the least depth of any side yard required along such side street for the corresponding requirements of a building on such adjoining lot. However, in the case of a narrow corner lot where compliance with this requirement would give an impracticable depth to a private garage, the board of adjustment may permit the construction of such garage as near to such side street lot line as will give a practicable depth, but, no part of such garage shall project beyond the building to which it is accessory.

(c) Accessory buildings, except stables, may be erected as part of the principal building, provided there is compliance with all yard requirements of this chapter.
(Ord. No. 78-3, § 12.299, 2-14-78)

Sec. 24-504. Group housing projects.

(a) Where a group of two (2) or more buildings are to be constructed and maintained as a single property upon a plot of ground of at least two (2) acres under one (1) ownership which will not be subdivided into the customary streets and lots, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this chapter to the individual building units in such group housing project, the applying of such requirements to such group housing projects shall be done by the board of adjustment in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same type of occupancy, and will result in an intensity of land utilization no higher and standards of open spaces at least as high as permitted or specified by this chapter in the zone in which the proposed project is to be located.

(b) In no case shall the board authorize a use or a building height prohibited in the zoning district in which the housing project is to be located, or a smaller lot area per family than the minimum required under this chapter in such district. The board of adjustment shall not authorize a ground coverage by buildings exceeding that which would be obtained were the same site to be developed by the subdivision regulations of the city, and by the type of buildings customary in the zone and in compliance with the requirements of this chapter.
(Ord. No. 78-3, § 12.303, 2-14-78)

Sec. 24-505. Stories.

(a) The lowest story, or the ground story or first story of any building is the lowest story the ceiling of which is more than five (5) feet above the average contact ground level at the exterior walls of the building; except that any basement used for residence purposes, other than for a janitor or caretaker and the janitor's or caretaker's family, shall be deemed a ground or first story.

(b) A mezzanine story shall be deemed a full story where it covers more than thirty-three and one-third (33 1/3) percent of the area of the ground story.

(c) In case of any fractional story-height, the least widths and depths of yards required shall be the average of the least widths and depths required for buildings of the number of full stories between which such fractional story occurs.

(Ord. No. 78-3, § 12.305, 2-14-78)

Sec. 24-506. Exceptions to height limits.

The height limitations of this chapter shall not apply:

- (1) To schools, hospitals and other public and semipublic buildings in any district in which they are permitted. Any such building may be erected to a height not exceeding one hundred fifty (150) feet provided that hospitals and sanatoriums provide one and three-quarters (1 3/4) parking spaces for each design bed, and schools and semipublic buildings provide one and one-half (1 1/2) parking spaces for each ten (10) permanent seats or area required to seat ten (10) persons.
- (2) To church spires, belfries, cupolas and domes, not for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts and aerials.
- (3) To a parapet wall extending not more than four (4) feet above the limiting height of the building on which it rests.
- (4) To bulkheads, elevator penthouses, water tanks, monitors and scenery lofts; provided:
 - a. Such structures above the limiting heights specified elsewhere in this chapter shall not in aggregate occupy more than twenty-five (25) percent of the area of the lot.
 - b. No linear dimension of any such structure shall be greater than one-half of the length of the corresponding street lot line, if the structure is within twenty-five (25) feet of such street lot line.
- (5) To monuments or towers, including fire towers, hose towers, cooling towers, or to gas holders or other structures, where the manufacturing process requires a greater height; provided all such structures above the limiting heights specified:
 - a. Shall not in aggregate occupy more than twenty-five (25) percent of the area of the lot.
 - b. Shall be not less than twenty-five (25) feet from every lot line that is not a street lot line.
 - c. Shall be not less than one (1) foot from the opposite side of each foot of vertical height.

(Ord. No. 78-3, § 12.311, 2-14-78)

Sec. 24-507. Exceptions to area limits.

A single-family dwelling may be constructed without regard to the area requirements of this chapter on

any lot existing and of record on January 1, 1978, provided there is compliance with the yard and other requirements prescribed in this chapter.
(Ord. No. 78-3, § 12.312, 2-14-78)

Sec. 24-508. Barbed wire and electric fences.

It is unlawful for any person to erect or maintain within the city any electric fence or any fence constructed wholly of barbed wire, except that a fence may be constructed in part of barbed wire if such barbed wire construction commences at a minimum height of six (6) feet above the ground.
(Code 1976, § 11.107)

Secs. 24-509--24-520. Reserved.

DIVISION 2.

RESTRICTIONS OR REQUIREMENTS FOR SPECIFIC USES

Sec. 24-521. Swap meets or open-air marketplaces.

The following provisions apply to swap meets or open air marketplaces:

- (1) No less than one-half of the total site shall be used as a lot for off-street parking for all vehicles except those vehicles which are utilized in the sales area.
- (2) When the site abuts a residential zone, a masonry wall six (6) feet in height shall be erected along the property lines adjoining a residence zoning district. The wall shall be provided and maintained by the vendors who occupy the site (such as a vendor's association) to insure compliance with this paragraph.

(Ord. No. 78-3, § 12.309, 2-14-78)

Sec. 24-522. Junk storage in residential and commercial zoning districts.

There shall be no open storage of unused materials or inoperative equipment such as appliances, furniture, automobiles, machinery, or other durable goods in any front or side yards in any residential or commercial zoning district.

(Ord. No. 78-3, § 12.310, 2-14-78)

Cross References: Licensing and regulation of swap meets, §§ 11-51, 11-286 et seq.

Sec. 24-523. Location of garages, parking lots and filling stations.

No building, structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used as a neighborhood or community garage, a public garage or automobile repair shop, a gasoline filling station or a parking lot, having an entrance or exit for vehicles within two hundred (200) feet along the same side of a street, of any school, public playground, church, hospital, sanatorium, public library or in situation for dependents or for children except where such property is in another block or on another street on which such lot in question does not abut.

(Ord. No. 78-3, § 12.320, 2-14-78)

Sec. 24-524. Residential garages and parking.

(a) *Generally.* In any residence zoning district only a neighborhood or community garage or parking areas as set forth in article III, division 10 of this chapter, or a private garage shall be permitted.

(b) *Commercial vehicle storage.* In any residence zoning district, only one (1) commercial motor vehicle not exceeding two (2) tons' capacity or weight may be stored in any private garage.

(c) *Car capacity of private garages.* The car capacity of any private garage which may be provided on any lot in any residence zoning district shall be determined in accordance with the following rates:

- (1) In the SR-1 district, one (1) space for each twenty-five hundred (2500) square feet of lot area.
- (2) In the SR-2 district, one (1) space for each two thousand (2,000) square feet of lot area.
- (3) In the SR-3 district, one (1) space for each fifteen hundred (1500) square feet of lot area.

No entrance to a private garage for more than five (5) self-propelled vehicles shall face any lot line or make an angle with it of less than forty-five (45) degrees within fifty (50) feet of it, except an alley lot line of an adjoining lot which lot is in a zoning district. No part of such garage for more than five (5) vehicles shall be in SR-1 districts within twenty (20) feet, in SR-2 districts within fifteen (15) feet, and in SR-3 districts within ten (10) feet of any lot line, except an alley lot line or a lot line which is a rear lot line of an adjoining lot, or any lot line of an adjoining lot which is in a business or industrial zoning district.

(d) *Private garages across common lot lines.* In any residence zoning district, a private garage may be built across a common lot line by mutual agreement between adjoining property owners.

(e) *Proximity of garage to front lot lines.* In any residence zoning district, on any lot adjoining its side lot line, no part of any garage not an integral part of the principal building shall be within forty (40) feet of any front lot line; except that for each foot by which a lot is less than eighty (80) feet deep on February 14, 1978, one (1) foot may be deducted from such forty (40) feet.
(Ord. No. 78-3, §§ 12.321--12.325, 2-14-78)

Sec. 24-525. Public garages, parking lots and filling stations.

(a) In any business or industrial zoning district, no building or structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used as a gasoline filling station, automobile repair shop, public garage or parking lot, having an entrance or exit for vehicles on the same side of the street within fifty (50) feet of a residence zoning district not across a street or alley, nor shall any part of such gasoline filling station, public garage, automobile repair shop or parking lot be within fifty (50) feet of any buildings or grounds of any school, public playground, church, hospital, sanatorium, public library or institution for dependents or for children.

(b) No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance for any such purposes, other than filling caps, is located within twelve (12) feet of any street

lot line or within fifty (50) feet of any residence zone, except where such appliance or pit is within a building and distant at least twelve (12) feet from any vehicular entrance or exit of such building.
(Ord. No. 78-3, § 12.326, 2-14-78)

Secs. 24-526--24-535. Reserved.

DIVISION 3.

YARDS AND OPEN SPACE REQUIREMENTS

Sec. 24-536. Lot development option.

(a) *Purpose.* The purpose of the lot development option is to permit modifications in setback requirements which encourage original and efficient site design.

(b) *Applicability.* The lot development option may be used to only modify front, rear, side and side street yard requirements. Applications for requests for same which are considered extreme by the planning staff, and those which are protested by neighboring property owners, will be referred to the board of adjustment to ensure that all affected parties have the opportunity to express concerns at a public hearing. The lot development option may grant only zoning approval for proposed construction. Building and plat plans will be reviewed by building safety, floodplain, wastewater, engineering and traffic departments after the lot development option is granted during the permitting process.

(c) *Application.* The lot development option application must be signed by the current property owner and must include the legal description of the lot. Three (3) copies of a site plan and an elevation must accompany the application. The site plan must include property dimensions; proposed and existing structures; front, rear and side yard setbacks; the proper street address; the location and dimensions of streets, alleys, sidewalks and drainageways; existing and proposed parking areas, loading zones, driveways and landscaping; and a north arrow and scale. If an addition is to be attached to an existing structure, the elevation must illustrate the relationship of the new and old roof lines. Elevations are also required for new construction, illustrating the building face adjacent to the modified yard. Applications must be filed in person, by appointment. (Call 792-2424 to schedule a meeting.)

(d) *Schedule.* The planner will review the application and notify all affected property owners within four (4) working days of receiving the application. Twelve (12) working days later, the planner will review the comments received from neighbors and approve, conditionally approve or deny the requested land development option. Neighboring property owners are given ten (10) calendar days in which to appeal the decision. Building permits may be issued after the ten-day period has expired. Approval will be noted on building plans which have been registered at the building safety division. The process takes approximately three and one-half (3 1/2) weeks. This time period may be reduced if consent letters from the affected property owners accompany the application.

(e) *Fees.* The following fees shall be charged:

(1) For residential development:

- a. Single yard variance, per single family lot, fifty dollars (\$50.00).
 - b. Single yard variance, per multifamily unit for which variance is required, thirty dollars (\$30.00).
 - c. Multiple yard variance, per single family lot, seventy dollars (\$70.00).
 - d. Multiple yard variance, per multifamily unit for which variance is required, thirty dollars (\$30.00).
- (2) For nonresidential development:
- a. Single yard variance, per single unit on one (1) lot, fifty dollars (\$50.00).
 - b. Single yard variance, per unit of multiunit structure for which variance is required, thirty dollars (\$30.00).
 - c. Multiple yard variance, per single unit on one (1) lot, seventy dollars (\$70.00).
 - d. Multiple yard variance, per unit of multiunit structure for which variance is required, thirty dollars (\$30.00).

(f) *Appeal.* All appeals of decisions regarding land development options must be in writing and made to the board of adjustment within ten (10) days of the decision.
(Ord. No. 78-3, § 13.327A, 2-14-78; Ord. No. 85-02, § 1, 3-18-85)

Sec. 24-537. Reducing lot area below yard requirements.

No lot shall be so reduced in area as to make any yard smaller than the minimum required by the provisions of this chapter. This section does not prevent the sale of an individual unit in a dwelling or apartment house in which all rooms are lighted and ventilated from a front yard or rear yard.
(Ord. No. 78-3, § 12.300, 2-14-78)

Sec. 24-538. Sharing required open space prohibited.

No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building or structure.
(Ord. No. 78-3, § 12.301, 2-14-78)

Sec. 24-539. Yard requirements along district boundary in less restricted zone.

Along any zoning district boundary line, on a lot adjoining such boundary line and in the less restricted zone, any abutting side yard shall have a minimum width or length equal to the required minimum widths or lengths for such side yard in the more restricted zone, and any abutting rear yard shall have a minimum depth equal to the average of the required minimum depths for such rear yards in the two (2) zones on each side of the

zoning district boundary line.
(Ord. No. 78-3, § 12.302, 2-14-78)

Sec. 24-540. Open spaces for dwelling courts.

In the case of a dwelling court the open spaces between each dwelling or part thereof and the lot lines shall conform to all yard requirements specified for the zoning district in which such dwelling court is to be located. In addition, there shall be provided between dwellings or parts thereof on opposite sides of the court an open unoccupied space at least twenty (20) feet wide and between adjacent dwellings or parts thereof an open unoccupied space at least equal to the sum of the least widths of both side yards required in the zone.
(Ord. No. 78-3, § 12.304, 2-14-78)

Sec. 24-541. Front yard on lots running through block.

In any residence zoning district where a lot runs through a block from street to street a front yard shall be required along each street lot line.
(Ord. No. 78-3, § 12.306, 2-14-78)

Sec. 24-542. Visual obstructions on corner lots.

Unless otherwise provided in any zoning district on any corner lot no fence, structure, object, or planting, shall be erected or maintained within any of the following areas at a corner so as to interfere with traffic visibility across the corner, except buildings as permitted in this chapter.

- (1) The area lying within the two (2) street property lines and a straight line connecting two (2) points on the lines twenty (20) feet distant from their corner point of intersection.
- (2) When the corner is described with a radius, the area lying within the two (2) street property lines projected to a point and a straight line connecting two (2) points on the lines twenty (20) feet distant from their projected point of intersection, or a straight line connecting the tangent points (which is that point where the radial curve intersects the property line), whichever is the greater.

(Ord. No. 78-3, § 12.307, 2-14-78)

Cross References: Signs obstructing traffic at corners, § 19-19.

Sec. 24-543. Yard requirements for public utilities.

Any public utility substation, pumping or storage facilities not enclosed within a building shall be subject to the front and side yard required in the zoning district in which located and to appropriate screen planting and maintenance along any street frontage, which planting and any necessary fencing shall be set at a distance not closer to a street lot line than the least depth of the front and side yards required in the zoning district.
(Ord. No. 78-3, § 12.308, 2-14-78)

Sec. 24-544. Structures or projections in front yards.

The front yard requirements of this chapter shall not apply to:

- (1) Front fences, planting or walls, not over six (6) feet high above the average natural grade, except on corner lots as specified in section 25-242, and to terraces and steps not over three (3) feet high above the average natural grade and distant at least five (5) feet from every lot line.
- (2) Bay windows or balconies occupying in the aggregate not more than one-third of the front wall of the building in extending not more than three (3) feet into a required front yard, provided that these projections come entirely within vertical planes drawn from the main corners of the front wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plane with the front wall.
- (3) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like.

(Ord. No. 78-3, § 12.313, 2-14-78)

Sec. 24-545. Reduction of side yards.

(a) For each foot by which a lot existing and on record on or before February 14, 1978 is narrower than forty-five (45) feet, one and one-half (1 1/2) inches may be deducted from the required least width of any side yard and three (3) inches from the sum of the least widths of both side yards for buildings not exceeding three (3) stories in height; provided, however, that no side yard shall be narrower at any point than three (3) feet in any case.

(b) Where, on February 14, 1978, three-fourths of the lots on both sides of the street within a block front are less than forty-five (45) feet wide, an existing plot or unimproved portion of a plot, within such block, may be deemed to have been divided on or before February 14, 1978, into lots of substantially the average width of such three-fourths; provided, however, that no lot shall be deemed to be less than forty (40) feet in any case.

(c) The least width of a side yard may be measured to the centerline of an alley adjoining such side yard, but in no case shall a building or structure be erected closer than four (4) feet to an alley lot line.

(d) On any corner lot abutting in the rear or a residence zoning district, the width of the side yard along the side street need not be greater than the depth of an existing front yard on the lot adjoining, either directly or across an alley, such corner lot in the rear, but shall be not less than the least width required by the chapter for a similar building on an interior lot in such residence district.

(Ord. No. 78-3, § 12.314, 2-14-78)

Sec. 24-546. Side yard modifications.

(a) Where an unbroken section of a side wall or a building is not parallel with the side lot line, the required least width of any side yard may be applied to the average width; provided, however, that such side yard shall not be narrower at any point than one-half the required least width, nor narrower at any point than three (3) feet in any case.

(b) Where a side yard is adjacent to a succession or series of side walls of a building or of two (2) or more detached buildings, or where the side yard is irregular, the least width of a side yard may be averaged,

provided each part of the side yard adjacent to an unbroken section of the side wall complies with the required least width for a side yard of equivalent length and side wall height.

(c) Recesses or offsets having an open side at least six (6) feet wide abutting on a side yard may be considered a part of such a side yard for a depth not exceeding the width of the abutting open side.
(Ord. No. 78-3, § 12.315, 2-14-78)

Sec. 24-547. Structures or projections into side yards.

(a) A wall or fence not over six (6) feet high may be erected within the limits of a side yard. Such wall or fence may be higher than six (6) feet if a retaining wall, or, if above such height, at least seventy-five (75) percent of its surface is unobstructed and open in a uniformly distributed manner.

(b) Bays, including their cornices and eaves, balconies and fire escapes, may project into a required side yard not more than one-third of the width of the latter, nor more than three (3) feet in any case, provided that these projections come entirely within planes drawn from either main corner of the side wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plane with the side wall. The sum of the lengths of such projections shall not exceed one-third of the length of the side yard in which such projections occur.

(c) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than one and one-half (1 1/2) feet into a required side yard.

(d) Cornices, eaves and gutters may project into or over a required side yard not more than one-third the width of the latter, nor more than one and one-half (1 1/2) feet in any case.

(e) Terraces, steps or other similar features not over three (3) feet high above the average natural grade and distant at least five (5) feet from every lot line, may project into a required side yard.
(Ord. No. 78-3, § 12.316, 2-14-78)

Sec. 24-548. Reduction of rear yards.

(a) For each foot by which a lot on or before February 14, 1978 is less than one hundred and twenty-five (125) feet deep, three (3) inches may be deducted from the required least depth of the rear yard; provided, however, that no main building shall be built closer than ten (10) feet to the area property line in any residence zoning district.

(b) In any residence zoning district where a lot runs through a block from street to street an open space equivalent to the required rear yard may be provided upon such lot in lieu of a required rear yard. Where the depth of such lot is less than one hundred fifty (150) feet, no rear yard shall be required.
(Ord. No. 78-3, § 12.317, 2-14-78)

Sec. 24-549. Structures or projections into rear yards.

(a) No permitted projection into a required rear yard shall extend within ten (10) feet of the centerline of an alley, or of a rear lot line if no alley exists, or within three (3) feet of an accessory building.

(b) Bay windows or balconies, occupying in the aggregate not more than one-half of the width of the rear wall of the building may project not more than three (3) feet into a required rear yard provided that these projections come entirely within planes drawn from either main corner of the rear wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plan with the rear wall.

(c) A fire escape, fire tower, balcony or outside stairway may project not more than three (3) feet into a required rear yard.

(d) A wall or fence not over six (6) feet high, measured from the average grade or the surface of retained earth, may be erected within the limits of a required rear yard in any residence zoning district. (Ord. No. 78-3, § 12.318, 2-14-78)

Secs. 24-550--24-565. Reserved.

DIVISION 4.

RESIDENTIAL DEVELOPMENT PROJECTS

Sec. 24-566. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Common usable open space means a designated area or areas within the site. To qualify as common usable open space, the area shall be under a joint interest, joint ownership, joint easements, or trust representing the owners of some or all of the dwelling units.

Density means the number of one-family units per acre that may be constructed and occupied on a site, exclusive of areas for public uses, such as schools, parks, or drainageways within the interior of the site, but not excluding streets, alleys or other public rights-of-way.

Lot means the portion of the site that is sold to an individual purchaser for the purchaser's exclusive use and enjoyment.

One-family unit means the space in a building occupied as an abode by one (1) family or an individual householder.

Site means the gross land area on which a residential development project is constructed, or the gross area of an existing unimproved subdivision, measured to the centerline of abutting streets, alleys and drainageways.

Usable open space means any horizontal surface including courts, yards, open deck areas and balconies with a minimum dimension of eight (8) feet, landscaped areas, and ramadas and covered terraces open on at least three (3) sides which is usable by and accessible to an occupant and owner in a residential development project for recreational purposes. "Usable open space" does not include portions of the site areas used for

automobile circulation, loading, parking, or common trash collection or service areas. "Usable open space" includes a building devoted to recreational and social center purposes.
(Ord. No. 78-3, § 12.377(3), 2-14-78)

Sec. 24-567. Scope.

This division applies to residential development projects.

Sec. 24-568. Purpose.

The purpose of this division is to provide a greater amount of flexibility in the design, development and marketing of sales housing, and to establish guidelines for development that will encourage the highest standards of design and environmental amenities.
(Ord. No. 78-3, § 12.327(1), 2-14-78)

Sec. 24-569. Projects permitted.

A group of two (2) or more one-family sales housing units may be constructed at the same time on a site by a developer as a residential development project. Such one-family units shall be sold by separate legal description as individual units on individual lots or portions thereof, or as a condominium, and the requirements set forth in this division shall apply.
(Ord. No. 78-3, § 12.327(2), 2-14-78)

Sec. 24-570. Uses permitted.

The following uses are permitted:

- (1) Dwellings.
- (2) Apartment houses.
- (3) Social uses.
- (4) Accessory uses as permitted in the applicable district.
- (5) Component uses to provide convenience commercial services to residents of the site.

(Ord. No. 78-3, § 12.327(4), 2-14-78)

Sec. 24-571. Permitted structures.

- (a) *Principal buildings.* The following principal buildings are allowed:
 - (1) One-family units, detached or attached either horizontally or vertically.
- (b) *Accessory buildings.* The following accessory buildings are allowed:

- (1) Carports, attached or detached.
- (2) Storage buildings or utility buildings, attached or detached.
- (3) Recreational and social center buildings attached to principal building or detached if it contains any component use.

(Ord. No. 78-3, § 12.327(5), 2-14-78)

Sec. 24-572. Component uses permitted.

- (a) Component uses are permitted within a recreational and social center building provided:
 - (1) There be no wholesale activity.
 - (2) No merchandise or supplies shall be stored or displayed outside a completely enclosed building.
 - (3) There shall be no exterior advertising or sign except as permitted for accessory uses only.
 - (4) The site is large enough to accommodate no less than fifty (50) one-family units.
 - (5) No such component uses shall be in a building which is less than fifty (50) feet from any residence zoning district bounding the site and fifty (50) feet from any street bounding the site.
- (b) The component uses permitted are:
 - (1) Cigar store, and newsstand.
 - (2) Delicatessen, snack bar, and food store.
 - (3) Laundry, coin-operated, and drycleaning pickup, provided there shall be no drycleaning equipment.
 - (4) Day nursery and child care center.
 - (5) Physical therapy facilities.

(Ord. No. 78-3, § 12.327(6), 2-14-78)

Sec. 24-573. Maximum densities.

Notwithstanding densities normally permitted in the applicable zoning district, the following maximum densities shall apply:

- (1) In the SR-2 district, eleven (11) one-family units per acre.
- (2) In the SR-3 district, seventeen (17) one-family units per acre.

(Ord. No. 78-3, § 12.327(7), 2-14-78)

Sec. 24-574. Minimum lot area.

The minimum lot area for each one-family unit shall be two thousand (2,000) square feet, provided that maximum overall densities are not exceeded. The required minimum lot area for any one-family unit may be reduced by one (1) square foot for each square foot of common usable open space provided elsewhere in the site.

(Ord. No. 78-3, § 12.327(8), 2-14-78)

Sec. 24-575. Yard requirements.

(a) There are no minimum front, side and rear yards for one-family units. For each building, the required front, side or rear setback from any street shall be the same as required by the applicable zoning district.

(Ord. No. 78-3, § 12.327(9), 2-14-78)

Sec. 24-576. Minimum distances.

Minimum distances shall be as follows:

- (1) Between principal buildings, fourteen (14) feet, but if over two (2) stories, thirty (30) feet above two (2) stories.
- (2) Between principal buildings and detached storage or utility buildings, ten (10) feet.
- (3) Between principal buildings and a recreational and social center building containing a component use, thirty (30) feet.

(Ord. No. 78-3, § 12.327(10), 2-14-78)

Sec. 24-577. Minimum usable open space.

For each one-family unit the minimum amount of usable open space shall be as follows:

- (1) In any SR-2 zoning district, seven hundred (700) square feet per one-family unit.
- (2) In any SR-3 zoning district, five hundred (500) square feet per one-family unit.
- (3) The required minimum usable open space for any one-family unit may be reduced by one (1) square foot for each square foot of common usable open space provided elsewhere.

(Ord. No. 78-3, § 12.327(11), 2-14-78)

Sec. 24-578. Dedication, etc., of common open space.

An instrument approved by the city specifying the responsibility for maintenance of such common usable open space shall be properly recorded with the county recorder. The instrument shall:

- (1) Be in the form of a deed restriction or covenant, enforceable jointly or severally by the city, a homeowners' association or property owners in the site.
- (2) Run with the land.
- (3) Provide for assessments or other payments as necessary to cover costs of maintenance, management and improvements.
- (4) Provide for a homeowner's association or other cooperative organization for administrative and management purposes.

(Ord. No. 78-3, § 12.327(3)(f), 2-14-78)

Sec. 24-579. Minimum service areas.

There shall be provided for the storing of trash and garbage and the drying of clothes, one hundred (100) square feet per one-family unit, on individual lots, or provided at one (1) or more locations on the site, at a ratio of not less than one (1) such location for each ten (10) one-family units. When not provided on individual lots, the service areas must meet the same requirements for an area to qualify as common usable open space even though the service area is not counted as usable open space.

(Ord. No. 78-3, § 12.327(12), 2-14-78)

Sec. 24-580. Maximum length of buildings.

A row of attached one-family units shall extend no more than three hundred (300) feet. This requirement may be waived by the fire department for buildings of serpentine or curvilinear design if otherwise adequate provision is made for fire lanes, hydrants and other emergency services.

(Ord. No. 78-3, § 12.327(13), 2-14-78)

Sec. 24-581. Maximum heights.

For all buildings and structures the maximum height shall be as required by the applicable zoning district.

(Ord. No. 78-3, § 12.327(14), 2-14-78)

Sec. 24-582. Underground utilities.

All utilities shall be placed underground on the site, except that power lines in any part of dedicated rights-of-way bounding the site may be overhead. Overhead service drops to the site from such lines bounding the site may be allowed for a distance no greater than one hundred (100) feet.

(Ord. No. 78-3, § 12.327(15), 2-14-78)

Sec. 24-583. Parking and circulation.

(a) Space for off-street parking shall be provided for each one-family unit, in accordance with this chapter. Parking may be furnished on individual lots or in common parking areas. Where common areas are used, five (5) percent of such areas shall be landscaped and maintained with living plant material.

(b) Any private drives, common parking areas, streets, or other means of vehicular circulation on the site shall be paved and maintained in a dustproof, all weather condition.

(c) Private drives, common parking areas, streets, alleys and walks must meet the same requirements for an area to qualify as common usable open space even though the area is not counted as usable open space. (Ord. No. 78-3, § 12.327(16), 2-14-78)

Sec. 24-584. Plat required.

Prior to approval or issuance of a building permit for construction of all or any part of a residential development project, an approved plat for all or the applicable portion of the site shall have been duly recorded with the county recorder. All dedicated rights-of-way, drainageways and easements, except those bounding the site, shall be limited to underground utilities for both local or through service facilities. (Ord. No. 78-3, § 12.327(17), 2-14-78)

Secs. 24-585--24-600. Reserved.

DIVISION 5.

OFF-STREET PARKING AND LOADING

Part A.

General Provisions

Sec. 24-601. Interpretation.

Provisions relating to parking and loading appear primarily in this division. Additional provisions appear elsewhere. Where there is a conflict between provisions of this division and other provisions of this chapter, this division shall prevail. Where there is a conflict between provisions of this division and other provisions not in this chapter the more restrictive provisions shall prevail. Where there is a specific use described elsewhere in this chapter that is not listed in this division with specific parking or loading provisions of that use, then specific provisions elsewhere in this chapter shall prevail over this division.

(Ord. No. 78-3, § 13.102, 2-14-78)

Sec. 24-602. Variances.

The board of adjustment may grant variances to this division.

(Ord. No. 78-3, § 13.122, 2-14-78)

Secs. 24-603--24-610. Reserved.

Part B.

Off-Street Parking

Sec. 24-611. Definitions.

The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boardinghouse or *lodginghouse* means a single-family residence containing one (1) or more but not more than five (5) guest rooms where lodging is provided with or without meals for compensation.

Dwelling, single-family means a building containing only one (1) dwelling unit.

Dwelling unit means one (1) or more rooms of a building having only one (1) kitchen and designed as a unit for occupancy by one (1) family for living and sleeping purposes, but not including a house trailer or mobile home.

Family means an individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.

Gross floor area means the sum of the gross horizontal areas of the several floors of all buildings, including accessory buildings on a lot, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. It shall include elevator shafts and the stairwells at each story, floor space with structural headroom of six and one-half (6 1/2) feet or more used for mechanical equipment, penthouse, attic space, interior balconies, mezzanines and enclosed porches, but shall not include any interior space used for parking, loading or loading docks.

Parking lot means an area providing more than four (4) off-street parking spaces.

Rental unit means one (1) or more rooms designed as a unit for occupancy by not more than one (1) family offered for rent.

(Ord. No. 78-3, § 13.123, 2-14-78)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 24-612. Purpose.

The purposes of the provision of this part are:

- (1) To provide reasonable requirements for off-street parking in order to expedite moving traffic, lessen street congestion, improve traffic and pedestrian safety, and to provide for the public health, safety, morals, and general welfare.
- (2) To require that off-street parking be provided for new uses and for buildings or uses enlarged or constructed after February 14, 1978.
- (3) To promote better utilization of the space between the curb and the street property line for pedestrian safety and convenience, and for street trees and other plantings, to provide shade and other benefits.

(4) To enhance the appearance of the city.
(Ord. No. 78-3, § 13.101, 2-14-78)

Sec. 24-613. When parking zone required.

(a) An applicant for a building or use permit who intends to provide off-site parking in a residential zone must secure "SPR" zoning for the land to be used for parking. The application for such zone change shall be accompanied by plans which must be approved by the planning department to ensure the compatibility of the parking lot with the development in the neighborhood, and the new parking lot must be fully developed within six (6) months from the time it is zoned "SPR" for the rezoning to become effective.

(b) A parking zone will be required for off-site parking on residential parcels existing on February 14, 1978 under the circumstances:

- (1) A parking zone is not required to use an adjoining, contiguous parcel for off-site parking purpose in connection with any currently zoned parcel.
- (2) A parking zone is required to use a non-adjoining parcel for off-site parking purposes in connection with any currently zoned parcel.
- (3) A parking zone is required to use an adjoining or a nonadjoining parcel for off-site parking purposes in connection with any parcel rezoned by the city after February 14, 1978.

(c) In this section:

(1) *Nonadjoining parcel* means a parcel of land separated by another parcel of land or by a street, alley, drainageway, or by an easement for said purposes.

(2) *Currently zoned parcel* includes land uses in existence on February 14, 1978.

(Ord. No. 78-3, § 13.120, 2-14-78)

Sec. 24-614. When required.

(a) The designated off-street parking spaces shall be required for:

- (1) New uses of land and for new structures.
- (2) An existing use of land or structure which is expanded by twenty-five (25) percent or more in lot area or floor area, in which case the required off-street parking spaces may be located, in conformance with section 24-617.

(b) In the event an existing use is changed to a use which required more off-street parking spaces than the former use, the new use must comply with the parking space requirements set forth for the uses listed in sections 24-616 and 24-617. These spaces may be located in conformance with section 24-617.

(Ord. No. 78-3, §§ 13.105, 13.106, 2-14-78)

Sec. 24-615. Number of spaces required--Generally.

(a) The total requirements for off-street parking for mixed uses, except for church complexes, motels and hotels, is the sum of the individual requirements of the various uses computed separately. For motels and hotels the total requirements shall be those required for the rental units plus seventy (70) percent of the sum of those required for the remainder of the various accessory uses. For churches, the total requirements shall be computed upon the area of the sanctuary or the largest area for human assemblage and shall not include those areas devoted to accessory uses.

(b) Any fractional amount of parking space may be disregarded in calculating the total number of required off-street parking spaces.

(c) Sections shall not apply in the following instances, provided they meet the minimum number of spaces required by ordinance as of February 14, 1978:

- (1) Uses and structures existing prior to February 14, 1978.
- (2) Structures for which an applicant has plans on file with the city prior to February 14, 1978 provided construction is started within two (2) years thereafter.
- (3) Projects for which an applicant has entered into a contract with an architect, engineer or contractor for design or development prior to said effective date, provided that evidence to this effect is filed with the city within one hundred eighty (180) days following February 14, 1978 and construction is started within two (2) years of that date.
- (4) Structures repaired, rebuilt or replaced as a result of a natural disaster, provided the work is started within one hundred twenty (120) days following the disaster.

(Ord. No. 78-3, §§ 13.111, 13.112, 13.121, 2-14-78)

Sec. 24-616. Same--Located in same block.

Not less than the designated number of off-street parking spaces shall be provided: on site or in the same block within six hundred (600) feet of the following principal uses:

Bank, one (1) space for each two hundred (200) square feet of the gross floor area.

Barbershop or beauty salon, one (1) space for each one hundred (100) square feet of gross floor area.

Boarding or lodging salon, one (1) space for each two (2) roomers for which the facility is designed; or one (1) space for each two (2) guest rooms, whichever is the greater, in addition to the two (2) spaces required for a single-family dwelling.

Bowling alley, five (5) spaces for each lane.

Convalescent or nursing home, sanatorium, one (1) space for each two (2) beds.

Fraternity house, sorority house, dormitory, two (2) spaces for each three (3) persons in residence; or two (2) spaces for each three (3) persons for which the facility is designed, whichever is the greater.

Furniture or appliance store, one (1) space for each four hundred (400) square feet of gross floor area.

Hospital, one and one-half (1 1/2) spaces for each bed.

Hotel, one (1) space for each three (3) rental units. A hotel includes as part of its principal complex a restaurant, and a bar or cocktail lounge, and meeting rooms, and has more than fifty (50) rental units. A motel does not meet all these requirements.

Library, one (1) space for each one hundred (150) square feet of gross floor area.

Medical or dental office, clinic, dispensary, five (5) spaces for each doctor or dentist for which the facility is designed.

Motel, one (1) space for each rental unit. A hotel includes as part of its principal complex a restaurant, and a bar or cocktail lounge, and meeting rooms, and has more than fifty (50) rental units. A motel does not meet all these requirements.

Place of public assembly such as but not limited to: assembly halls, auditoriums, churches, stadiums, theaters, dance halls, skating rinks:

- a. With fixed seats, one (1) space for each five (5) seats (each eighteen (18) inches of pew or bench space is considered one (1) seat).
- b. Without fixed seats, one (1) space for each fifty (50) square feet of gross floor area.

Private club, lodge hall, one (1) space for each fifty (50) square feet of gross floor area of the largest single area for human assemblage.

Residential uses:

- a. Single-family dwelling, two (2) spaces for each house.
- b. Duplexes, apartment houses, one and one-half (1 1/2) spaces per dwelling unit.
- c. Public housing project, consisting of duplexes, apartment houses, two (2) spaces for each three (3) dwelling units.

Restaurant or bar, one (1) space for each fifty (50) square feet of gross floor area excluding kitchens and storage areas.

Retail stores, shopping centers, consumer service uses, and all other uses not listed elsewhere, such as

but not limited to delicatessens, kennels, laundries, photograph studios:

- a. Where the gross floor area of the structures exceeds six thousand (6,000) square feet, or the lot area of the use exceeds fifteen thousand (15,000) square feet, one (1) space for each two hundred (200) square feet of gross floor area.
- b. Where the gross floor area of the structure is six thousand (6,000) square feet or less but more than four thousand (4,000) square feet, or the lot area of the use is fifteen thousand (15,000) square feet or less but not more than ten thousand (10,000) square feet, one (1) space for each three hundred (300) square feet of gross floor area.
- c. Where the gross floor area of the structures is four thousand (4,000) square feet or less, or the lot area of the use is ten thousand (10,000) square feet or less, one (1) space for each four hundred (400) square feet of gross floor area.

Service station, one (1) space for each one thousand (1,000) square feet of lot area. Spaces at the pumps and in servicing areas are considered as off-street parking spaces, but any spaces used for the storage or display of vehicles for rent or sale to the public are not.

Swimming pool, public or semipublic, having a total water surface in excess of two thousand five hundred (2,500) square feet, one (1) space for each one hundred twenty-five (125) square feet of water surface.

Tennis court, two (2) spaces for each court or one (1) space for each fifty (50) square feet of the gross floor area, excluding any floor area devoted to a tennis court, of all buildings used in connection with the court and located on the same site, whichever is greater.

(Ord. No. 78-3, § 13.103, 2-14-78)

Sec. 24-617. Same--Located in same or another block.

Not less than the designated number of off-street parking spaces shall be provided: on site; or within the same block or in another block, and within six hundred (600) feet of the following principal uses. If the parking area is separated from the principal use by a major thoroughfare with a right-of-way in excess of ninety (90) feet in width, the parking area must then be connected by a pedestrian overpass or tunnel. If the parking area is separated from the principal use by a major thoroughfare with a right-of-way ninety (90) feet or less in width, there must be a signalized crossing to connect the parking lot and principal use.

Industrial and manufacturing uses, three (3) spaces for each five (5) employees on largest shift for which the facility is designed, including sales, delivery and office personnel.

Contractors' yards, public utility uses, warehouses, wholesale establishments and other heavy business uses, three (3) spaces for each four (4) employees reporting to the site on the largest shift, including sales, delivery and office personnel.

Office, other than medical or dental office, one (1) space for each two hundred (200) square feet of gross floor area.

School, public or private:

- a. Nursery, elementary and junior high one (1) space for each employee for which the facility is designated.
- b. Senior high, one (1) space for each teaching employee, plus one (1) space for each three (3) nonteaching employees, plus one (1) space for each five (5) students, based upon the number of teaching employees, nonteaching employees and students for which the facility is designed.
- c. College, junior college, university, one (1) space for each teaching employee, plus one (1) space for each three (3) nonteaching employees, plus one (1) space for each three (3) students, based upon the number of teaching employees, nonteaching employees and students for which the facility is designed.
- d. Trade, specialty or business, or any other type school, one (1) space for each teaching employee, plus one (1) space for each three (3) students, based upon the number of teaching employees and students for which the facility is designed.

(Ord. No. 78-3, § 13.104, 2-14-78)

Sec. 24-618. Plans required.

An application for a building or use permit which will be required to have more than four (4) off-street parking spaces shall include plans showing proposed site improvements as specified by the building inspector including but not limited to legal description, location and dimension of the property, location, arrangement and dimensions of the off-street parking area, parking area, parking spaces, driveways, points of ingress and egress, must be approved by the building inspector and the planning director. Development of a parking area for more than four (4) automobiles must conform to the approved development plans.

(Ord. No. 78-3, § 13.119, 2-14-78)

Sec. 24-619. Diversion for required parking.

The required off-street parking area shall not be diverted to other uses and the number of required parking spaces may not be reduced. Before a required parking area is sold, leased or otherwise diverted to another use, an equivalent amount of off-street parking must be secured and provided. The building inspector shall be notified of any proposed diversion of use. Required parking areas not on the same lot as the principal use shall have an easement granted on it for parking uses to the principal use for as long as required by the principal user and as required by this part. If this section is violated, the certificate of occupancy for the use not having the required parking spaces may be revoked by the city.

(Ord. No. 78-3, § 13.107, 2-14-78)

Sec. 24-620. Measurements of parking space.

An off-street parking space shall have a minimum width of eight and one-half (8 1/2) feet and a minimum length of twenty (20) feet in addition to the area necessary for access drives and aisles. The width of

such space shall be measured perpendicular to the sides of the parking space.
(Ord. No. 78-3, § 13.108, 2-14-78)

Sec. 24-621. Restrictions on use of parking lot.

A parking lot shall not be used so as to interfere with the parking of automotive vehicles. The repair or dismantling of vehicles on the lot is prohibited.
(Ord. No. 78-3, § 13.109, 2-14-78)

Sec. 24-622. Measurement of distance between parking lot and principal use.

The distance of six hundred (600) feet between a parking lot and the use it serves shall be the walking distance measured from the nearest point of the building or use to the nearest part of the parking area.
(Ord. No. 78-3, § 13.110, 2-14-78)

Sec. 24-623. Screening and landscaping.

Screening and landscaping requirements for parking lots are as follows:

- (1) Except at the points of ingress and egress of six-foot high wall or fence or a dense evergreen hedge which will grow to a height of six (6) feet shall be erected or planted and maintained along all sides of a parking lot abutting, adjoining or separated by an alley from property in a residential zone. The first three (3) feet above grade of such a wall or fence shall be solid but twenty-five (25) percent of the surface of the wall or fence over three (3) feet high may be unobstructed and open in a uniformly distributed manner.
- (2) When a parking lot is located across the street (not a major or collector street) from property zoned for residential usage a six-foot high wall or fence or a dense evergreen hedge which will grow to a height of six (6) feet shall be erected or planted not less than five (5) feet distant from any street lot line opposite such residential zone except at the points of ingress and egress. The area between the wall, fence or hedge and the street lot line shall be landscaped in a manner compatible with the surrounding neighborhood.
- (3) When a parking lot is located across a major or collector street from property zoned for residential usage a three-foot high wall or fence shall be erected, or a dense evergreen hedge which will grow to a height of three (3) feet shall be planted and maintained not less than five (5) feet distant from any street lot line opposite such residential zone except at the points of ingress and egress and the area between the wall, fence or hedge and the street lot line shall be landscaped in a manner compatible with the surrounding neighborhood.
- (4) When a parking lot abuts or adjoins a street, and property on the opposite side of the street is zoned for other than residential usage, the parking lot shall be landscaped. The sum of the various areas devoted to landscaping shall not be less than a figure calculated by multiplying the total footage of the street frontages of the parking lot by five (5). This required landscaping area shall be in addition to the area required by subsection (2) of this section. For any landscaped area lying between the street curb and the street lot line, an equivalent area may be deducted from the

area required to be landscaped on the lot, provided such deduction does not exceed fifty (50) percent of the total required landscaped area.

(Ord. No. 78-3, § 13.113, 2-14-78)

Sec. 24-624. Restriction on height of walls, fences and hedges.

A wall, fence or hedge may not be over three (3) feet high when located within twenty (20) feet of any driveway giving access to a parking lot, measured from the point of intersection of the driveway and the property line. The height of a wall, fence or hedge may not be over three (3) feet high when located in that area of a corner lot bounded by the two (2) street lot lines and a straight line connecting points of these lot lines located thirty (30) feet distant from the intersection or projected intersection of the street lot lines.

(Ord. No. 78-3, § 13.114, 2-14-78)

Sec. 24-625. Lighting.

Any part of any parking lot that is not directly visible from a public thoroughfare shall be lighted. Lighting on a parking lot, if installed, shall be arranged, hooded or controlled so that the light does not shine directly upon any street in a residential zone, or upon any adjoining property in a residential zone.

(Ord. No. 78-3, § 13.115, 2-14-78)

Sec. 24-626. Barriers.

A parking lot shall be equipped with bumpers or barriers designed to prevent a parked vehicle from extending beyond the property lines or damaging a bounding wall, fence or adjoining building.

(Ord. No. 78-3, § 13.116, 2-14-78)

Sec. 24-627. Surfacing.

A parking lot shall be surfaced with one (1) of the following:

- (1) Asphaltic concrete.
- (2) Cement concrete.
- (3) A penetration treatment of bituminous material and a seal coat of bituminous binder and mineral aggregate.
- (4) The equivalent of the above as may be approved by the city streets and sanitation director.
- (5) Chat or other methods for reducing dust may be permitted by the board of adjustment for renewable periods not to exceed one (1) year each.

(Ord. No. 78-3, § 13.117, 2-14-78)

Sec. 24-628. Maintenance and striping.

All improvements and plantings on a parking lot shall be maintained in good condition. All parking lots

shall be striped if the surfacing permits.
(Ord. No. 78-3, § 13.118, 2-14-78)

Secs. 24-629--24-635. Reserved.

Part C.

Off-Street Loading

Sec. 24-636. When required.

The designated off-street loading spaces shall be required for:

- (1) New structures or uses.
- (2) An existing structure or use which is enlarged by twenty-five (25) percent or more in floor area, in which case off-street loading spaces shall be provided for the entire structure of use.

(Ord. No. 78-3, § 13.132, 2-14-78)

Sec. 24-637. Number of required spaces.

Off-street loading spaces shall be provided on-site in accordance with the following requirements for all buildings constructed or enlarged after February 14, 1978, and used or designed to be used as a manufacturing plant, warehouse, wholesale establishment, retail establishment, freight, terminal, hospital, sanatorium, restaurant, hotel, office building, laundry, dry cleaning establishment, mortuary, or any other use requiring the receipt or distribution of materials or merchandise by vehicle. If there are mixed uses, the total requirements for off-street loading spaces is the sum of the individual requirements of the various uses computed separately.

- (1) *Manufacturing, industrial uses*, off-street loading spaces, each measuring twelve (12) feet by forty-five (45) feet with a fifteen-foot height clearance, exclusive of access aisles and maneuvering space, shall be provided in conformance with the following ratios of spaces to gross floor area of buildings:

<i>Gross Floor Area (square feet)</i>	Number of Spaces
Less than 2,500	0
2,500--25,000	1
25,001--60,000	2
60,001--110,000	3
110,001--180,000	4
180,001--270,000	5
For each additional 90,000	1 additional

- (2) *Warehouses, freight terminal, wholesale uses*, off-street loading spaces, each measuring twelve (12) feet by forty-five (45) feet with a fifteen-foot height clearance exclusive of access aisles and maneuvering space, shall be provided in conformance with the following ratios of spaces to gross floor area of buildings:

<i>Gross Floor Area (square feet)</i>	Number of Spaces
---------------------------------------	------------------

Less than 2,500	0
2,500--20,000	1
20,001--50,000	2
50,001--90,000	3
90,001--130,000	4
For each additional 40,000	1 additional

(3) *Commercial, retail, consumer service uses*, off-street loading spaces each measuring twelve (12) feet by thirty-five (35) feet with a fifteen-foot height clearance exclusive of access aisles and maneuvering space, shall be provided in conformance with the following ratios of spaces to gross floor area of buildings:

<i>Gross Floor Area (square feet)</i>	Number of Spaces
Less than 2,500	0
2,500--15,000	1
10,001--30,000	2
30,001--60,000	3
60,001--100,000	4
For each additional 100,000	1 additional

(4) *Hospitals, other institutional uses*, off-street loading spaces each measuring twelve (12) feet by thirty-five (35) feet with a fifteen-foot height clearance exclusive of access aisles and maneuvering space, shall be provided in conformance with the following ratios of spaces to gross floor area of buildings:

<i>Gross Floor Area (square feet)</i>	Number of Spaces
Less than 2,500	0
2,500--25,000	1
25,001--75,000	2
75,001--150,000	3
For each additional 100,000	1 additional

(5) *Hotels, office and other buildings*, off-street loading spaces each measuring twelve (12) feet by thirty-five (35) feet with a fifteen-foot height clearance exclusive of access aisles and maneuvering space, shall be provided in conformance with the following ratios of spaces to gross floor area of buildings:

<i>Gross Floor Area (square feet)</i>	Number of Spaces
Less than 2,500	0
2,500--50,000	1
50,001--125,000	2
For each additional 100,000	1 additional

(Ord. No. 78-3, §§ 13.125--13.130, 13.136, 2-14-78)

Sec. 24-638. Location of loading space.

Required off-street loading spaces shall be located on the same site with the use they serve.
(Ord. No. 78-3, § 13.133, 2-14-78)

Sec. 24-639. Enclosure of loading space.

Required off-street loading spaces may be partially or entirely enclosed within a building, provided the building meets all requirements pertaining to required yards.
(Ord. No. 78-3, § 13.134, 2-14-78)

Sec. 24-640. Use of streets or alleys for maneuvering space.

If an off-street loading space is located adjacent to an alley and the alley does not abut a residential zone, such alley may be used for maneuvering space for loading and unloading. A street not shown on the streets and routes plan as a highway, arterial or major street and which does not abut a residential zone may be used for the same purpose.

(Ord. No. 78-3, § 13.135, 2-14-78)

Sec. 24-641. Screening.

Where a loading area abuts or is located adjacent to a residential zone a solid wall, or fence, or dense evergreen hedge or other types of plants that will grow to a height of six (6) feet shall be erected or established.

(Ord. No. 78-3, § 13.137, 2-14-78)

Sec. 24-642. Loading spaces along streets.

Where a loading area abuts a street, a solid wall, or fence, or dense evergreen hedge which will grow to a height of six (6) feet shall be erected or established except at the points of ingress and egress.

(Ord. No. 78-3, § 13.138, 2-14-78)

Sec. 24-643. Maintenance.

Any wall, fence or dense evergreen hedge bounding a loading area shall be maintained in good condition.

(Ord. No. 78-3, § 13.139, 2-14-78)

Sec. 24-644. Lighting.

Lighting in a loading area, if installed, shall be arranged, hooded or controlled so that the light does not shine directly upon any street in a residential zone, or upon any adjoining property in a residential zone.

(Ord. No. 78-3, § 13.140, 2-14-78)

Sec. 24-645. Change of use.

In the event an existing use is changed to a use which requires more off-street loading spaces than the former use, off-street loading spaces shall be provided for the new use before a certificate of occupancy is issued.

(Ord. No. 78-3, § 13.141, 2-14-78)

Sec. 24-646. Restrictions on use of loading space.

A loading space shall not be used for the repair or dismantling of vehicles or in such a manner as to interfere with the purpose for which it is provided.

(Ord. No. 78-3, § 13.142, 2-14-78)

Sec. 24-647. Surfacing.

An outdoor loading space shall be surfaced in such a manner as to make it weatherproof and dustproof.

(Ord. No. 78-3, § 13.143, 2-14-78)