

SHOW LOW PLANNING AND ZONING COMMISSION
REGULAR MEETING - TUESDAY, MAY 28, 2024

PURSUANT to A.R.S. Section 38-431.02, notice is hereby given to the Show Low Planning and Zoning Commission and to the general public, that a **Regular Meeting** of the Show Low City Council will be held on Tuesday, May 28, 2024, at 7:00 PM in the City Council Chambers, 181 North 9th Street, Show Low, Navajo County, Arizona. The agenda for this meeting is as follows:

1. Call to Order.
2. Roll Call.
3. Invocation.
4. Pledge of Allegiance.
5. **NEW BUSINESS:**
 - A. Public Hearing and Consideration of proposed amendments to Title 19 of the Zoning Ordinance. (Justen Tregaskes)
 - B. Consideration of extension of Conditional Use Permit 602-04-184 submitted by Eric Ritz of Hatch Construction and Paving to allow for excavation, grading and processing of rock related materials at 4701 E. Deuce of Clubs, that being A.P.N. 210-25-008B, 008C, 008D, and 006K. (Justen Tregaskes)
6. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that is within the jurisdiction of the Planning and Zoning Commission may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Planning and Zoning Commission as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Planning and Zoning Commission. Pursuant to the Arizona Open Meeting Law, the Planning and Zoning Commission cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual Planning and Zoning Commission members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.
7. **APPROVAL OF MINUTES:**
 - A. Planning and Zoning Commission Regular Meeting of February 27, 2024.
 - B. Planning and Zoning Commission Study Session of April 23, 2024.
8. **SUMMARY OF CURRENT EVENTS:**
 - A. Commission Members

B. Planning and Zoning Director

9. **ADJOURNMENT:**

NOTICE TO PARENTS AND LEGAL GUARDIANS: Parents and legal guardians have the right to consent before the City of Show Low makes a video or voice recording of a minor child, pursuant to A.R.S. § 1-602(A)(9). The Show Low Planning and Zoning Commission regular meetings are recorded and may be viewed on the City of Show Low's website. If you permit your child to attend/participate in a televised Planning and Zoning Commission meeting, a recording will be made. You may exercise your right not to consent by not allowing your child to attend/participate in the meeting.

Pursuant to the Americans with Disabilities Act (ADA), the Planning and Zoning Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need accommodation for a meeting, please call the City Clerk's office at (928) 532-4061 at least 48 hours prior to the meeting for accommodation.

Council Chambers will open at least ten minutes prior to the meeting to allow public access to the room. Council Chambers has a maximum occupancy of 139 people.

Katie Fechtelkotter

I, Katie Fechtelkotter, do hereby certify that the foregoing notice was posted on Friday, May 24, 2024.

**City of Show Low
STAFF SUMMARY REPORT**

AGENDA TITLE: Public Hearing and Consideration of proposed amendments to Title 19 of the Zoning Ordinance. (Justen Tregaskes)

RECOMMENDATION

I **MOVE** to approve the proposed amendments to Title 19 of the Zoning Ordinance and forward this recommendation to City Council.

BACKGROUND

On April 23, 2024, the Planning and Zoning Commission held a study session to discuss proposed revisions to Chapter 19, Zoning, of city code. Proposed revisions discussed at this meeting include, but are not limited to the following:

- The addition of a definition of an “Aggrieved Person”.
- Allowance for a caretaker's residence in conjunction with a business in commercial zones.
- Clarification of timeline calculations for scheduling of meetings.
- Clarification of requirements for the placement of sea (shipping) containers.
- Clarification of fence height calculation requirements along streets.
- Removal of provision which allows for clearing and grading of property without a valid building permit.
- Moving group homes for the handicapped to permitted uses in all residential zones.
- Reduction in lot size requirements for detached guest houses.
- Allowance for attached guest units to be rented in all residential zones.
- Allowing multifamily dwellings by conditional use permit in the MH (Manufactured Home) zoning district.
- Restaurants serving beer and wine would be considered a permitted use in commercial zones. Restaurants serving alcohol other than beer and wine would remain as a conditional use.
- Drive-through restaurants not adjacent to residentially zoned property would become a permitted use in the C-2 (General Commercial) zoning district.
- Mini storage facilities would no longer be considered a conditional use in the C-2 (General Commercial) zoning district.
- Temporary business signs would be permitted for a period of sixty (60) days.
- A reduction in time limits for the display of electronic message board signs.
- Clarification of allowances for small wireless facilities.
- Changes to fall zone requirements for setback calculations related to cell towers.
- Changes to allowed hours of operation for marijuana related facilities consistent with recent council action.

Consideration of the changes to Chapter 19 has been scheduled for a public hearing with the Planning and Zoning Commission. Following the public hearing, the commission may vote to approve the changes as presented and forward this recommendation to the city council or vote to amend the changes as presented and forward the recommendation to the city council. Any vote of the commission will be forwarded to the council for final action. This item has been scheduled for a public hearing with the council at their regular meeting of June 4, 2024.

ATTACHMENTS

1. Title 19 2024 updates

FISCAL IMPACT

N/A

Title 19

ZONING^{1, 2}

Chapters:

Division I.

Administrative

- 19.05 Definitions**
- 19.10 Administration**
- 19.15 Zoning Amendments – Plan Review**
- 19.20 Conditional Use Permits**
- 19.25 General Regulations**

Division II.

Districts

- 19.30 Zoning Districts Established**
- 19.35 A-1 Zone – Airport**
- 19.40 GA-5 Zone – General Agricultural (5 Acres)**
- 19.45 AR Zones**
- 19.50 R1 Zones**
- 19.55 R2-7 Zone – Single-Family and Multiple-Family Residential (7,000 Square Feet)**
- 19.60 MH Zone**
- 19.65 DC Zone**
- 19.70 C Zones**
- 19.75 I Zones**
- 19.80 P.U.D. Zone – Planned Unit Development Zoning**
- 19.85 Recreation Community District**
- 19.90 Water Resource Protection Area District**

Division III.

Use Regulations

- 19.95 Nonconforming Uses and Structures**

- 19.100 Signs**
- 19.105 Parking**
- 19.110 Outdoor Light Control**
- 19.115 Wireless Telecommunications Towers and Antennas**
- 19.120 Medical Marijuana-Related Facilities**
- 19.125 Sexually Oriented Businesses**

Division IV.

Amendments, Appeals, Modifications, and Variances

- 19.130 Administrative Adjustment**
- 19.135 Appeals and Variances**

1 It should be noted that the “City of Show Low, Arizona Policy Guide,” a document which “contains goals, objectives, policies and recommendations” to be used by the city in planning and development, was adopted by reference as an amendment to this Code by Ord. No. [189](#), § 1, adopted Nov. 30, 1983. Said policy guide may be found on file in the offices of the city.

2 Prior legislation: Ord. Nos. [108](#), [140](#), [155](#), [158](#), [224](#), [231](#), [241](#) and [323R](#).

Cross references: Health and sanitation – Chapters [7.10](#) and [7.20](#); Streets and sidewalks – Chapters [11.05](#) through [11.30](#); Parks and recreation – Chapter [11.35](#); Water – Chapter [12.05](#); Sewers – Chapter [12.10](#); Flood damage prevention – Chapter [13.10](#); Home occupations – Chapter [16.15](#); Building – Title [18](#).

Division I. Administrative

Chapter 19.05

DEFINITIONS¹

Sections:

- 19.05.010 Definitions.**

1 Prior legislation: Ord. Nos. [202](#), [275](#), [281](#) and [328](#).

19.05.010 Definitions.

For the purpose of this title, certain words and terms used herein are defined as follows: All words used in the present tense include the future tense; all words in the plural number include the singular number; all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not discretionary. Other words and phrases used in this title shall have the following meaning:

Abutting: The conditions of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only a corner or corners.

Access or accessway: The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this title.

Acre: An area of land containing forty-three thousand five hundred sixty (43,560) square feet.

Adjacent: Nearby, not distant, having a common border. Not necessarily touching.

Aggrieved Person: An individual who is negatively affected by a land use decision. An aggrieved person includes the property owner, adjacent property owners, or owners within the required notice area of the action from which the grievance arises. For individuals who are not the property owner, adjacent property owner, or an owner within the required notice area of the action from which the grievance arises, a legal or equitable interest in the action must be demonstrated and the individual must be able to demonstrate actual, and not perceived harm, in order to meet the definition of aggrieved.

Agriculture: The tilling of the soil, raising of crops, horticulture, silviculture, fish hatchery and farming, livestock raising and grazing, including all uses customarily incidental thereto but not including slaughterhouses, fertilizer yards, rendering plants, or plants for the reduction of animal matter, or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

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

Alley: A right-of-way, dedicated to public use, affording a secondary means of access to abutting property and not intended for general traffic circulation.

Ambulatory person: Any individual including one who uses a cane or other ambulatory support, who is physically and mentally capable, under emergency conditions, of finding a way to safety without assistance.

Amendment: In reference to this title, a change in the wording or substance of this title, or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map.

Animal hospital: Facilities for the care, treatment, and boarding of animals including facilities within the term “veterinary clinic.”

Animation or animated: As defined in Chapter [19.100](#).

Antique: A product that is sold or exchanged because of value derived because of oldness as respects the present age, and not simply because the same is not a new product.

Appeal: An action which permits ~~anyone~~ an aggrieved individual to arrange for a hearing before an individual or a group other than the individual or group from whose decision the appellant seeks redress, or a first request for action, depending on context; Section [19.135.010](#) provides for appeal without prior decision.

Automobile repair: All aspects of the repair of motor vehicles including, but not limited to, lubrication, tune-up and preventive maintenance for commercial purposes.

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

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

Automotive, body and fender: The painting, repairing, replacing, reconstructing, frame straightening, sandblasting and/or welding of body parts on automobiles, recreational vehicles, trucks, trailers, motorcycles, boats, snowmobiles or other such vehicles for commercial purposes.

Automotive detailing: The practice of washing, waxing, or cleaning of automobiles, trucks, motor homes, or recreational vehicles for commercial purposes. Does not include sandblasting, painting, welding, body work, auto body part replacement, automotive repair, glass repair or replacement.

Awning: As defined in Chapter [19.100](#).

Banner: As defined in Chapter [19.100](#).

Bar or cocktail lounge: An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

Bed and breakfast: An owner-occupied dwelling unit that contains no more than four (4) guest rooms where lodging, with or without meals, is provided for compensation.

Board of adjustment: See Section [19.10.050](#).

Building: A structure, above or below the ground, having one (1) or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind. This shall not include dog houses, playhouses, similar structures; includes manufactured homes.

Building, accessory: A building or structure which is subordinate to, and the use of which is customarily incidental to, the main building, structure, or use on the same lot or parcel.

Building area: The total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

Building, attached: A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building, detached: A building which is separated from another building or buildings on the same lot.

Building, height of: The vertical distance measured from the average grade level of the highest level of the roof. In the event that terrain problems prevent an accurate determination of height, the zoning director shall rule as to height and appeal from that decision shall be to the board of adjustment.

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

Building permit: A permit required for erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the City of Show Low as more fully defined in ~~Section 417 of~~ the International Building Code.

Building setback: The minimum distance as prescribed by this title between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto. (See "Yard, ~~front street-side~~," "Yard, rear," and "Yard, side.")

Bulk fuel storage: 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.

Campground: Any lot, parcel, or tract of land used, designed, maintained, and intended for rent of plots or sites to accommodate temporary camping by the traveling public with or without sanitary facilities and water whether or not a charge is made for the use of the park and its facilities. (See Section [19.25.200](#).)

Caretaker residential use: Single-family dwelling or manufactured home in an industrial zone provided such residence is incidental to such use and is occupied only by a caretaker or security personnel and his/her family. Also includes site built housing attached to a permitted business in the commercial zoning districts.

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

Changeable copy: As defined in Chapter [19.100](#).

Church: A building commonly used for religious worship.

City: The City of Show Low, Navajo County, Arizona.

Civic uses: Civic uses provide for meetings, conventions and trade fairs, exhibitions, and other community, social and multipurpose uses. Typical uses include convention centers, neighborhood centers, and community centers.

Clearing: Consisting of the removal and disposal of all obstructions such as fences, walls, foundations, buildings, accumulations of rubbish of whatever nature and existing structures. Included in this definition are trees, logs, shrubs, brush, grass, weeds, other vegetation and stumps of a diameter greater than six (6) inches.

Clinic: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Commercial flag: As defined in Chapter [19.100](#).

Commercial rodeo grounds: A roping arena or rodeo ground which is used for any commercial or business purpose, including, but not limited to, charging participants and/or spectators for any roping or rodeo-related activity or event.

Commission: The City of Show Low planning and zoning commission. (See Section [19.10.040](#).)

~~*Community development director:* Staff person designated by the city manager to hold such position. In the absence of such a person, the community development director is the city manager.~~

Contiguous: In actual contact.

Convalescent home: Same as "Nursing home."

Copy: As defined in Chapter [19.100](#).

Council: Show Low city council.

County: Navajo County, Arizona.

~~*Day care center:* A facility where six (6) or more people, not immediately related to the head of household, are supervised and cared for. Such a place does not provide medical, psychological, or rehabilitative care, or overnight care.~~

Drive-in restaurant: Any establishment where food or beverages are dispensed and may be consumed on the premises, but outside a closed building.

Drive-in theater: An open air theater where the performance is viewed by all, or part, of the audience from motor vehicles.

Dwelling: A building or portion thereof designed exclusively for residential purposes, including single-family and multiple dwellings; but not including hotels, motels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

Dwelling, multifamily: A building designed exclusively for occupancy by or occupied by two (2) or more families living independently of each other.

Dwelling, single-family: A detached building designed exclusively for occupancy by or occupied by one (1) family for residential purposes.

Dwelling unit: A room or group of rooms within a dwelling, designed to be occupied exclusively by one (1) or more persons living as a single-family housekeeping unit.

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

Eave line: As defined in Chapter [19.100](#).

Electronic message display: As defined in Chapter [19.100](#).

Embellishment: As defined in Chapter [19.100](#).

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

Excavation: The removal and disposal of all materials taken from the ground for the purposes of installing nonnatural facilities.

Family: One (1) or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

Farming: Same as “Agriculture.”

Fence: Any device built to enclose a parcel of land, to separate two (2) parcels of land, or to separate a parcel of land into different use areas.

Filling: The process of dumping dirt, sand, rock or other material excavated from the earth. This includes grading of the material and adjacent surfaces so that it is left in a suitable condition for other district uses.

Garage, private: A building or portion thereof, used for the shelter or storage of self-propelled vehicles, or owned or operated by the occupants of a main building where there is no service or storage for compensation.

Grading: The process of changing gradients of existing land by contouring, smoothing or otherwise shaping land areas outside of planting beds and lawns.

Group home for the handicapped: A dwelling shared by four (4) or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.

As used herein, the term “handicapped” shall mean having:

- (1) A physical or mental impairment that substantially limits one (1) or more of such person’s major life activities so that such person is incapable of living independently;
- (2) A record of having such an impairment; or
- (3) Being regarded as having such an impairment.

However, “handicapped” shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the handicapped” shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Grubbing: The elimination of roots from the ground by digging or pulling.

~~*Guest house (attached):* Living quarters which are utilized for income purposes consisting of one (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities located within a primary dwelling unit.~~

Guest house (detached): Living quarters consisting of one (1) or more rooms, designed, occupied or intended for occupancy as detached living quarters, with cooking, sleeping and sanitary facilities which may or may not be utilized for income purposes.

Guest unit: Living quarters consisting of one (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities which ~~may or may not be~~ ~~are not~~ utilized for income purposes within a primary dwelling unit.

Hazardous material: A substance that has the capability of posing an unreasonable risk of health and safety to life and property or any material that is subject to the hazardous waste definitions of the Arizona Department of Environmental Quality or the United States Environmental Protection Agency.

Home occupation: Any occupation or profession which is incidental and subordinate to the use of the dwelling unit for dwelling purposes and which does not change the character thereof.

Homeless shelter: A class of residential facility which provides temporary, transitional and/or residential services to homeless individuals and/or families for a period not exceeding a twelve (12) month period. A homeless shelter primarily offers food, shelter and other support services needed to transition the individual to self-sufficiency.

Hospital: A facility for the treatment or care of human ailments, where overnight lodging for patients is provided, other than nursing homes.

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

International Building Code (IBC): As defined in Chapter [19.100](#).

Junk Vehicle. "Abandoned or junk vehicle" means a vehicle or any portion thereof which is incapable of movement under its own power and will remain so without repair or reconstruction. All abandoned or junk vehicles will be stored in an enclosed area by the owner or occupant of the property as long as said vehicle is located in such a manner as not to be visible from any point lying without the property upon which the abandoned or junk vehicle is stored or parked.

Junk yard: See "Salvage yard."

Kennel: Any premises where a combination of ~~four (4) six (6)~~ or more dogs or cats are bred, boarded, and/or trained.

Kitchen: Any room in a building or dwelling unit which is used or intended to be used for cooking or the preparation of food.

Landscaping: An area which has been improved through the harmonious combination and introduction of trees, shrubs, and ground cover, and which may contain natural topping material such as boulders, rock, stone, granite, or other approved material. The area shall be void of any asphaltic or concrete pavement except for pedestrian walkways.

Livestock: Animals such as cattle, horses, sheep, goats or llamas.

Lot: A legally created parcel of land.

Lot area: The total horizontal area within the lot lines of a lot.

Lot coverage: That portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools.

Lot depth: The horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

Lot frontage: The horizontal or chord length of the front lot line.

Lot line: The line bounding a lot.

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

Lot line, rear: A lot line which is opposite and most distant from the front lot line.

Lot line, side: Those lot lines connecting the front and rear lot lines.

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

Lot width, average: The distance between side lot lines measured thirty (30) feet behind the required minimum front yard line parallel to the street or street chord.

Maintenance: As defined in Chapter [19.100](#).

Manufactured home park: Any parcel or tract of land, designed, maintained, used, and approved by the City of Show Low (or in existence prior to being annexed into the City of Show Low), which is intended for rent or lease of individual lots or sites to accommodate one (1) manufactured home per lot or site, including all vehicles, accessory buildings, and appurtenances to be used or intended as equipment, whether or not a charge is made for the use of the site or the use of its facilities.

Manufactured housing: A structure transportable in one (1) or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. Such a structure must conform to the standards contained in the National Manufactured Housing Construction and Safety Standards Act established and administered by the U.S. Department of Housing and Urban Development.

For purposes of these regulations, manufactured homes, as a special form of one (1) family detached dwellings, are subject to such special regulations as are set forth herein and shall not be considered a modular or factory-built building as defined in this section.

Manufacturing: The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.

Mobile home: A residential dwelling that was fabricated in an off-site manufacturing facility, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. A "mobile home" was constructed prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act, established and administered by the U.S. Department of Housing and Urban Development. (See "Manufactured housing.")

Modular or factory built buildings: A structure fabricated, either wholly or partially, off-site that meets the standards of the [International Uniform Building Code](#), [International Uniform Mechanical Code](#), [International Uniform Plumbing Code](#), and National Electrical Code as adopted by the City of Show Low [and designed to be installed on a permanent foundation](#).

Motel: A building or group of buildings containing guest rooms or apartments used primarily for the accommodation of motorists, and providing adequate automobile parking on the premises.

Natural: The condition of the land, vegetation, rocks, and other surface features which have not been physically disturbed, changed or added to by any action of man or machine.

Nonchartered financial institution: Any business, including accessory uses, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services, vehicle title loans, and loans for payment of a percentage or graduated fee. Specifically included are check cashing and pawn shop businesses that charge a percentage or graduated fee for cashing a check or negotiable instrument and “payday loan” businesses which make loans upon assignment of wages received, or businesses that function as deferred presentment services. Automobile dealers shall not be considered nonchartered financial institutions.

Nonconforming structure: A structure which was lawfully erected prior to the adoption of the ordinance codified in this chapter but which, under this title, does not conform with the standards of development and construction, lot coverage, yard spaces, height of structures, distance between structures or other standards prescribed in the regulations for the district in which the structure is located. (See Chapter [19.95](#).)

Nonconforming use: The use of a structure or land which was lawfully established and maintained prior to the adoption of this title but which, under this title, does not conform to the use regulations for the district in which it is located.

Nuisance: See Section [7.20.010](#).

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

Nursing home: A health care facility for extended care and convalescent care, regulated by the state health department and licensed by the state of Arizona.

Office: A room or rooms and accessory facilities for the managing or conducting of a business.

Off-street parking and loading facilities: A site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles and access driveways. (See Chapter [19.105](#).)

Open space: Usable open space. (See “Usable open space.”)

Outdoor storage: The location of any goods, services, wares, merchandise, commodities, junk, debris, vehicles or any other item outside of a completely enclosed building for a continual period longer than twenty-four (24) hours. Does not include new and used vehicle sales operating under an approved business permit.

Out-parcel pad: As defined in Chapter [19.100](#).

Parcel: A legally created plot of land.

Park: A public or private parcel of land developed and used for passive or active recreation.

Parking area: An area designed and constructed and used exclusively for the parking, storage and maneuvering of vehicles. (See Chapter [19.105](#).)

Planning and zoning commission: The planning and zoning commission of the City of Show Low. (See Section [19.10.040](#).)

Planning and Zoning Director: Staff person designated by the city manager to hold such position. In the absence of such a person, the city manager serves as the planning and zoning director.

Principal use: The main use of land or structures as distinguished from a secondary or accessory use.

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

Public building: Facilities for conducting public business constructed for various public agencies, including all federal, state, county, and city offices and buildings.

Public hearing: Hearings to receive public testimony.

Public utility: Private or public facilities for distribution of various services, such as water, power, gas, communication, etc., to the public.

Recreation facilities: Includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.

Recreational vehicle: A vehicular type unit primarily designed as living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This includes motor homes, self-contained travel trailers, campers, park models, etc.

Recreational vehicle park: Facilities for the storage, parking and maneuvering of recreational vehicles (motor homes, travel trailers, campers, park models, etc.) with adequate roads and staff sites, including sanitary and water facilities. Does not constitute a manufactured home park.

Restaurant: An establishment which serves food or beverages only to persons seated within the building. This includes cafes, tea rooms, and similar establishments.

Retail store: A commercial business for selling goods, services, wares or merchandise directly to the consumer, but not including a professional office.

Right-of-way: Includes any public or private right-of-way and includes any area required for public use pursuant to any official plan.

Salvage yard: Any land or building used for the abandonment, storage, recycling, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discard materials, or for the abandonment, demolition, dismantling, recycling, storage, or salvaging of automobiles or other vehicles not in running condition, or machinery, or parts thereof.

School, elementary, junior high, high school, college, or junior college: Public and other institutions conducting regular academic instruction at kindergarten, elementary, secondary, and tertiary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the state board of education or the state board of regents.

School, nursery: A building or buildings or the use of a site or a portion of a site for an organized program devoted to the education or day care of six (6) or more children of elementary school age or younger other than those residents on the site. Includes day care center.

School, private or parochial: An institution conducting regular academic instruction at kindergarten, elementary, secondary, and tertiary levels operated by a nongovernmental organization.

School, trade: Schools offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by a nongovernmental organization.

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

Shopping center: A group of retail stores or professional offices planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the unit.

Sign: Any identification, description, illustration, or device which is affixed directly or indirectly upon a building, structure or land which directs attention to a product, place, activity, person, institution, or business and which is visible from any public street, waterway, alley or public place, and shall include banners and similar services. A vehicle-mounted sign on a vehicle that is habitually parked or stationed at the site of a business and serves to advertise or identify the business shall be construed as a sign for the purpose of this title. National flags and flags of government shall not be construed as signs.

Sign area: As defined in Chapter [19.100](#).

Sign, canopy: As defined in Chapter [19.100](#).

Sign, costume: As defined in Chapter [19.100](#).

Sign, development: As defined in Chapter [19.100](#).

Sign, directional: As defined in Chapter [19.100](#).

Sign, entrance and exit: As defined in Chapter [19.100](#).

Sign, freestanding: As defined in Chapter [19.100](#).

Sign height: As defined in Chapter [19.100](#).

Sign, monument: As defined in Chapter [19.100](#).

Sign, off-site: As defined in Chapter [19.100](#).

Sign, over-the-highway banner: As defined in Chapter [19.100](#).

Sign, political: As defined in Chapter [19.100](#).

Sign, portable: As defined in Chapter [19.100](#).

Sign, projecting: As defined in Chapter [19.100](#).

Sign, property sale, rental, or lease: As defined in Chapter [19.100](#).

Sign, special event: As defined in Chapter [19.100](#).

Sign, structure: As defined in Chapter [19.100](#).

Sign, temporary: As defined in Chapter [19.100](#).

Sign, transient merchant: As defined in Chapter [19.100](#).

Sign, vehicle: As defined in Chapter [19.100](#).

Sign, walker: As defined in Chapter [19.100](#).

Sign, wall: As defined in Chapter [19.100](#).

Sign, window: As defined in Chapter [19.100](#).

Special event: Any event or multiple events that do not occur on a frequent basis, that occur upon public or private property, which the general public is invited to watch, participate in, purchase goods or services from; these events include but are not limited to fairs, festivals, carnivals, fundraisers, car shows, gun shows, trade shows, rodeos, athletic events, markets, parades, exhibitions, auctions, and concerts.

Stable: A detached accessory structure including, but not limited to, a corral or paddock for the keeping of one (1) or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

Stable, commercial: A structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

Store: A building where manufactured or ready-made items can be purchased.

Street: A right-of-way, dedicated and accepted by the City of Show Low, for public uses, which provides the principal vehicular and pedestrian access to adjacent properties.

Street frontage: As defined in Chapter [19.100](#).

Street line: The boundary line between street right-of-way and abutting property.

Structure: Anything constructed or erected which requires a fixed location on or below the ground, including a building or manufactured home, but not including a fence or wall used as a fence.

Subdivision: Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land; or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided. "Subdivision" does not include the following:

- (1) The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- (2) The partitioning of land in accordance with other common ownership.
- (3) The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

Swimming pool: Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.

Temporary merchant or vendor: As defined in [Section 16.05.010](#).

Temporary use: A use which occurs for a specific time period from either a temporary structure or location.

Time and temperature unit: As defined in Chapter [19.100](#).

~~*Transient merchant or vendor:* As defined in Section [16.05.010](#).~~

Travel trailer: A portable structure without motive power, with wheels built on a chassis, designed as a temporary dwelling for travel, recreation, and vacation purposes, having a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet.

Usable open space: Space which can be enjoyed by people. This could include landscaping plazas, grass and trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Usable open space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.

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

Use, accessory: A use which is incidental, related, appropriate, and clearly subordinate to the principal use of the lot or building, and which does not alter the principal use of the lot or building.

Use, conditional: A use is listed as a “conditional use” in any given zone district or other part of this title. Such use shall require a “conditional use permit” in order to be established within that zone district, and shall be subject to all conditions and requirements imposed by the planning and zoning commission in connection with the conditional use permit in addition to conditions and requirements imposed by all other regulatory agencies.

Use, permitted: A use which is listed as a “permitted use” in any given zone district. Such use shall be allowed to be established within that zone district, subject to the specific requirements of this title.

Variance: See Chapter [19.135](#).

Vehicle, delivery: As defined in Chapter [19.100](#).

Wall: Any device forming a physical barrier which is so constructed that fifty (50) percent or more of the vertical surface is closed preventing the passage of light, air and vision through said surface.

Warehouse: A building or buildings used for the storage of goods.

Wholesale: The sale of goods or materials for the purposes of resale.

Yard: Open and unoccupied space on a lot or parcel.

Yard, front: A yard, the depth of which is the minimum required horizontal distance between the ~~street front~~ line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

Yard, rear: A yard, the depth of which is the minimum required horizontal distance between the rear lot line and a line parallel thereto on the lot, which yard extends across the full width of the lot.

Yard, side: A yard, the width of which is the minimum required horizontal distance between the side lot line and a line parallel thereto on the lot, not including any portion of a required front yard or required rear yard.

Zone: A district classification established by this title which limits or permits various and specific uses.

Zone district: A zone area in which the same zoning regulations apply throughout the district.

Zoning director: The official responsible for enforcement of the zoning ordinance and/or his/her designee. (See Section [19.10.060](#).) (Ord. No. 387, § 3, 6-6-95; Ord. No. 498, § 1, 8-7-01; Ord. No. 2008-04, § 1, 4-1-08; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-21)

Chapter 19.10

ADMINISTRATION¹

Sections:

19.10.010	Short title.
19.10.020	Purpose.
19.10.030	Interpretation and application.
19.10.040	Planning and zoning commission.
19.10.050	Board of adjustment.
19.10.060	Zoning director.

19.10.070	Enforcement.
19.10.080	Violation and penalty.
19.10.090	Severability.
19.10.100	Text amendments and zone changes.
19.10.110	Council to establish fees.

¹ Prior legislation: Ord. Nos. [145](#), [158](#), [224](#), [231](#), [241](#) and [323R](#).

19.10.010 Short title.

This title shall be known as “The zoning ordinance of the City of Show Low.” (Ord. No. 387, § 3, 6-6-95. 1976 Code § 15-1-1)

19.10.020 Purpose.

The purposes of this title are to implement the general plan of the City of Show Low; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to lessen congestion in the streets; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; to provide for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of land resources; and to otherwise promote the health, safety, convenience, and general welfare of the citizens of the City of Show Low, Arizona. (Ord. No. 387, § 3, 6-6-95. 1976 Code § 15-1-2)

19.10.030 Interpretation and application.

In its interpretation and application, the provisions of this title shall be held to be minimum requirements for the implementation of the general plan of the City of Show Low, and for the promotion of the public health, safety, and general welfare. It is not intended by this title to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this title, or with restrictions placed upon property by covenant, deed, or other agreement between parties; provided, that where this title

imposes a greater restriction on land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this title shall control. (Ord. No. 387, § 3, 6-6-95. 1976 Code § 15-1-3)

19.10.040 Planning and zoning commission.

(A) Establishment – Composition – Terms of Members – Vacancies – Compensation of Members.

There is hereby established a planning and zoning commission of the City of Show Low to consist of seven (7) members, all residents of the city, to be appointed by the city council. The members of the commission shall serve for terms of four (4) years. In the event of a death, resignation, or removal from the commission, the vacancy shall be filled by the council for the unexpired term. Members of the commission may 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. All members shall serve with pay in an amount established by the city council, and may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the commission and approval of such expenditures by the city council.

(B) Powers and Duties. It shall be the duty of the commission:

- (1) To formulate for recommendation any lawful plan for adoption by the council for growth and development.
- (2) To make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the City of Show Low.
- (3) To recommend to the council revisions in such plans which, in the opinion of the commission, are for the best interest of the citizens of the City of Show Low.
- (4) To hold public hearings where necessary.
- (5) To make recommendations to the council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this title.
- (6) To carry out the specific duties as prescribed by this section.

(7) To undertake all activities usually associated therewith and commonly known as “planning and zoning.”

(8) To confer and advise with other city, county, regional, or state planning agencies and commissions.

~~(9) To coordinate the city energy conscious community program.~~

~~(10) To promote energy conservation through its plans, and implementation of the zoning ordinance.~~

~~(11) To develop energy policies and programs when necessary.~~

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

(D) *Quorum – Voting.* Four (4) members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for passage of any matter before the commission. A member may abstain from voting only upon a declaration that he/she has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

(E) *Rules – Regulations – Records – Meetings.* The commission shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the commission shall be open to the public. The minutes and records of all commission proceedings shall be kept and filed as public record in the office of the city clerk. (Ord. No. 387, § 3, 6-6-95; Ord. No. 2003-17, § 1, 10-21-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-4)

19.10.050 Board of adjustment.

(A) *Establishment.* There is hereby established a board of adjustment which shall consist of five (5) members to serve without compensation, each to be appointed by and to serve at the

pleasure of the mayor and council, for a term of four (4) years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. To the extent practicable the board should be comprised of persons familiar with land use, the building code or the technical trades. The members of the board shall elect a chair and a vice chair who shall serve for two (2) years and until their successors are elected. The chair shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar body. Meetings of the board shall be held at the call of the chair, and at such other times as the board may determine. The board shall adopt rules governing its proceedings. Such chair or, in the absence of the chair, the vice chair, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the city clerk and shall be public records.

(B) *Powers and Duties.*

(1) It shall be the duty of the board to:

- (a) Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning director in the enforcement of the zoning ordinance, and to reverse or affirm, wholly or partly, or modify the order, requirement, or decision of the zoning director appealed from, and make such order, requirement, decision or determination as necessary.
- (b) Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same zoning district in which such property is located.
- (c) Hear and decide requests for reasonable accommodation for an individual with a disability, or disability of an individual(s) who will reside at the property, under this chapter pursuant to state or federal law. Such requests may be approved, conditionally

approved, or denied in accordance with applicable law and may be appealed in the manner provided by A.R.S. § [9-462.06\(K\)](#).

(2) The board of adjustment may not:

(a) Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance, provided the restrictions in this section shall not affect the authority to grant variances pursuant to this title.

(b) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner. (Ord. No. 387, § 3, 6-6-95; Ord. No. 2004-08, § 1, 6-1-04; Ord. No. 2006-28, § 1, 12-19-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-5)

19.10.060 Zoning director.

(A) *Creation – Appointment.* There is hereby created the office of zoning director of the City of Show Low.

(B) *Powers and Duties.* The zoning director shall:

(1) Enforce the zoning ordinance.

(2) Accomplish all administrative actions required by the ordinance.

(3) Undertake preliminary negotiation with, and provide advice to, all applicants for zoning adjustment action, use permits, plan review or other action of the zoning director, the planning and zoning commission, or the board of adjustment.

(4) Subject to general and specific policy laid down by the planning and zoning commission and the city council, interpret the zoning ordinance to members of the public, city departments, and other branches of government. (Ord. No. 387, § 3, 6-6-95; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-7)

19.10.070 Enforcement.

This title shall be enforced by the zoning director who shall in no case grant permission for the issuance of any permit for the construction, reconstruction, alteration, demolition, movement or use of any building, structure, lot, or parcel if he determines that the building, structure, lot or parcel as proposed to be constructed, reconstructed, altered, used, or moved, would be in violation of any of the provisions of this title, unless directed to issue such permit by the board of adjustment after interpretation of the ordinance or the granting of variance, or by the city council after interpretation of this title. (Ord. No. 387, § 3, 6-6-95; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-8)

19.10.080 Violation and penalty.

It is hereby declared to be unlawful to construct, erect, install, alter, change, demolish, maintain, or use any house, building, structure, or fence or to use any lot or parcel contrary to, or in violation of, any provision of this title. Any person, firm, or corporation violating any of the provisions of this title shall be guilty of a civil violation punishable as provided in Section [1.25.010\(A\)](#). In addition, the provisions of this title may be enforced through any procedure or remedy provided by law including injunctive relief as provided by state statute. (Ord. No. 387, § 3, 6-6-95. 1976 Code § 15-1-9)

19.10.090 Severability.

If any part of the zoning ordinance of the City of Show Low is found to be invalid or unconstitutional by any court, such action shall not apply to the title as a whole, but only to that specific part, and it is intended and declared that all parts of said zoning ordinance of the City of Show Low not expressly declared to be invalid or unconstitutional shall continue in full force and effect notwithstanding so much thereof as may be declared to be invalid or unconstitutional. (Ord. No. 387, § 3, 6-6-95. 1976 Code § 15-1-10)

19.10.100 Text amendments and zone changes.

(A) *Purpose.* The purpose of this section is to allow amendments to the text of these zoning regulations or the zoning map so that the city may respond to changing conditions. The provisions of this section are not intended to relieve particular hardships nor to confer special privileges.

(B) *Application Process.*

(1) *Authorized Applicant.* An applicant for an amendment to change the zoning on any property shall be one (1) of the following:

- (a) The owner(s) and/or authorized agent of the property;
- (b) One (1) or more of several joint owners of property who own individually or as a group and hold a majority interest in the property;
- (c) Seventy-five (75) percent, or more, of the owners of property in the area and seventy-five (75) percent, or more, of the land area covered by the application when the application covers more than one (1) property;
- (d) The city council or planning and zoning commission on its own motion at a public meeting.

(2) *Submittal Requirements.* To have a zoning ordinance or zoning map amendment processed the applicant shall submit an application on a form provided by the planning and zoning department and shall comply with each of the following requirements, as deemed applicable by the planning and zoning director:

- (a) A pre-application meeting shall be arranged by the applicant with the planning and zoning director to discuss any proposed amendment prior to any application submittal.
- (b) A neighborhood meeting shall be coordinated through the planning and zoning director but conducted solely by the applicant with city staff attending for observation and general questions only. This neighborhood meeting shall take place prior to the application being deemed complete.

- (c) A narrative of how the proposed amendment is consistent with and conforms to the general plan and with the development plan map of the City of Show Low. Any contemplated uses shall be explained within the narrative, as well as outlining the neighboring land uses adjacent to the property.
- (d) The pre- and post-zoning densities for the particular subject property shall also be calculated and included into the narrative.
- (e) At least one (1) reasonably detailed and legible map no smaller than eight and one-half (8-1/2) inches by eleven (11) inches showing the particular property or properties that are being petitioned for a change and showing the adjoining properties and the public streets within a radius of three hundred (300) feet from the external boundaries of the proposed zoning map amendment. Indicate the ~~current ground cover~~, location of buildings and parking areas, and the setback of the existing buildings and parking areas.
- (f) A statement revealing any conditions or restrictions of record (if any), such as floodplain, deed restrictions, liens, etc., which would affect the permitted uses of the property if rezoned as requested and the date or dates (if any) of expiration thereof.
- (g) Such conceptual plans, photographs, drawings, building elevations, and other supporting documents (if any) as the applicant may desire to present or deemed necessary by the planning and zoning director.
- (h) Mandatory applicant attendance: Applicants, or their representative with authority to speak for and bind the applicant, shall be present at all meetings and public hearings required under this section.
- (i) *Representations of Applicant Binding.* All representations by the applicant, or by the applicant's authorized representative, made in writing, or during any city public meeting or public hearing, or by any submitted plan, plat, drawing or other graphic depiction in support of the application, and designated in the record by the planning and zoning commission and/or city council, shall be deemed to be conditions of approval.
- (j) Diminution of fair market value waiver required: An executed, notarized waiver by the owner of the subject property of any and all claims for diminution in fair market

value as defined by A.R.S. § [12-1134](#) arising out of the subject application shall be submitted.

(C) *Staff Review.* A completed application for an amendment to the text of these regulations or the zoning map shall be submitted to the planning and zoning director at least twenty-five (25) days prior to the public hearing. The required twenty-five (25) day period shall commence once a complete application has been received and deemed complete by the planning and zoning director or designee and shall not include the day of submittal, nor shall it include the day of the meeting. The recommendation shall be submitted to the planning and zoning commission prior to the scheduled public hearing. The recommendation shall set forth whether the amendment or rezoning should be granted, granted with conditions, or denied, and the grounds for any such recommendations as they relate to the standards and purposes of the zoning district classifications set forth in this chapter.

(D) *Standards for Reviewing Proposed Amendments.* All proposed amendments shall be evaluated to ensure the application is consistent with and conforms to the general plan and any other adopted plans. The proposed change shall not be detrimental to the majority of the persons or property in the surrounding area, nor to the community in general.

(E) *Public Hearing.* The planning and zoning commission shall at a minimum give notice and shall conduct a public hearing on the application in accordance with the requirements of A.R.S. § [9-462.04](#) and amendments thereto. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

(F) *Commission Action.* The planning and zoning commission shall review the application and the testimony presented in the public hearing and shall render a decision at the conclusion of or within thirty (30) days after the public hearing in the form of a written recommendation to the city council. The recommendation shall include the standards for review, the commission's findings of fact and its recommendation. If more information is requested by the commission, the public hearing may be continued one (1) time to a specific date not to exceed thirty (30) days from the originally scheduled public hearing.

(G) *Council Action.*

- (1) Once the commission has held a public hearing, the council may adopt the recommendation of the commission without holding a public hearing if there is no

objection, no request for public hearing, or other protest. If requested by any aggrieved party, any member of the public and/or any member of the city council, the council shall give notice and shall conduct a public hearing on the application in accordance with the requirements of A.R.S. § [9-462.04](#) and amendments thereto. If a public hearing is held by the city council a decision shall be rendered at the conclusion of or within thirty (30) days after the public hearing.

(2) If the owners of twenty (20) percent or more, either of the area of the parcel(s) of land included in the proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite parcels of land, file a protest in writing against a proposed amendment, the amendment shall not become effective except by a favorable vote of three-fourths (3/4) of all members of the city council. If any member of the city council is unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) 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 legally established governing body.

(3) A decision of the council involving rezoning of land which is not owned by the city and which changes the zoning classification of such land may not be enacted as an emergency measure and such change shall not be effective for at least thirty (30) days after final approval of the change in classification by the council.

(4) The city council may attach conditions to a rezoning request as are necessary to carry out the purposes of the general plan or other adopted plans and ensure compatibility with adjacent land uses. Except as modified by actions of the city council, conditions adopted by ordinance in accordance with prior law shall remain in full force and effect. A violation of any condition shall be considered to be a violation of these regulations. The city council may approve a change of zoning district conditioned upon one (1) or more of the following:

- (a) A requirement that development proceed in accordance with a specific area plan, site plan, conceptual plan and/or development schedule.
- (b) A requirement of public dedication of rights-of-way as streets, alleys, public ways, drainage and public utilities, and installation of off-site improvements as are reasonably required by or related to the effect of the rezoning.

(H) *Reversion*. The city council may approve a change of zoning district conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

(I) *Reconsideration of Denied Amendments*. In the event that a petition for an amendment is denied by the city council, or is withdrawn after the conclusion of the commission hearing, the commission shall not consider the petition or any other petition for the same or substantially the same amendment as it applies to the same property or zoning ordinance text described in the original petition, or any part thereof, within a period of one (1) year from the date of such denial action or withdrawal, unless the conditions upon which the original denial or withdrawal was based have changed. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 2, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-31)

19.10.110 Council to establish fees.

The common council of the City of Show Low may from time to time establish and set by resolution the amount of charges for all planning and zoning applications and statements within the jurisdiction of the City of Show Low. (Ord. No. 214, § 1, 11-28-84. 1976 Code § 15-2-1)

Chapter 19.15

ZONING AMENDMENTS – PLAN REVIEW

Sections:

19.15.010	Purpose.
19.15.020	Site plan required.
19.15.030	Exceptions.
19.15.040	Site plan and support documents.
19.15.050	Review procedures.

19.15.060	Appeals.
19.15.070	Expiration of plan approval.
19.15.080	Violation and enforcement.

19.15.010 Purpose.

The purpose of this chapter is to detail the requirements under which the planning and zoning director shall evaluate conformity of proposed development with the intent and provisions of this title and all other city ordinances. The provisions of this chapter shall apply to the permitted and conditional uses as specified for each zoning district. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-33(A))

19.15.020 Site plan required.

Except as exempted by the provisions of Section [19.15.030](#), a site plan shall be required prior to the establishment of any building, structure, or use constructed or to be constructed, or change in use on any site in any district within the city. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-33(B))

19.15.030 Exceptions.

Developments meeting the following criteria shall be exempt from the requirements to submit a development site plan. All development shall meet requirements contained within the building permit:

(A) Single-family residences and accessory buildings constructed in areas zoned as residential or manufactured home, including previously approved subdivisions.

(B) Modifications to an existing structure or similarity in the change of uses as determined by the director. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-33(C))

19.15.040 Site plan and support documents.

A request for site plan review shall be filed with and on a form prescribed by the director. Four (4) identical copies of the plan shall accompany the request for review. Each copy shall be on one (1) or more sheets of paper measuring not less than eleven (11) inches by seventeen (17) inches, drawn to a scale not smaller than forty (40) feet to the inch. Large scale projects shall be submitted on paper measuring not less than twenty-four (24) inches by thirty-six (36) inches.

- (A) Location sketch with adjacent zoning and land uses;
- (B) Lot dimensions;
- (C) Location, size, height, use and exterior materials of both existing and proposed buildings and structures, including distances from all structures to all property boundaries;
- (D) Size and dimensions of yards and space between buildings;
- (E) Parking and circulation areas;
- (F) Location, height, and composition of walls and fences;
- (G) The location, dimensions, area, materials and lighting of signs;
- (H) Exterior lighting, if any, and the type of lighting, height and areas of illumination;
- (I) Percentage of the site covered by impervious surfaces, both existing and proposed;
- (J) Percentage of the site covered by any and all structures, both existing and proposed;
- (K) Street dedications and improvements;
- (L) Right-of-way dimensions of all abutting streets, whether public or private, and access to the site;
- (M) Locations, dimensions and description of all existing or proposed easements;
- (N) Existing and proposed grades and drainage systems;
- (O) The size and location of all existing and proposed public and private utilities;

(P) Natural features, such as mesas, rock outcroppings, or streams and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered;

(Q) A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer;

(R) The future land use designation for the site;

(S) Service areas for uses such as loading areas and refuse disposal;

(T) The location(s) of the nearest fire hydrant(s);

(U) Building drawings, including floor plans and elevations of all principal and accessory buildings, may be provided, if available. Include facade and fascia treatments if applicable;

(V) Abutting land uses;

(W) *Landscape Plan*. For larger projects, the director may require a separate submittal of this plan drawn to scale, indicating the following information:

(1) All walks or paths, vehicular drives, parking lots, building entrances, free-standing light fixtures, service or loading areas, signs and locations, open spaces, plazas and recreation amenities with general construction materials noted;

(2) All slopes within the site are to be called out (i.e., 2:1, 3:1, 4:1, etc.). Specify if site consists entirely of slopes that are less than 50:1. All depressed and mounded areas shall be identified with general contour lines and/or proposed elevations. Note any area to be used for detention;

(3) A legend shall be included which shows symbols on plan, quantity, type of plant, minimum purchase size and any necessary comments such as ground cover spacing or necessary guying and staking. The legend shall also reflect square footage of each type of ground treatment (i.e., bluegrass, cobble, alternative grass mix, bark chips, etc.);

(X) *Parking Plan*. A parking plan, drawn to scale, shall be submitted. The director may require a separate submittal for this plan based on the scale of the project, which shall include elements as required by Chapter [19.105](#);

~~(Y) Letters from affected utilities shall be submitted with the site plan indicating ability to service the subject property;~~

~~(YZ)~~ *Traffic Control Devices and Street Lighting.*

(1) If the director determines that a proposed development may significantly impact existing traffic patterns, a traffic study may be required. This study shall be conducted by a registered traffic engineer. The city, at the option of the council, may enter into an agreement with the developer and/or potential third party to provide funds for a proportional share of improvement costs necessary to maintain a satisfactory level of service;

(2) For all public streets adjacent to the site, the developer shall be responsible for providing any additional streetlights required to ensure an adequate level of lighting as determined by city staff;

~~(ZAA)~~ *Development Schedule.*

(1) In conjunction with the submitted site plan and supporting documents, the developer shall submit a development schedule indicating, to the best of the developer's knowledge, the timeline for all improvements to be in place, including utilities, roadways, drainage and landscaping.

(2) For any development proposed to be constructed in phases, the developer shall submit a master plan for the entire project which must be approved by the director before any phase of the project can be approved or constructed;

~~(AABB)~~ The director may follow Section [19.80.070\(D\)\(16\)](#) when, in his/her opinion, project scope and/or size does not merit all of the above requirements;

~~(BBCC)~~ *Diminution of Fair Market Value Waiver Required.* An executed, notarized waiver by the owner of the subject property of any and all claims for diminution in fair market value as defined by A.R.S. § [12-1134](#) arising out of the subject application shall be submitted. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-33(D))

19.15.050 Review procedures.

(A) A pre-application conference with the director is required for all multifamily projects. All commercial and industrial projects consisting of more than three thousand (3,000) square feet also require a pre-application conference. A pre-application conference is suggested for all other projects.

(B) The director shall have fifteen (15) working days from the date of the submission of the plan application to review said plan and approve, conditionally approve, or reject said plan based on its compliance with all provisions of this chapter, all other ordinances, and master plans of the city, and to notify the applicant of his/her decision in writing. If, however, the director wishes to obtain the opinion of the planning and zoning commission, he/she may, at his/her discretion, forward the plan to the commission for action at their next regular meeting and shall notify the applicant of such meeting. In such case, the director must render his/her decision within five (5) days after commission action. In the event of denial, the decision shall set forth in detail the reasons for denial or, in the event of conditional approval, the changes or additions which are necessary to make said plans acceptable.

(C) All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the director or his/her designee. One (1) copy of said approved plan and conditions shall be provided to the applicant, and one (1) copy shall be retained by the city~~filed with the building inspector~~. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-33(E))

19.15.060 Appeals.

Any applicant for plan approval who is dissatisfied or aggrieved by the decision of the director may appeal such decision in accordance with Chapter [19.135](#). (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-33(F))

19.15.070 Expiration of plan approval.

(A) Site plan approval automatically becomes void after twelve (12) months from date of approval if a building permit has not been issued.

(B) The director may grant an extension, when justified, of up to a maximum of six (6) months if the applicant files for said extension prior to the approval becoming void. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-33(G))

19.15.080 Violation and enforcement.

(A) Prior to the issuance of a building permit, the building ~~official~~department shall ascertain that the director has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this section have not elapsed.

(B) The building ~~official~~department shall ensure that all matters are undertaken according to the conditions of the approved plan. In the event of a violation, the building official or designee shall be authorized to place a stop work notice which shall be in effect until said violation is resolved. ~~director shall notify the permittee that he/she is in violation of the conditions of the approved plan. If the violation is not rectified, or rectification has not substantially begun in the opinion of the director within thirty (30) days after notification, the building permit shall be suspended and a stop work notice shall be in effect until the problem is resolved.~~ (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-33(H))

Chapter 19.20

CONDITIONAL USE PERMITS

Sections:

19.20.010	Purpose.
19.20.020	General regulations.
19.20.030	Application process.
19.20.040	Staff review.
19.20.050	Standards for reviewing conditional use permits.
19.20.060	Notification requirements.
19.20.070	Commission action.
19.20.080	Appeals.
19.20.090	Time limits.

19.20.100 Revocation and enforcement.**19.20.010 Purpose.**

Every zoning district contains certain uses of land which are normal and complementary to permitted uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets, or similar conditions, are potentially incompatible with adjacent activities and uses. It is the intent of this chapter to permit conditional uses if the use can be designed and developed in a manner which assures maximum compatibility with adjoining uses. It is the purpose of this chapter to establish principles and procedures essential to proper guidance and control of such uses. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(A))

19.20.020 General regulations.

(A) Zoning district regulations established elsewhere in this chapter specify that certain uses of land may be allowed by the commission as conditional uses in a given district subject to the provisions of this section and the requirements set forth in district regulations. The planning and zoning commission is empowered to grant or to deny applications for conditional use permits and to impose conditions upon them.

(B) Any use, legally established and in compliance with the rules and regulations of the state of Arizona and the City of Show Low, that is existing on the effective date of the ordinance codified in this chapter which is reclassified as a conditional use by this chapter for the district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by this chapter, and its continuance shall not be subject to issuance of a conditional use permit; provided, however, that to the extent that such use fails to conform to the requirements of this chapter, it shall be considered nonconforming as described in Chapter [19.95](#), and its continuance shall be governed by all nonconforming use regulations applicable thereto.

(C) Every conditional use permit issued shall be applicable only to the specific conditional use and to the specific property for which it is issued and shall run with the property until revoked or until such time as the use is discontinued. The maintenance of special conditions imposed by the permit, as well as the compliance with other provisions of this chapter, shall be the responsibility of the property owner. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(B))

19.20.030 Application process.

(A) *Authorized Applicant.* An applicant for a conditional use permit shall be one (1) of the following:

- (1) The owner(s) and/or authorized agent of the property;
- (2) Any person with a potential interest in the property, together with the name, address and signature of the owner and/or authorized agent of the property.

(B) *Submittal Requirements.* Application for a conditional use permit shall be filed with the planning and zoning department on a form provided by the planning and zoning department. The applicant shall provide the planning and zoning director with a detailed site plan with the information requested in Chapter [19.15](#), and the narrative information as requested on the application form. An applicant shall also furnish the commission any additional information the planning and zoning director may consider relevant.

(C) *Mandatory Applicant Attendance.* Applicants, or their representative with authority to speak for and bind the applicant, shall be present at all meetings and public hearings required under this section.

(D) *Representations of Applicant Binding.* All representations by the applicant, or by the applicant's authorized representative, made in writing, or during any city public meeting or public hearing, or by any submitted plan, plat, drawing or other graphic depiction in support of the application, and designated in the record by the planning and zoning commission and/or city council, shall be deemed to be conditions of approval.

(E) *Diminution of Fair Market Value Waiver Required.* An executed, notarized waiver by the owner of the subject property of any and all claims for diminution in fair market value as defined by

A.R.S. § [12-1134](#) arising out of the subject application shall be submitted. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(C))

19.20.040 Staff review.

An application for a conditional use permit shall be submitted to the planning and zoning director at least twenty-one (21) days prior to the public meeting. The required twenty-one (21) day period shall commence once a complete application has been received as deemed by the planning and zoning director or designee and shall not include the day of submittal, nor shall it include the day of the meeting. The recommendation shall be submitted to the planning and zoning commission prior to the scheduled public meeting. The recommendation shall set forth whether the conditional use permit should be granted, granted with conditions, denied, or set for a public hearing. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(D))

19.20.050 Standards for reviewing conditional use permits.

All conditional use permits shall be evaluated for the following standards:

- (A) The application shall be consistent with and conform to the general plan and any other adopted plans;
 - (B) There shall be no significant adverse or intrusive effect upon property within three hundred (300) feet of the external boundaries of the subject property as a result of the proposed use; and
 - (C) The proposed change would not be detrimental to the public health, safety and general welfare of the persons or property in the surrounding area, nor to the community in general.
- (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(E))

19.20.060 Notification requirements.

Notice of the nature of the conditional use permit application and the date of the meeting at which it will be considered shall be posted on the property and shall be mailed to the owners of all real property within three hundred (300) feet of the property for which application is made at least ten (10) days prior to the meeting. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(F))

19.20.070 Commission action.

Based on the application, site plan, standards of review, staff's recommendation and any other presented information the commission has the following options in rendering a decision:

- (A) The commission may grant a conditional use permit with conditions the commission deems necessary to secure the intent and purpose of this section and require such guarantees and evidence that such conditions are being, or will be, complied with as the commission may desire.
- (B) Deny the conditional use permit. If the commission finds that the application and supporting data do not indicate that all applicable conditions and requirements of this section will be met, it shall deny the permit. Notice of denial, including reasons therefor, shall be mailed to the applicant at the address shown in the application, and the commission shall report its actions to the city council.
- (C) At its discretion, set the matter for a public hearing. If the commission does set the matter for public hearing, notice thereof shall be given to the public by publication of a notice in the official newspaper of the city and by posting the property included in the application not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered and a general description of the area affected.

(D) Continue the matter one (1) time to a specific date not to exceed thirty (30) days from the original meeting date. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(G))

19.20.080 Appeals.

(A) Any aggrieved person may file an appeal with the city council regarding any decision of the planning and zoning commission regarding the commission's action on a conditional use permit by filing a written notice of appeal with the city clerk specifying the request. This appeal shall outline the specific nature of the concern, the impacts on neighboring properties, and the city as a whole, and the individual's standing as an aggrieved person. If no appeal is filed with the council within seven (7) days after commission action, the action of the commission shall be considered final.

(B) When an appeal is filed with the city clerk, the planning and zoning director shall place the item on the next available regular city council meeting agenda, or, in the alternative, the planning and zoning director may set the matter for public hearing before the council as per the notification requirements outlined in Section [19.20.070\(C\)](#). Notice shall be given to the planning and zoning commission of such appeal and the commission shall submit a report to the council prior to the hearing setting forth the reasons for its action taken. The commission shall be represented at the hearing by the commission chairman or his designee.

(C) Council Action.

(1) May grant or deny it; the council may elect to set the matter for a public hearing, and the latter action shall require notification as outlined in Section [19.20.070\(C\)](#).

(2) The council shall, within fifteen (15) days of the public hearing, either uphold the decision of the planning and zoning commission or make a decision of its own. The council is not bound by the record of the commission's findings and/or decision in reaching its decision.

(3) The council may grant a conditional use permit with conditions the council deems necessary to secure the intent and purpose of this section and require such guarantees and evidence that such conditions are being, or will be, complied with as the council may desire.

(4) The council's decision shall be final and shall become effective immediately. Notice of the decision shall forthwith be mailed to the applicant at the address shown in the application. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(H))

19.20.090 Time limits.

(A) Conditional use permits become effective seven (7) days after approval by the planning and zoning commission, but in the event an appeal is filed, said permit shall not become effective until a decision upholding granting of the permit is arrived at by the council.

(B) The construction of any improvements allowed by a conditional use permit shall commence within twelve (12) months or as otherwise stipulated by the commission and must be completed within eighteen (18) months or as otherwise stipulated by the commission in accordance with the development plan, unless extended by the planning and zoning commission, otherwise the conditional use permit shall become null and void.

(C) The commission may establish a time limitation for specific conditional use permits and prior to the termination of this time limit, the commission may reconsider said use permit to determine if the permit should be reissued for an additional time period or be terminated.

(D) A conditional use permit shall not be effective until the conditions of the permit are fulfilled unless specific clarifications on the conditional use permit as to timing of compliance are present.

(E) If a time limit is not established by the commission, and the conditional use is discontinued for more than twelve (12) months, a new conditional use permit shall be required.

(F) An applicant may submit a master plan of a proposed development which requires a conditional use permit and have the development approved by the commission. No further conditional use permit process will be necessary to implement this plan as long as it is in substantial compliance with the master plan and is completed within the time period established by the commission.

(G) No person shall reapply for the same or substantially the same use permit on the same or substantially the same plot, lot, or parcel of land within a period of one (1) year from the date of

denial or revocation of said use permit. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(I))

19.20.100 Revocation and enforcement.

(A) Use permits granted in accordance with the provisions of this chapter may be revoked if any of the conditions or terms of the permit are violated or if any law or division is violated in connection therewith. The planning and zoning director shall notify the permittee of a violation of a conditional use permit. If the violation is not remedied or the remedy is not substantially begun in the opinion of the planning and zoning director, the permittee shall be served with a notice that the planning and zoning commission will consider revocation of the conditional use permit at a commission meeting specified in the notice. This commission meeting shall not be held less than ten (10) days after the notice is mailed by certified mail or by personal delivery. If the commission decides to revoke the permit, the property owner shall cease the use for which the conditional use permit was issued.

(B) Failure to comply with the conditional use permit or the standards of this chapter may result in a complaint being filed in the magistrate court as per Section [19.10.080](#). (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(J))

Chapter 19.25 GENERAL REGULATIONS

Sections:

19.25.010	Application.
19.25.020	Use restrictions.
19.25.030	Expansion of existing uses.
19.25.040	Division of recorded lots.
19.25.050	Public street access.
19.25.060	Yard, lot, and area requirements.
19.25.070	Height requirements.
19.25.080	Height limitations on corner lots.

19.25.090	Walls and fences.
19.25.100	Dumping, excavation, filling, clearing and grubbing.
19.25.110	Outdoor storage.
19.25.120	Storage and parking of manufactured homes and trailers.
19.25.130	Home occupations.
19.25.140	Animals and pets.
19.25.150	Temporary uses.
19.25.160	Garage sales.
19.25.170	Trash enclosures and outdoor recycling drop-off containers.
19.25.180	Structures near airplane runway or landing strip.
19.25.190	Performance standards.
19.25.200	Campgrounds.
19.25.210	Recreational vehicle parks.
19.25.220	Visual corridors and aesthetics.
19.25.230	Guest units/houses.
19.25.240	Murals.

19.25.010 Application.

Except as hereinafter provided, no building, structure, or premises shall be used and no building or structure or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished, or materially altered except in conformity with these provisions and the provisions of the zone in which it is located. Any use that is not specifically allowed is prohibited. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(A))

19.25.020 Use restrictions.

(A) *Permitted Uses.* Those uses listed as permitted uses may be established within any zone district in which they are listed, subject to the specific requirements of this title. All other uses shall be prohibited except as otherwise provided in this title. Because no list of uses can be

complete, decisions on specific uses not identified as permitted or conditional uses herein will be made by the planning and zoning director.

(B) *Conditional Uses.* Those uses listed as conditional uses shall require a conditional use permit in order to be established within the zone district in which they are listed, and shall be subject to all conditions imposed by the planning and zoning commission in connection with the conditional use permit. Because no list of uses can be complete, decisions on specific uses not identified as permitted or conditional uses herein will be made by the planning and zoning director.

(C) *Accessory Uses.* A use which is incidental, related, appropriate, and clearly subordinate to the principal use of the lot or building, and which does not alter the principal use of the lot or building, may be established within any given zone district after the issuance of a building permit for the principal use. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(B))

19.25.030 Expansion of existing uses.

A permit may be issued for an accessory building and/or expansion of a permitted building on any lot which existed on the property prior to September 1, 1987, and which does not conform to the street access requirements in Section [19.25.050](#) if the property is otherwise in conformance with this and all other applicable codes. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(C))

19.25.040 Division of recorded lots.

No lot may be divided to create any lot that does not conform with these regulations or the subdivision regulations of the city. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(D))

19.25.050 Public street access.

(A) A development permit for a building, structure or use located on an undeveloped lot shall be issued only if the lot abuts a street. A development permit for a building or structure located on a residentially zoned lot that does not abut a street may be issued, provided the following conditions are met:

(1) The lot legally existed, or is restored to substantially the same condition to which it legally existed prior to ~~was created before~~ September 1, 1987.

(2) Access from a street over intervening lot(s) is provided by an access way having a minimum unobstructed width of twenty (20) feet, and the applicant has submitted evidence satisfactory to the planning and zoning director that the access way has been legally created in a manner which imposes upon the applicant and any intervening lot owners subject to the access way the obligation to keep open and maintain the access way. If documentation of the existence of the access way does not impose the responsibility for maintenance and a duty to keep the access way open upon the applicant and other affected owners, then the applicant shall record an acknowledgment in a form acceptable to the planning and zoning director that the city will not maintain the access way and that emergency service vehicles may not always be able to access the applicant's lot.

(3) The applicant shall provide for future street access to the lot. If future street access to the lot is shown on the Show Low Master Street Plan, the applicant shall dedicate to the city sufficient land to create a street having a half right-of-way of twenty-five (25) feet on either side of the proposed street centerline. If future street access to the lot is not shown on the Master Street Plan, the applicant may be required to dedicate to the city sufficient land to create a street having a half right-of-way of twenty-five (25) feet on either side of the proposed street centerline to be determined by the city engineer. The applicant's obligation to dedicate land for future street access is limited to land owned by the applicant. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(E))

19.25.060 Yard, lot, and area requirements.

(A) *Application.* No building shall be erected, nor shall any existing buildings be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such building or open space is located, except as otherwise specifically provided.

(B) *Yards.* Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc. and accessory structures, as allowed in this title, shall not be considered obstructions. No yard or other open space provided about any building for the purpose of complying with the provisions of these restrictions shall be considered as a yard or open space for any other building; and no yard or other open space on one (1) lot shall be considered as a yard or open space for a building on any other lot.

(C) *Projections Over and Into Required Yards.*

(1) Awnings, open fire escape balconies, fire escape stairs, window-type refrigeration units, suspended or roof evaporative coolers, and similar features, may project not more than five (5) feet over any required yard; provided, that they shall be no closer than three (3) feet from any lot line.

(2) Architectural details such as cornices, sills, leaders, belt courses, cantilevered bay windows, fire boxes, similar ornamental features, and eaves may project not more than two (2) feet over any required yard; provided, that they shall be no closer than two (2) feet from any lot line.

(D) *Patios and Steps.* ~~At grade u~~Unroofed terraces, decks, patios, steps or similar features not over thirty (30) inches in height above grade may project into a required side or rear yard; provided, that they shall be no closer than two (2) feet from any lot line. Encroachment into a required ~~streetfront~~ yard setback may be permitted up to ten (10) feet or fifty (50) percent of required ~~streetfront~~ yard setback, whichever is less.

(E) *Accessory Buildings (Attached).* A private automobile garage, carport or accessory building having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot, and area requirements.

(F) *Accessory Buildings (Detached) Including Garages and Carports.* Any detached accessory building, garage or carport located in any zone shall not be located in the required street side setback. Allowed heights and setbacks are as follows:

(1) Detached accessory buildings located five (5) feet from any side or rear property line and meeting street side setbacks shall be limited to a maximum of fifteen (15) feet in height, or the height of the main structure, whichever is less.

(2) Detached accessory buildings shall be located a minimum of five (5) feet from any structure (measured from structure wall to structure wall).

(3) Detached accessory buildings ~~which meet the setback requirements for a main structure for the zone in which they are located~~ may exceed fifteen (15) feet in height provided they do not exceed the height of the main structure. Detached accessory buildings shall meet street side setbacks. Side and rear setbacks shall be equal to or greater than the height of the accessory building. Any encroachment into these permitted side and rear setbacks shall require a conditional use permit.

(4) Detached accessory buildings ~~which meet the setback requirements for a primary building for the zone in which they are located~~ may exceed the height of the primary building but not exceed the maximum building height for that zone provided they ~~meet the setbacks for the main building and~~ are located on a lot a half-acre in size or greater. Detached accessory buildings shall meet street side setbacks. Side and rear setbacks shall be equal to or greater than the height of the accessory building. Any encroachment into these permitted side and rear setbacks shall require a conditional use permit.

(5) Portable parking structures ~~(with footings)~~ shall require the issuance of a City of Show Low building permit. No encroachment shall be permitted into any required yard setbacks.

(G) *Temporary Accessory Structures.* Including any detached portable shelter or temporary parking structure shall be permitted; provided, that required yard setbacks are met, as well as the following additional requirements:

(1) Temporary parking structures (without footings) shall not be permitted within a required front yard setback and shall be permitted after city staff approval of a site plan indicating proposed location (no building permit required); or

(2) Portable shelters may be located within a required front yard setback and shall be permitted for a period not exceeding seven (7) consecutive days. Extended periods of time may be permitted after city staff approval of a site plan indicating proposed location (no building permit required).

(H) *Sea Containers (Utilized as Storage Units).*

(1) Are permitted for temporary and permanent storage purposes in the I-1 and I-2 zoning districts provided they are not placed within any required yard setbacks.

(2) Are permitted in any zoning district for a period of up to twelve (12) months for temporary storage in conjunction with a valid building permit. Sea containers placed prior to or without a valid building permit may be subject to enforcement, regardless of whether a building permit is issued after placement. May be approved as an accessory use for permanent storage purposes in commercial zoning districts through a conditional use permit. Placement in these districts requires a minimum one hundred (100) foot setback from any public right-of-way, and satisfactory screening.

(3) Are not permitted in any residential district except for a time period of up to twelve (12) months in conjunction with a valid building permit.

(I) *Truck Bodies/Trailers (Utilized as Temporary Units).* May be used for temporary purposes in any zoning district in conjunction with a valid building permit issued by the City of Show Low. In this instance placement shall be restricted to no longer than one (1) year, or the issuance of a temporary certificate of occupancy.

(J) *Solar Units.* Solar heating and solar cooling units, solar greenhouses and associated apparatus may, notwithstanding any other provisions of this title, be located in a rear or side yard; provided, that such apparatus does not cover more than thirty (30) percent of that side or rear yard and shall be no closer than two (2) feet to any lot line.

(K) *Service Station Pumps.* No automobile service station pump shall be located closer than twelve (12) feet to a street property line.

(L) *Satellite Dishes.* Satellite dishes over thirty (30) inches in diameter shall conform to the detached building setback requirements of the zone in which the satellite dish is located. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(F))

19.25.070 Height requirements.

(A) *Application.* No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.

(B) *Exceptions.* Height regulations established elsewhere in this title shall not apply:

(1) In any district, to church spires, belfries, cupolas and domes not for human occupancy; monuments; water towers; provided, that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.

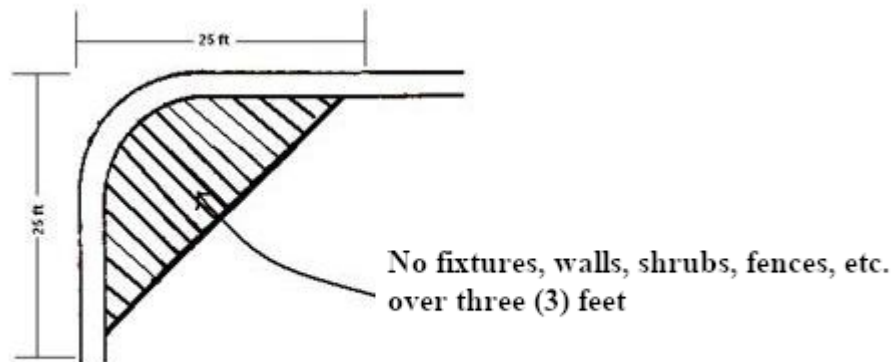
(2) In any district, to radio antennas, television antennas and flagpoles, provided they are designed and installed according to the —International Building Code requirements, and any other relevant regulations. Noncommercial radio or television antennas and flagpoles shall not exceed fifty (50) feet in commercial, industrial, and residential districts. Flagpoles over fifty (50) feet in commercial and industrial districts shall require a conditional use permit. Flagpole height shall be measured either from the ground directly adjacent to the flagpole base, or from the crown of the adjacent street, whichever is greater.

(3) In industrial districts, to chimneys, smokestacks, derricks, conveyors, grain elevators, or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted; provided, that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(G))

19.25.080 Height limitations on corner lots.

Within a triangle formed by the street front and side lot lines and a line connecting these lot lines at points measured along these lot lines a distance of twenty-five (25) feet from their intersection, all fixtures, walls, fences, construction, hedges, shrubbery and other planting shall be limited to a height not over three (3) feet above the elevation of the street line level at the same intersecting streets except a reasonable number of trees pruned high enough to permit

unobstructed vision to vehicular traffic. Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed three (3) feet above the established street line elevation at the said intersecting streets.



(Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(H))

19.25.090 Walls and fences.

(A) *Height.* No solid, view-obscuring wall, fence or hedge over three (3) feet high and no chain link or wire fence or similar open, non-view-obscuring fence over four (4) feet high shall be constructed or maintained nearer to the street line than the required front or street side building setback line, nor be more than six (6) feet in height in any rear or side yards. Height shall be measured from the crown of the adjacent road or the vertical distance from the natural grade of the property where the fence is located, whichever is greater. Fences may be built above these heights in the following situations:

- (1) Around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof;
- (2) Within industrial zoning districts;

(3) When the planning and zoning commission and/or city council requires, as a condition of a conditional use permit or subdivision, a fence of greater height in order to provide adequate screening;

(4) Double fronting lots (excluding corner lots):

(a) A fence up to six (6) feet in height may be erected in the property's rear yard as determined by the planning and zoning director; and

(b) The fence's material, height, color and location in this circumstance must be approved by the planning and zoning director; or

(5) In commercial and industrially zoned property, fences may be constructed up to eight (8) feet in height. ~~Barbed~~ and razor wire is permitted only above the six (6) foot height limitation through a conditional use permit in any commercial or industrial zones.

(B) In any zoning district, barbed wire is permitted for the fencing of livestock.

(C) *Materials and Design.* Fences and walls in all zoning districts shall be constructed of conventional fencing material and maintained and kept in good repair. The planning and zoning director may permit any material as "conventional" upon a review of the product's material and design.

(D) *Swimming Pools and Other Bodies of Water.*

(1) In all zoning districts, a swimming pool shall not be located in the required front yard, required landscaped areas or closer than five (5) feet from the water's edge to any property line.

(2) All swimming pools shall be completely enclosed by a wall or fence not more than six (6) feet nor less than five (5) feet in height. Gates less than four (4) feet wide leading from the pool enclosure shall be self-closing and self-latching and shall be kept fully operational at all times. Gates four (4) feet wide or wider shall be kept locked at all times.

(3) In all residential districts, contained bodies of water, either above or below ground level, with the container being eighteen (18) or more inches in depth and/or wider than eight (8) feet at any point, measured perpendicular to the long axis, shall conform to the location and fencing requirements for swimming pools. Irrigation and storm water

retention facilities, and the water features in public parks and golf courses, are exempt from the fencing requirements of this section.

(E) *Storage Facilities.* Where “storage facilities” are to be enclosed by a masonry wall or solid fence as required elsewhere in this title, such enclosure shall be considered adequate when constructed of masonry without aperture, excluding required gates, wood fence with no aperture ~~exceeding one-quarter (1/4) inch, vinyl fencing with no aperture,~~ or other material approved by the planning and zoning director. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(I))

19.25.100 Dumping, excavation, filling, clearing and grubbing.

(A) *Prohibited Dumping.* The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, refuse, slag, petroleum products or industrial wastes or by-products and any other solid waste shall be prohibited in every district except as otherwise provided in this title. Disposal of household ashes shall be carried out in a manner so as not to constitute a hazard or nuisance. Ashes shall not be dumped on any public property or right-of-way.

(B) ~~*Clearing, Grubbing, or Grading.* No clearing, grubbing, or grading shall take place without a valid building permit issued by the city. Conditional Use Permit Required. No site work which is governed by the International Building Code as adopted by the City of Show Low may be performed on any property without a conditional use permit unless a plan of development has been approved pursuant to other applicable ordinances and regulations of the city. No clearing or grubbing of a land area over five thousand (5,000) square feet may take place without a conditional use permit when no plan of development has been approved.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(J))

19.25.110 Outdoor storage.

With the exception of automobiles, trailers, motorcycles, manufactured homes, boats, motor homes, growing plants, nursery stock, Christmas trees, and service stations displaying new automotive and related items, outdoor storage shall not be allowed in a lot’s required front yard setback. All outdoor storage shall be screened by a six (6) foot-high solid masonry fence, or

a fence or screening of a height and material as allowed or required by the planning and zoning commission. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(K))

19.25.120 Storage and parking of manufactured homes and trailers.

(A) *Storage.* The owners and tenants of residentially zoned property may store, park or locate personal recreational vehicles such as but not limited to boat trailers, utility trailers, travel trailers or motor homes, provided they do not obstruct the view of oncoming traffic from vehicles entering a street at intersections and driveway entrances. Such recreational vehicles may not be rented or otherwise used for income purposes. Campers, motor homes, and travel trailers in conjunction with a residence may be inhabited for no more than fourteen (14) consecutive days, and no more than thirty (30) days in any one (1) calendar year. Inhabitation for this purpose may be defined as including, but not be limited to, connection to external fuel tanks or natural gas, skirting, or connection to water, sewer, ~~electrical~~ or natural gas exceeding thirty (30) days.

(B) *Construction Office or Security Personnel Housing.* A manufactured home or trailer may be allowed in any zone to conduct business or provide housing for security personnel, during the construction of a permanent building when a valid building permit is in effect. Such manufactured home or trailer shall be removed immediately after completion or stoppage of construction of the building. Such use shall be permitted for not more than one (1) year. Any extension beyond the initial one (1) year shall be by conditional use permit only.

(C) *Maximum Vehicle Size.* No vehicle having more than six (6) wheels may be parked or stored in a residentially zoned district except for deliveries or specific service calls, or personal recreational vehicles. Construction equipment and vehicles not customary to residential use are not allowed at nonconstruction sites in residentially zoned areas. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(L))

19.25.130 Home occupations.

(A) A home occupation is any activity carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit. Home occupations shall be permitted in any residential zone upon the issuance of a home occupation permit and a business license from the City of Show Low subject to the following requirements:

- (1) The use of the dwelling for a home occupation shall not destroy or be incompatible with the residential character of the dwelling or the neighborhood.
- (2) The home occupation shall be conducted only inside the dwelling or inside an accessory building or garage.
- (3) No more than twenty-five (25) percent of the total floor area of the dwelling or garage shall be used for the home occupation. The total percentage of dedicated floor area may be increased through the approval of a conditional use permit.
- (4) Stock, goods, and/or materials displayed or sold at the location of the home occupation shall not be visible from the boundaries of the property.
- (5) No outdoor display or storage of materials, goods, supplies, or equipment shall be permitted in connection with a home occupation.
- (6) Only one (1) sign, not to exceed eight and one-half (8-1/2) inches by eleven (11) inches, may be used to identify a home occupation. Said sign shall be placed within a window or flat against the wall of the residence to which the sign refers. There shall be no other advertising, display, or other evidence of a home occupation on the premises.
- (7) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances where no home occupation exists. The business shall only be conducted by a resident or residents of the dwelling.
- (8) A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located. Generally, no more than two (2) business visitors an hour or eight (8) a day, and no more than two (2) deliveries of products or materials per

day, or ten (10) per week, excluding postal deliveries, are permitted. No semi-trailer deliveries are allowed.

(9) No business shall be conducted which requires delivery vehicles or other services not customary to a residence. Customary delivery vehicles include USPS, UPS, FedEx, DHL, and similar delivery vehicles.

(10) No on-street parking of business-related vehicles shall be permitted at any time.

(11) No parking spaces, other than driveways, may be located in the required front yard setback. Additional parking not customary to a residence is prohibited.

(12) Only refuse enclosures customary to a residence shall be permitted in conjunction with a home occupation. Refuse enclosures not emptied as part of a regularly scheduled residential refuse service shall be prohibited.

(13) All activities involving outside business visitors, clients, or deliveries shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

(14) A home occupation permit is owner-specific and nontransferable. Any change in the nature of the home occupation, ownership or address will result in automatic termination of the permit. A new home occupation permit and business license will be required.

(15) No more than one (1) home occupation permitted per property or household.

(B) Because no list of uses can be complete, decisions on specific uses not included as examples on the following list of permitted uses will be made by the planning and zoning director.

The following uses are examples of allowable home occupations:

Accountant;

Arts and crafts;

Attorney;

Alterations;

Artists and sculptors;

Contractor offices (i.e., painting, cleaning, yard maintenance, building) but not including outside storage of equipment, materials or vehicles;

Counselors, psychological therapists, etc.;

Home marketing (e.g., Amway, Mary Kay, Tupperware, etc.) and mail order marketing of items;

Home office uses including financial services, architectural/drafting/engineering services, data/word processing, billing services and similar uses;

In-home childcare, but not more than five (5) children at a time, including the caregiver's own preschool-aged children;

Licensed massage therapists;

Insurance agents;

Musical instruction;

Noninvasive medical practices such as cranial sacral therapy and acupuncture;

Tutoring of all types, but limited to four (4) pupils at one (1) time;

Other similar uses as approved by the planning director.

(C) The following uses are examples of home occupations which are not allowed:

Animal grooming, kennels;

Antique sales;

Barber and beauty shops;

Catering establishments (i.e., businesses providing contract services consisting of food and banquet preparations prepared internally, requiring a commercial kitchen and delivered to customers off the premises);

Commercial greenhouses or nurseries;

Invasive medical/dental procedures;

Microschools exceeding tutoring allowances outlined above.

Tanning salons;

Vehicle repair/mechanic's garages and automobile detailing. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(M))

19.25.140 Animals and pets.

See Title [5](#), Animals. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(N))

19.25.150 Temporary uses.

Temporary uses are those uses that occur for a specified time period from either a temporary structure or temporary location, e.g., carnivals, circuses, rodeos, swap meets, special events and similar activities.

(A) A temporary use permit shall be obtained from the planning and zoning director in accordance with the following:

- (1) The planning and zoning director shall obtain the approval of the fire department and police department to ensure that land area is adequate for the proposed use and related parking and to ensure that traffic safety is considered.
- (2) Approval of the Navajo County health department may be required when food sales are involved.
- (3) The planning and zoning director shall require any measures necessary to protect surrounding property and may deny the temporary use if found to be detrimental to the public health, safety, peace, convenience, comfort and general welfare of persons residing or working in the neighborhood of such proposed temporary use.
- (4) The planning and zoning director shall ensure that adequate sanitary facilities are available.

(5) The planning and zoning director shall ensure that written authorization of the property owner has been obtained for the proposed temporary use.

(B) Upon filing an application for a temporary use, the applicant shall pay a filing fee in an amount established and adopted by resolution of the council and filed in the office of the city clerk. No part of the filing fee shall be refunded. Payment of filing fee shall be waived when the applicant is the city, county, state, federal government or a nonprofit organization. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(O))

19.25.160 Garage sales.

Garage sales are permitted without special permit provided they meet the following standards:

(A) Sales last no longer than three (3) days.

(B) Sales are held no more than three (3) times yearly.

(C) Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of one (1) of the participants.

(D) No goods purchased for resale may be offered for sale.

(E) No consignment goods may be offered for sale.

(F) All directional and advertising signs shall be freestanding and removed after completion of the sale.

(G) All directional and advertising signs placed on private property shall have the owner's permission. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(P))

19.25.170 Trash enclosures and outdoor recycling drop-off containers.

(A) A permanent enclosure for temporary storage of garbage, refuse and other waste materials shall be provided for every use, other than single-family dwellings, multiple-family

dwelling of less than four (4) units, and manufactured homes in every zoning district, or where a property is entirely surrounded by screen walls or buildings. Trash enclosures shall comply with the following regulations:

(1) *Construction.* Trash enclosures shall be so constructed that contents are not visible from a height of five (5) feet above grade from the public right-of-way or any abutting street or property, and shall be constructed of a sight-obscuring material acceptable to the planning and zoning director, with solid concrete floor sloped for drainage and maintenance of sanitary conditions. Enclosures shall be of sufficient height to conceal contents including containers, but in no case shall be less than four (4) feet in height above grade. Gates shall be solid or baffled, equal in height to the enclosure and equipped with latches to ensure closure when not in use.

(2) *Location.* Trash enclosures shall not be located in any required front or side yard without the approval of the planning and zoning director.

(B) Recycling drop-off containers in accordance with the following:

(1) Shall be allowed only in manufactured home parks, R.V. parks, commercial or industrial areas in conjunction with an existing business.

(2) Shall not occupy an area of more than one hundred (100) square feet and shall not interfere with parking and maneuvering requirements of the principal use.

(3) Shall be set back at least ten (10) feet from any property line and shall not obstruct pedestrian or vehicular circulation.

(4) Shall be constructed and maintained of durable materials and be maintained in a clean, litter-free condition on a daily basis. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(Q))

19.25.180 Structures near airplane runway or landing strip.

See Title [14](#). (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(R))

19.25.190 Performance standards.

Any permitted or conditional use must conform to the following performance standards. In conjunction with the plan review and development review processes, the developer-applicant shall provide to the planning and zoning director information that is sufficient to show that the proposed use and the manner of its conduct will meet these performance standards.

(A) *Noise.*

(1) Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

(2) Instrumentation used in making sound level measurements shall be a sound level meter with an A-weighting scale, associated octave band filters, and windscreen for outdoor use. The instrument shall be manufactured in accordance with ANSI standards. Measurement shall be made using a flat network of the sound level meter.

(3) *Maximum Permissible Sound Levels by Receiving Land Use.*

(a) The noise standards for the various categories of land use as presented in Table I and set forth in terms defined shall, unless otherwise specifically indicated, apply to each property or portion of property substantially used for a particular type of land use reasonably similar to the land use types shown in Table I. Where two (2) or more dissimilar land uses occur on a single property the more restrictive noise limits shall apply.

(b) Where doubt exists when making identification of receiving land use, the planning and zoning director may make an interpretation.

(c) No person shall operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level to exceed the environmental and/or nuisance interpretation of the applicable limits given for the receiving land use category in Table I.

(d) Sound levels by receiving land use shall be measured at the boundary or at any point within the boundary of the property affected.

(4) Corrections to Exterior Noise Level Limits.

- (a) If the noise is continuous, the equivalent continuous noise level (L_{eq}) for any hour will be represented by any lesser time period within the hour. Noise measurements of a few minutes only will thus suffice to define the noise level.
- (b) If the noise is intermittent, the L_{eq} for any hour may be represented by a time period typical of the operating cycle. Measurement should be made of a representative number of noisy/quiet periods. A measurement period of not less than fifteen (15) minutes is, however, strongly recommended when dealing with intermittent noise.
- (c) If the measured ambient level exceeds that permissible in Table I, the allowable noise exposure standard shall be the ambient noise level. The ambient level shall be measured when the alleged noise violations source is not operating.

I. Exterior Noise Limits

Receiving Land Use Category	Noise Level (dBA)	
	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.
Residential	62	70
Commercial	65	72
Industrial	70	85

(5) Noise Level Adjustments.

The maximum permissible daytime noise levels listed are subject to the following adjustments for duration:

Noise has an "on time" of no more than:	And p.m. "off time"* between successive "on times" of at least:
0.5 minutes	1/2 hour)

Noise has an "on time" of no more than:	And p.m. "off time"* between successive "on times" of at least:	
5.0 minutes	1 hour	) Add 7 dBA
		) to permitted level
10.0 minutes	1 hour	)
		)
20.0 minutes	4 hours	)

* "Off time" is when the level of the primary noise being measured does not exceed that of the background noise in any octave band.

Notwithstanding the above regulations, any noise which is considered offensive to a reasonable person may be determined to be in violation of these regulations.

(6) *Exemptions.* The following activities or sources are exempt from these noise standards:

(a) Activities covered by the following: Emergency signaling devices, ~~domestic power tools~~, air conditioning and air handling equipment for residential purposes, refuse collection vehicles.

(b) The unamplified human voice.

(c) Aircraft operations.

(d) Construction or routine maintenance of public service utilities.

(e) House of worship bells or chimes.

(f) The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

(g) Special events which are conducted pursuant to a temporary use permit issued by the city in accordance with Section [16.05.050](#); provided, that all terms and conditions of the temporary use permit are complied with, including, but not limited to, terms and conditions relating to noise restrictions.

(7) *Preexisting Uses Not in Conformance.* Where an industry or commercial business has established its use away from other incompatible uses and subsequently, through the encroachment of development, now finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry or commercial business shall not emit a noise which exceeds the maximum noise limitations for the receiving land use category by more than ten (10) decibels.

(B) *Smoke.* No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 of 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) 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) *Vibration.* No vibration shall be permitted which is generally and readily discernible beyond the lot line to a reasonable person ~~the human sense of feeling~~ for three (3) minutes' or more duration in any one (1) hour of the day between the hours of 7:00 a.m. and 7:00 p.m., or for thirty (30) seconds' or more duration in any one (1) hour during the hours of 7:00 p.m. to 7:00 a.m.

(E) *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.

(F) *Liquids and Solid Waste.* No wastes shall be discharged in the public sewage system that endanger the normal operation of the public sewage system.

(G) *Odors.* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or in such a manner as to create a nuisance or hazard beyond the property lines. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(S))

19.25.200 Campgrounds.

(A) *Location.* Campgrounds shall be allowed only in zones that specifically permit or conditionally permit such use.

(B) *Staff Review.* Campgrounds shall require approval by the staff in accordance with the provisions of Chapter [19.15](#) and Section [19.25.220](#). Staff shall ensure adequate provision of streets, driveways, walkways, proper layout of campground, proper sanitary facilities, adequate fire protection, adequate protection of surrounding properties, adequate water supply and compliance with the provisions of this title and all other ordinances and codes of the City of Show Low.

(C) *Improvements.* No permanent structures shall be permitted on any campground site.

(D) *Site Specifications.*

- (1) Sites must be clearly defined, well drained, and reasonably level.
- (2) Each tent site must be no less than nine hundred (900) square feet in area.
- (3) All other sites must be no less than one thousand two hundred (1,200) square feet in area, and shall be designed to allow a minimum of fifteen (15) feet between adjoining recreational vehicles.
- (4) All campground sites shall maintain minimum frontages of twenty-five (25) feet.
- (5) Fire ring design, location and placement/installation shall be approved by the Show Low fire district.

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

(F) *Maintenance.* Campgrounds must be well maintained in all areas. This includes the grounds, restroom facilities, buildings and any recreational space and equipment. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(T))

19.25.210 Recreational vehicle parks.

(A) *Location.* Recreational vehicle parks shall be allowed only in zones that specifically permit or conditionally permit such use.

(B) *Staff Review.* Recreational vehicle parks shall require approval by the staff in accordance with the provisions of Chapter [19.15](#) and Section [19.25.220](#). Staff shall ensure adequate provision of streets, driveways, walkways, proper layout of recreational vehicle park, proper sanitary facilities, adequate fire protection, adequate protection of surrounding properties, adequate water supply and compliance with the provisions of this title and all other ordinances and codes of the City of Show Low.

(C) *Time Limit.* Recreational vehicle park placements may be permanent; provided, that all placements comply with this title and applicable building codes as adopted by the City of Show Low.

(D) *Improvements.* No structures shall be permitted in any required separation distance as required by this section.

(E) *Site Specifications.*

- (1) Sites must be clearly defined, well drained, and reasonably level.
- (2) Each recreational vehicle site must be no less than one thousand four hundred (1,400) square feet in area.
- (3) All recreational vehicle placements (as well as any permanent additions or accessory structures) shall be required to maintain minimum separation distances:
 - (a) A minimum of ten (10) feet between any permanent placements or accessory structures;
 - (b) A minimum of ten (10) feet from any private roadway; and
 - (c) A minimum of twenty (20) feet from any public right-of-way.
- (4) Fire ring design, location, and placement/installation shall be approved by the Show Low fire district.

(F) *Recreational Space Requirements.* Recreational vehicle parks shall be required to provide recreational space per Section [19.55.040\(K\)](#).

(G) *Office and Registration Facilities.* Each recreational vehicle park must provide an adequate and easily identifiable office or registration area. Registration facilities must be located so as not to interfere with the normal flow of traffic in and out of the park.

(H) *Maintenance.* Recreational vehicle parks must be well maintained in all areas. This includes the grounds, restroom facilities, buildings and any recreational space and equipment. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(U))

19.25.220 Visual corridors and aesthetics.

(A) *Purpose.* Trees are recognized as providing very tangible benefits that promote the health, safety, and general welfare to residents of Show Low. Trees are a particularly valuable resource in retaining the attractiveness of Show Low's commercial corridors, thereby increasing and enhancing the economic development and quality of life in these areas. Healthy trees serve as a natural buffer zone between traffic generated by these businesses and the streets that serve them. In addition, trees help enhance the visual and aesthetic qualities that attract visitors and businesses to these commercial corridors, as well as the entire city. Healthy trees reduce air and noise pollution, enhance aesthetics and property values, and are an important contributor to Show Low's image, pride, and quality of life. It is the intent of this chapter to prevent the unnecessary removal of trees while allowing for a collaborative process between the city and developer which can take into account flexibility and interpretations of existing code requirements, i.e., parking, landscaping, setbacks, etc. It is not to be interpreted as an expansion of landscaping requirements.

(B) *Definitions.*

Diameter at breast height (DBH): The diameter of the tree's trunk, measured four (4) feet, six (6) inches from the base of the tree.

Remove or removal: The actual extraction of a tree, except for transplanting to a location on the same lot or parcel, by digging up, cutting down, or the effective destruction through damage.

Tree(s): Any self-supporting, woody plant of a species which normally grows at maturity to an overall height of a minimum of ten (10) feet, and is six (6) inches or greater in diameter at a height of four (4) feet, six (6) inches from the ground.

Visual corridor: The visual attributes, both natural and built, as seen by an individual at a given location.

(C) *Applicability*. Except for forest health activities, No person, entity, or corporation or any subsequent successors to said lot or parcel shall remove or cause to be removed or intentionally destroy any trees of six (6) inches in diameter or greater, measured at diameter at breast height (DBH), from a developed or undeveloped lot or parcel zoned R2-7, commercial or industrial without first obtaining approval from the planning and zoning department, except when necessary for the construction of streets, driveways, utility lines, and structures approved in a previously obtained building permit. Forest health activities include removal of dead, diseased, or dying vegetation, removal of trees in accordance with approved forest health grants, removal of trees in accordance with nationally recognized thinning standards, or removal of trees in accordance with fire marshal requirements. Any forest health activities shall be approved by city staff prior to commencement of removal activities. For any existing lot or parcel or once a site plan has been approved on a developed or undeveloped lot or parcel, any subsequent modifications shall require similar approval. Any decision is binding on the property.

Requests for tree removal may be filed independently or in conjunction with the plan review process for a development. The tree removal plan shall be reviewed by the property owner or designee and the planning and zoning director. In the event the joint committee cannot agree upon the proposed tree removal plan, a mutually agreed upon third party shall be called upon to assist the other parties in developing a satisfactory solution. Upon receipt of a request for tree removal, the joint committee shall consider such request within three (3) working days. If the joint committee is satisfied that the applicant's proposal is not detrimental to the subject lot or parcel or adjacent parcel(s), then approval shall be granted. The applicant shall begin to remove the trees cut down from the subject property within fifteen (15) days and shall complete the tree removal process within thirty (30) days.

The joint committee shall consider the following in addition to the application submittal requirement:

(1) Whether the tree(s) is located in an area where a structure or improvements will occur or prevention of removal would restrict economic enjoyment of the property. The siting of a proposed development should be situated so as to avoid mass removal or clearing of trees and, where possible, take advantage of natural tree stands to the best extent possible.

(2) The tree(s) is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with the growth of other trees, creates unsafe line-of-sight clearances, or conflicts with other ordinances or regulations.

(3) Proposal, if any, of new tree plantings or other landscaping plans.

(D) *Application Submittal.* Applications shall be submitted to the planning and zoning director by the property owner or designee prior to the removal of any trees. The applicant shall provide:

(1) Name and address of owner and property location.

(2) A diagram or site plan generally identifying the number, location, diameter, and species of tree(s) proposed for removal. In addition, the relationship between location of existing and/or proposed buildings and property lines in relation to the tree(s) proposed for removal.

(3) A statement as to the reason for the request.

(4) No fee shall be charged.

(E) *Appeals.* Any party who is dissatisfied or aggrieved by the decision of the joint committee may appeal such decision to the city council at their next scheduled meeting. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(V))

19.25.230 Guest units/houses.

(A) A guest unit may be utilized in conjunction with a single-family residence as a permitted use within any residential zoning district subject to the following:

- (1) The guest unit shall be constructed as part of the principal residence and shall not alter the character of the primary dwelling unit or adversely affect other properties within the district.
 - (2) The guest unit shall be limited to a maximum of twenty-five (25) percent of the gross floor area of the principal residence or nine hundred fifty (950) square feet, whichever is greater.
 - (3) Both the principal and the guest unit shall be served by common single electric and water meters.
 - (4) Both the principal residence and the guest unit shall be served by a shared driveway.
 - (5) A maximum of one (1) guest unit per lot is allowed.
 - (6) The guest unit shall conform to all development standards of the zoning district in which it exists, including primary residence setbacks.
 - (7) The guest unit shall only be occupied if the owner of the principal unit resides on site.
- (B) Attached and detached guest houses shall require a conditional use permit in all residential zoning districts. A maximum of one (1) dwelling unit per property may be utilized for income purposes. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(W))

19.25.240 Murals.

(A) Murals shall be permitted in all commercial and industrial zoning districts through a conditional use permit. Murals are permitted on the nonprimary facade of a building. A primary facade is defined (for purposes of this section) as the building elevation that faces the adjacent street right-of-way from which the building is addressed.

(1) *Mural Types.* Murals which are historic or cultural in nature are encouraged. Murals meeting the following description are not permitted:

- (a) Murals or other representations which imitate or appear to imitate any official traffic sign or device that appears to regulate or direct the movement of traffic or that

interferes with the proper operation of any traffic sign or signal, or that obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

(b) Murals with moving parts, including solar-, wind-, or water-driven devices.

(c) Murals affixed, applied, or mounted above, upon, or suspended from any part of the roof of a structure.

(d) Murals that project from the wall surface, other than the minimum necessary protrusion to mount the mural to the wall or structure.

(e) Murals containing any depiction of activity of drug use, gang affiliation symbols, or any other depiction of activities prohibited by federal, state, or local requirements.

(f) Murals containing obscene content. For purposes of this section, any material is obscene if applying contemporary community standards:

(i) The predominant appeal is to a prurient interest in sex; and

(ii) The average person would find the material depicts or describes sexual content in a patently offensive way; and

(iii) A reasonable person would find the material lacks serious literary, artistic, political, or scientific value.

(2) *Standards – Surface Preparation.* Sand and high-pressure water blasting are not permitted as a cleaning process for either surface preparation or for mural maintenance purposes on any building eligible for inclusion on the State or National Register of Historic Buildings. Only treatments that do not cause damage to historic materials shall be utilized.

(3) *Maintenance.* The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the planning and zoning commission. The display surface shall be kept clean and neatly painted and free from corrosion. Any mural that is not maintained, faded, or is in disrepair shall be ordered removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material approved by the planning and zoning commission.

(4) *Design Standards.*

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- (a) The proposed mural will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic; and
 - (b) The location, scale, and content of the mural shall be in keeping with and enhance the building or structure on which it is located; and
 - (c) The proposed mural is well integrated with the building's facade and other elements of the property and enhances the architecture or aesthetics of a building or wall; and
 - (d) The proposed mural, by its design, construction, and location, will not have a substantial adverse effect on abutting property or the permitted use thereof; and
 - (e) The proposed mural is not detrimental to the public health, safety, or welfare; and
 - (f) The mural will not have a detrimental effect on the structural integrity of the wall on which it is applied/affixed; and
 - (g) The maintenance schedule is reasonable for the mural and the building on which it is applied/affixed; and
 - (h) Colors shall be limited to muted tones, and no fluorescent, metallic, or reflective finishes shall be permitted.
- (5) *Mural Permit.* Murals may be installed following approval of a conditional use permit.
- (6) *Application Requirements.* A permit application shall contain, but not be limited to, the following information:
- (a) Site plan showing the lot and building dimensions and indicating the proposed location of the mural.
 - (b) Pictures of the building elevations.
 - (c) A scale drawing and color photo of the building elevation showing the proposed size and placement of the mural.
 - (d) A colored drawing of the proposed mural. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(X))
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Division II. Districts

Chapter 19.30 ZONING DISTRICTS ESTABLISHED

Sections:

- | | |
|------------------|--|
| 19.30.010 | Establishment of zoning districts. |
| 19.30.020 | Location and boundaries of districts. |

19.30.010 Establishment of zoning districts.

In order to carry out the purposes of this title, the City of Show Low is hereby divided into the following zoning districts:

A-1 Zone – Airport.

GA-5 Zone – General Agricultural (5 acres).

AR-43 Zone – Agricultural-Residential (43,000 square feet).

AR-43X Zone – Single-Family Residential, manufactured homes excluded (43,000 square feet).

R1-20 zone, Single-Family Residential, manufactured homes excluded (20,000 square feet).

R1-15 Zone – Single-Family Residential (15,000 square feet).

R1-10 Zone – Single-Family Residential (10,000 square feet).

R1-7 Zone – Single-Family Residential (7,000 square feet).

R1-7X Zone – Single-Family Residential, manufactured homes excluded (7,000 square feet).

R2-7 Zone – Single-Family and Multiple-Family Residential (7,000 square feet).

MH Zone – Manufactured Homes.

DC Zone – Downtown Commercial.

C-1 Zone – Neighborhood Commercial.

C-2 Zone – General Commercial.

I-1 Zone – Light Industrial.

I-2 Zone – Heavy Industrial. (Ord. No. 330, § 1, 6-4-91; Ord. No. 360, §§ 1, 3, 4-6-93; Ord. No. 387, § 4, 6-6-95; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-41)

19.30.020 Location and boundaries of districts.

(A) The locations and boundaries of the zoning districts are established as they are shown on the map entitled “The Zoning Map of the City of Show Low” which is hereby incorporated into this title.

(B) Where uncertainty exists with respect to the boundaries of any zoning districts as shown on the zoning map, the following rules shall apply:

(1) Where district boundaries are shown by specific dimensions, such specific dimensions shall apply.

(2) Where district boundaries are indicated as approximately following streets, alleys, or right-of-way lines, such streets, alleys, or right-of-way lines shall be deemed to be such boundaries.

(3) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be deemed to be said boundaries.

(4) Where district boundaries are so indicated that they are approximately parallel to the streets, alleys, or right-of-way lines, such district boundaries shall be deemed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.

(5) Where the application of the above rules does not clarify the zone boundary location, then the board of adjustment shall determine the location.

(C) *Annexed Territory*. The city council, upon recommendation of the planning and zoning commission, shall determine the zoning district or districts which should be applied to the land within a proposed annexation prior to final adoption of an annexation ordinance and the annexation ordinance shall delineate zoning districts as approved by the council. (Ord. No. 360, §§ 1, 3, 4-6-93. 1976 Code § 15-1-42)

Chapter 19.35

A-1 ZONE – AIRPORT

Sections:

19.35.010	Purpose.
19.35.020	Permitted uses.
19.35.030	Property development standards.
19.35.040	General provisions.
19.35.050	Signs.
19.35.060	Parking and loading.
19.35.070	Plan review.

19.35.010 Purpose.

This district is intended to promote the public health, safety and welfare of the general public; of increasing importance is the safety in the use of the Show Low Regional Airport. This district is to help in the development on the airport property and to protect persons and property within the district. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-48(A))

19.35.020 Permitted uses.

- (A) Airport and airport operator’s facilities.
- (B) Vehicle rental establishments.

- (C) Aircraft maintenance, aircraft manufacturing, aircraft sales, aircraft modification, aircraft storage and aircraft hangars in conjunction with an approved lease.
- (D) Travel agencies.
- (E) Airline administrative, sales offices, baggage handling operations.
- (F) Fixed based operators.
- (G) Commercial airline operations.
- (H) Commercial flying clubs.
- (I) Industrial development that is aerospace related.
- (J) Public utility buildings, structures, or appurtenances thereto for public service use.
- (K) Fire stations.
- (L) Military uses.
- (M) Airport related businesses. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-48(B))

19.35.030 Property development standards.

The city council, with input from the Show Low aviation advisory committee, shall establish appropriate development standards. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-48(C))

19.35.040 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-48(D))

19.35.050 Signs.

The provisions of Chapter [19.100](#) shall apply in addition to the airport sign regulations. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-48(E))

19.35.060 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-48(F))

19.35.070 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-48(G))

Chapter 19.40

GA-5 ZONE – GENERAL AGRICULTURAL (5 ACRES)

Sections:

19.40.010	Purpose.
19.40.020	Permitted uses.
19.40.030	Conditional uses.
19.40.040	Property development standards.
19.40.050	General provisions.
19.40.060	Signs.
19.40.070	Parking and loading.
19.40.080	Plan review.

19.40.010 Purpose.

This district is intended to preserve agricultural areas with large lots (five (5) acres minimum) and very low density residential development. Land use is composed of farming, agriculture, and livestock raising, together with residences and customary accessory uses and buildings. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2008-04, § 3, 4-1-08; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-49(A))

19.40.020 Permitted uses.

- (A) One (1) single-family dwelling.
- (B) Farming and agriculture, including the raising of crops.
- (C) The keeping of animals such as cattle, horses, sheep and goats, but not to exceed one (1) head per twenty thousand (20,000) square feet of lot area, provided such animals are kept no closer than one hundred (100) feet from any zoning district boundary except GA-5 or AR-43 zones.
- (D) The keeping of fowl, provided such animals are kept no closer than one hundred (100) feet from any zoning district boundary except GA-5 or AR-43.
- (E) Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- (F) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- (G) Publicly owned and operated schools, parks and recreation areas.
- (H) Attached guest units in accordance with Section [19.25.230\(A\)](#).
- (I) Home occupations. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2008-04, § 3, 4-1-08; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-49(B))

19.40.030 Conditional uses.

- (A) Up to two (2) additional single-family dwellings, provided the total intensity of land use shall be a minimum of two and one-half (2-1/2) acres of lot area per dwelling unit.
- (B) Places of worship, fraternal and social facilities, meeting halls and similar uses.
- (C) Public utility buildings, structures, or appurtenances thereto for public service use.
- (D) Public and quasi-public facilities which provide essential services including hospitals, police and fire stations and substations, and cemeteries.
- (E) Private schools.
- (F) Temporary home and land sales offices, provided they are located within the same subdivision as the land and homes which are offered for sale.
- (G) Golf, rod and gun, tennis, and country clubs.
- (H) Commercial stables.
- (I) Commercial rodeo grounds; a minimum of twenty (20) acres is required including the perimeter buffer.
- (J) Bed and breakfast. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2008-04, § 3, 4-1-08; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-49(C))

19.40.040 Property development standards.

- (A) *Minimum Lot Area.* Five (5) acres.
- (B) *Minimum Lot Width.* One hundred (100) feet.
- (C) *Maximum Lot Coverage.* Twenty (20) percent.
- (D) *Minimum Street Side Setback~~Front Yard~~.* Fifty (50) feet.
- (E) *Minimum Side Yard.* Twenty-five (25) feet.
- (F) *Minimum Rear Yard.* Fifty (50) feet.

(G) *Maximum Building Height*. Not to exceed thirty-five (35) feet, except under conditional use permit. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2008-04, § 3, 4-1-08; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-49(D))

19.40.050 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2008-04, § 3, 4-1-08; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-49(E))

19.40.060 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2008-04, § 3, 4-1-08; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-49(F))

19.40.070 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2008-04, § 3, 4-1-08; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-49(G))

19.40.080 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2008-04, § 3, 4-1-08; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-49(H))

Chapter 19.45 AR ZONES

Sections:

[Article I.](#)

AR-43 Zone – Agricultural-Residential (43,000 Square Feet)

19.45.010	Purpose.
19.45.020	Permitted uses.
19.45.030	Conditional uses.
19.45.040	Property development standards.
19.45.050	General provisions.
19.45.060	Signs.
19.45.070	Parking and loading.
19.45.080	Plan review.

Article II.

AR-43X Zone – Single-Family Residential, Manufactured Homes Excluded (43,000 Square Feet)

19.45.090	Purpose.
19.45.100	Permitted uses.

Article I. AR-43 Zone – Agricultural-Residential (43,000 Square Feet)

19.45.010 Purpose.

This district is intended to promote and preserve agricultural areas, open spaces, and low-density residential development. Regulations and property development standards are designed to protect the open space character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes on large lots (forty-three thousand (43,000) square feet minimum) and low intensity agricultural. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-50(A))

19.45.020 Permitted uses.

(A) One (1) single-family dwelling or one (1) manufactured home.

- (B) Farming and agriculture, including the raising of crops.
- (C) The keeping of animals such as cattle, horses, sheep and goats but not to exceed one (1) head per twenty thousand (20,000) square feet of fenced pasture area, provided such animals are kept no closer than one hundred (100) feet from any zoning district boundary except GA-5 or AR-43 zones.
- (D) The keeping of fowl, provided such animals are kept no closer than one hundred (100) feet from any zoning district boundary except GA-5 or AR-43 zones (refer to Title [5](#), Animals).
- (E) Customary accessory uses and buildings, provided such uses are incidental to the principal use. Accessory buildings shall not be permitted in any required yard setbacks. Any accessory building requiring a building permit shall be of conventional construction or, if metal, shall be architecturally altered to the satisfaction of the planning and zoning director. For properties greater than two (2) acres in area metal buildings shall not require alteration.
- (F) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- (G) Publicly owned and operated schools, parks and recreation uses.
- (H) Home occupations.
- (I) Attached guest units in accordance with Section [19.25.230\(A\)](#).
- (J) Group home for the handicapped. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09, 1976 Code § 15-1-50(B))

19.45.030 Conditional uses.

- (A) One (1) additional single-family dwelling for use as a guest house not to exceed the total living area of the main dwelling provided the total intensity of land use shall be a minimum of forty-three thousand (43,000) square feet of lot area per dwelling unit.
- (B) Places of worship, fraternal and social facilities, meeting halls and similar uses.
- (C) Public utility buildings, structures, or appurtenances thereto for public service use.

(D) Public and quasi-public facilities which provide essential services including hospitals, police and fire stations and substations, and cemeteries.

(E) Private schools.

(F) Temporary home and land sales offices provided they are located within the same subdivision as the land and homes that are offered for sale.

(G) Golf, rod and gun, tennis, and country clubs.

(H) Bed and breakfast.

~~(I) Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-50(C))

19.45.040 Property development standards.

(A) *Minimum Lot Area.* Forty-three thousand (43,000) square feet.

(B) *Minimum Average Lot Width.* One hundred (100) feet.

(C) *Minimum Lot Frontage.* Forty (40) feet.

(D) *Maximum Lot Coverage.* Forty (40) percent.

(E) *Maximum Number of Accessory Buildings.* Two (2) for properties less than two (2) acres in area. For properties greater than two (2) acres in total area the number of accessory buildings may be increased through the approval of a conditional use permit.

(F) *Maximum Accessory Buildings Coverage.* No greater than fifty (50) percent of the primary dwelling unit (unless approved through a conditional use permit).

(G) *Minimum ~~Street Side Setback~~Front Yard.* Thirty (30) feet. Where lots have a double frontage, the thirty (30) foot yard shall be provided on both streets.

(H) *Minimum Side Yard.* Ten (10) feet, except where a side lot line abuts a street there shall be a side yard of not less than thirty (30) feet.

(I) *Minimum Rear Yard.* Twenty (20) feet.

(J) *Maximum Building Height.* Not to exceed thirty-five (35) feet.

(K) *Minimum Dwelling Size. Exclusive of patios, porches and garages, one thousand five hundred (1,500) square feet.* ~~Not to exceed thirty-five (35) feet.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-50(D))

19.45.050 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-50(E))

19.45.060 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-50(F))

19.45.070 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-50(G))

19.45.080 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-50(H))

Article II. AR-43X Zone – Single-Family Residential, Manufactured Homes Excluded (43,000 Square Feet)

19.45.090 Purpose.

This district is intended to promote and preserve agricultural areas, open spaces, and low density residential development. Regulations and property development standards are designed to protect the open space character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes on large lots (forty-three thousand (43,000) square feet minimum) and low intensity agricultural. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51(A))

19.45.100 Permitted uses.

All provisions of Article I of this chapter shall apply with the exception that manufactured homes are prohibited in the AR-43X zone. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51(B))

Chapter 19.50 R1 ZONES

Sections:

Article I.

R1-20 Zone – Single-Family Residential, Manufactured Homes Excluded (20,000 Square Feet)

- 19.50.010 Purpose.**
- 19.50.020 Permitted uses.**
- 19.50.030 Conditional uses.**
- 19.50.040 Property development standards.**

19.50.050	General provisions.
19.50.060	Signs.
19.50.070	Parking and loading.
19.50.080	Plan review.

Article II.

R1-15 Zone – Single-Family Residential, Manufactured Homes Excluded (15,000 Square Feet)

19.50.090	Purpose.
19.50.100	Permitted uses.
19.50.110	Conditional uses.
19.50.120	Property development standards.
19.50.130	General provisions.
19.50.140	Signs.
19.50.150	Parking and loading.
19.50.160	Plan review.

Article III.

R1-10 Zone – Single-Family Residential, Manufactured Homes Excluded (10,000 Square Feet)

19.50.170	Purpose.
19.50.180	Permitted uses.
19.50.190	Conditional uses.
19.50.200	Property development standards.
19.50.210	General provisions.
19.50.220	Signs.
19.50.230	Parking and loading.
19.50.240	Plan review.

Article IV.

R1-7 Zone – Single-Family Residential (7,000 Square Feet)

19.50.250	Purpose.
19.50.260	Permitted uses.
19.50.270	Conditional uses.

- 19.50.280** **Property development standards.**
- 19.50.290** **General provisions.**
- 19.50.300** **Signs.**
- 19.50.310** **Parking and loading.**
- 19.50.320** **Plan review.**

Article V.

R1-7X Zone – Single-Family Residential, Manufactured Homes Excluded (7,000 Feet)

- 19.50.330** **Purpose.**
- 19.50.340** **Permitted uses.**

Article I. R1-20 Zone – Single-Family Residential, Manufactured Homes Excluded (20,000 Square Feet)¹

¹ Prior legislation: Ord. No. [382](#).

19.50.010 Purpose.

This district is intended to promote and preserve low-density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51.1(A))

19.50.020 Permitted uses.

- (A) One (1) single-family dwelling. Manufactured homes are prohibited.
- (B) Customary accessory uses and buildings, provided such uses are incidental to the principal use.

(C) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.

(D) Publicly owned and operated schools, parks and recreation areas and centers.

(E) Home occupations.

(F) Attached guest units in accordance with Section [19.25.230\(A\)](#).

~~(G) Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51.1(B))

19.50.030 Conditional uses.

~~(A)~~

~~(1)~~ One (1) additional single-family dwelling for use as a guest house not to exceed fifty (50) percent of the total living area of the main dwelling, provided the total intensity of land use shall be a minimum of ~~twenty thousand (20,000)~~ [twelve thousand, five hundred \(12,500\)](#) square feet of lot area per dwelling unit; or

(2) One (1) additional single-family dwelling for use as a guest house not to exceed [seventy-five percent \(75%\) of](#) the total living area of the main dwelling provided the total intensity of land use shall be a minimum of ~~thirty thousand (30,000)~~ [fifteen thousand \(15,000\)](#) square feet of lot area per dwelling unit.

(B) Churches or similar places of worship.

(C) Public utility buildings, structures, or appurtenances thereto for public service use.

(D) Temporary home and land sales offices provided they are located within the same subdivisions as the land and homes that are offered for sale.

(E) Private schools.

(F) Golf courses and associated facilities but not including miniature golf or commercial driving ranges.

(G) Public and quasi-public facilities which provide essential services including hospitals, police and fire stations and substations, and cemeteries.

(H) Bed and breakfast.

~~(I) Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51.1(C))

19.50.040 Property development standards.

(A) *Minimum Lot Area.* Twenty thousand (20,000) square feet.

(B) *Minimum Average Lot Width.* Sixty (60) feet.

(C) *Minimum Lot Frontage.* Thirty (30) feet.

(D) *Maximum Lot Coverage.* Forty (40) percent.

(E) *Minimum ~~Street Side Setback~~Front Yard.* Thirty (30) feet. Where lots have a double frontage, the thirty (30) foot yard shall be provided on both streets.

(F) *Minimum Side Yard.* One (1) side yard of ten (10) feet and one (1) side yard of fifteen (15) feet except where a side lot line abuts a street there shall be a side yard of not less than thirty (30) feet.

(G) *Minimum Rear Yard.* Twenty (20) feet.

(H) *Minimum Dwelling Size.* Exclusive of patios, porches and garages, one thousand five hundred (1,500) square feet.

(I) *Maximum Building Height.* Not to exceed thirty-five (35) feet.

(J) *Minimum Off-Street Parking Required.* Two (2) side-by-side parking stalls. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51.1(D))

19.50.050 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51.1(E))

19.50.060 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51.1(F))

19.50.070 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51.1(G))

19.50.080 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-51.1(H))

**Article II. R1-15 Zone – Single-Family Residential, Manufactured Homes
Excluded (15,000 Square Feet)****19.50.090 Purpose.**

This district is intended to promote and preserve low-density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreational, religious and

educational facilities. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-52(A))

19.50.100 Permitted uses.

- (A) One (1) single-family dwelling. Manufactured homes are prohibited.
- (B) Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- (C) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- (D) Publicly owned and operated schools, parks and recreation areas and centers.
- (E) Home occupations.
- (F) Attached guest units in accordance with Section [19.25.230\(A\)](#).

~~(G) Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-52(B))

19.50.110 Conditional uses.

- (A)
 - (1) One (1) additional single-family dwelling for use as a guest house not to exceed fifty (50) percent of the total living area of the main dwelling, provided the total intensity of land use shall be a minimum of ~~ten thousand (10,000) fifteen thousand (15,000)~~ square feet of lot area per dwelling unit; or
 - (2) One (1) additional single-family dwelling for use as a guest house not to exceed ~~seventy-five percent (75%) of~~ the total living area of the main dwelling provided the total intensity of land use shall be a minimum of ~~twelve thousand, five hundred (12,500) twenty thousand (20,000)~~ square feet of lot area per dwelling unit.
- (B) Churches or similar places of worship.

- (C) Public utility buildings, structures, or appurtenances thereto for public service use.
- (D) Temporary home and land sales offices provided they are located within the same subdivisions as the land and homes that are offered for sale.
- (E) Private schools.
- (F) Golf courses and associated facilities but not including miniature golf or commercial driving ranges.
- (G) Public and quasi-public facilities which provide essential services including hospitals, police and fire stations and substations, and cemeteries.
- (H) Bed and breakfast.

~~(I) Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-52(C))

19.50.120 Property development standards.

- (A) *Minimum Lot Area.* Fifteen thousand (15,000) square feet.
- (B) *Minimum Average Lot Width.* Sixty (60) feet.
- (C) *Minimum Lot Frontage.* Thirty (30) feet.
- (D) *Maximum Lot Coverage.* Forty (40) percent.
- (E) *Minimum ~~Street Side Setback~~Front Yard.* Twenty (20) feet.
- (F) *Minimum Side Yard.* One (1) side yard of eight (8) feet and one (1) side yard of twelve (12) feet except that where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet.
- (G) *Minimum Rear Yard.* Fifteen (15) feet.
- (H) *Minimum Dwelling Size.* Exclusive of patios, porches and garages, one thousand five hundred (1,500) square feet.
- (I) *Maximum Building Height.* Not to exceed thirty-five (35) feet.

(J) *Minimum Off-Street Parking Required.* Two (2) side-by-side parking stalls. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-52(D))

19.50.130 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-52(E))

19.50.140 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-52(F))

19.50.150 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-52(G))

19.50.160 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-52(H))

Article III. R1-10 Zone – Single-Family Residential, Manufactured Homes Excluded (10,000 Square Feet)

19.50.170 Purpose.

This district is intended to promote and preserve low-density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-53(A))

19.50.180 Permitted uses.

- (A) One (1) single-family dwelling. Manufactured homes are prohibited.
- (B) Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- (C) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- (D) Publicly owned and operated schools, parks and recreation areas and centers.
- (E) Home occupations.
- (F) Attached guest units in accordance with Section [19.25.230\(A\)](#).
- (G) Group home for the handicapped. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-53(B))

19.50.190 Conditional uses.

- (A)

(1) One (1) additional single-family dwelling for use as a guest house not to exceed fifty (50) percent of the total living area of the main dwelling, provided the total intensity of land use shall be a minimum of ~~seven thousand, five hundred (7,500) ten thousand (10,000)~~ square feet of lot area per dwelling unit; or

(2) One (1) additional single-family dwelling for use as a guest house not to exceed ~~seventy-five percent (75%) of~~ the total living area of the main dwelling provided the total intensity of land use shall be a minimum of ~~eight thousand (8,000) twenty thousand (20,000)~~ square feet of lot area per dwelling unit.

(B) Churches or similar places of worship.

(C) Public utility buildings, structures, or appurtenances thereto for public service use.

(D) Temporary home and land sales offices provided they are located within the same subdivision as the land and homes that are offered for sale.

(E) Private schools.

(F) Golf courses and associated facilities but not including miniature golf or commercial driving ranges.

(G) Public and quasi-public facilities which provide essential services including hospitals, police and fire stations and substations, and cemeteries.

(H) Bed and breakfast.

~~(I) Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-53(C))

19.50.200 Property development standards.

(A) *Minimum Lot Area.* Ten thousand (10,000) square feet.

(B) *Minimum Average Lot Width.* Sixty (60) feet.

(C) *Minimum Lot Frontage.* Thirty (30) feet.

(D) *Maximum Lot Coverage.* Forty (40) percent.

(E) *Minimum ~~Street Side Setback~~Front Yard.* Twenty (20) feet.

(F) *Minimum Side Yard.* One (1) side yard of eight (8) feet and one (1) side yard of twelve (12) feet except that where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet.

(G) *Minimum Rear Yard.* Fifteen (15) feet.

(H) *Minimum Dwelling Size.* Exclusive of patios, porches and garages, twelve hundred (1,200) square feet.

(I) *Maximum Building Height.* Not to exceed thirty-five (35) feet.

(J) *Minimum Off-Street Parking Required.* Two (2) side-by-side parking stalls. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-53(D))

19.50.210 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-53(E))

19.50.220 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-53(F))

19.50.230 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-53(G))

19.50.240 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-53(H))

Article IV. R1-7 Zone – Single-Family Residential (7,000 Square Feet)**19.50.250 Purpose.**

This district is intended to promote and preserve medium density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreational, religious and educational facilities. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-54(A))

19.50.260 Permitted uses.

- (A) One (1) single-family dwelling.
- (B) Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- (C) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- (D) Publicly owned and operated schools, parks and recreation areas and centers.
- (E) Home occupations.
- (F) Manufactured housing not less than twenty (20) feet wide with axles and tongue removed, placed on a permanent foundation and anchored according to applicable codes.
- (G) Attached guest units in accordance with Section [19.25.230\(A\)](#).

~~(H) Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09, 1976 Code § 15-1-54(B))

19.50.270 Conditional uses.

(A)

(1) One (1) additional single-family dwelling for use as a guest house not to exceed fifty (50) percent of the total living area of the main dwelling, provided the total intensity of land use shall be a minimum of ~~seven thousand, five hundred (7,500) ten thousand (10,000)~~ square feet of lot area per dwelling unit; or

(2) One (1) additional single-family dwelling for use as a guest house not to exceed the total living area of the main dwelling provided the total intensity of land use shall be a minimum of ~~eight thousand (8,000) twenty thousand (20,000)~~ square feet of lot area per dwelling unit.

(B) Churches and similar places of worship.

(C) Public utility buildings, structures, or appurtenances thereto for public service use.

(D) Temporary home and land sales offices provided they are located within the same subdivisions as the land and homes that are offered for sale.

(E) Private schools.

(F) Public and quasi-public facilities which provide essential services including hospitals, police and fire stations and substations, and cemeteries.

(G) Bed and breakfast.

(H) Golf courses and associated facilities but not including miniature golf or commercial driving ranges.

~~(I) Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09, 1976 Code § 15-1-54(C))

19.50.280 Property development standards.

- (A) *Minimum Lot Area.* Seven thousand (7,000) square feet.
- (B) *Minimum Average Lot Width.* Fifty (50) feet.
- (C) *Minimum Lot Frontage.* Thirty (30) feet.
- (D) *Maximum Lot Coverage.* Forty (40) percent.
- (E) *Minimum ~~Street Side Setback~~Front Yard.* Twenty (20) feet.
- (F) *Minimum Side Yard.* One (1) side yard of five (5) feet and one (1) side yard of twelve (12) feet except that where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet. Subdivisions that received final plat approval prior to January 7, 2003, may utilize side yard setbacks of either five (5) feet and twelve (12) feet or eight (8) feet and eight (8) feet except where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet.
- (G) *Minimum Rear Yard.* Fifteen (15) feet.
- (H) *Minimum Dwelling Size.* Exclusive of patios, porches, and garages, eight hundred fifty (850) square feet.
- (I) *Maximum Building Height.* Not to exceed thirty-five (35) feet.
- (J) *Minimum Off-Street Parking Requirements.* Two (2) parking stalls. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-54(D))

19.50.290 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-54(E))

19.50.300 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-54(F))

19.50.310 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-54(G))

19.50.320 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-54(H))

**Article V. R1-7X Zone – Single-Family Residential, Manufactured Homes
Excluded (7,000 Feet)****19.50.330 Purpose.**

This district is intended to promote and preserve medium density single-family residential development consisting of conventional construction conforming to the International Building Code standards as made part of the Show Low City Code. Regulations and property standards are designed to protect the single-family residential character of the district and to prohibit manufactured homes and incompatible activities. Land use is chiefly composed of individual “site built” homes, together with required recreational, religious and educational facilities. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2005-10, § 1, 4-19-05; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-55(A))

19.50.340 Permitted uses.

All provisions of Article [IV](#) of this chapter shall apply with the exception that manufactured homes are prohibited in the R1-7X zone. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 2005-10, § 1, 4-19-05; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-55(B))

Chapter 19.55

R2-7 ZONE – SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL (7,000 SQUARE FEET)

Sections:

19.55.010	Purpose.
19.55.020	Permitted uses.
19.55.030	Conditional uses.
19.55.040	Apartments, condominiums, etc. – Property development standards.
19.55.050	Twin homes, townhouses, etc. – Property development standards.
19.55.060	General provisions.
19.55.070	Signs.
19.55.080	Parking and loading.
19.55.090	Plan review.

19.55.010 Purpose.

This district is intended to promote and preserve medium density single-family and multiple-family residential development. Regulations and property development standards are designed to protect the residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes and multiple-family dwellings, together with required recreational, religious and educational facilities. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(A))

19.55.020 Permitted uses.

- (A) Single-family dwellings.
- (B) Multiple-family dwellings.
- (C) Customary accessory uses and buildings, provided such uses are incidental to the principal use.

(D) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

(E) Publicly owned and operated schools, parks and recreation areas and centers.

(F) Home occupations.

(G) Manufactured housing not less than twenty (20) feet wide, with axles and tongues removed, placed on a permanent foundation and anchored according to applicable codes.

(H) Group home for the handicapped. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(B))

19.55.030 Conditional uses.

(A) Churches and similar places of worship.

(B) Private schools.

(C) Public utility buildings, structures, or appurtenances thereto for public service use.

(D) Temporary home and land sales offices provided they are located within the same subdivision as the land and homes that are offered for sale.

(E) Medical and dental clinics and offices.

(F) Nursery schools and day care centers.

(G) Bed and breakfast.

(H) Golf courses and associated facilities but not including miniature golf or commercial driving ranges.

(I) Public and quasi-public facilities which provide essential services including hospitals, police and fire stations and substations and cemeteries.

(J) Fraternal and social facilities, meeting halls and similar uses; no alcoholic beverages.

(K) All multifamily uses not specifically addressed in Sections [19.55.040](#) and [19.55.050](#).

~~(L) Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09, 1976 Code § 15-1-56(C))

19.55.040 Apartments, condominiums, etc. – Property development standards.

Apartments, condominiums, townhouses, or other similar type developments in which no real property other than the footprint of each unit is individually owned, or is under common ownership.

(A) *Minimum Lot Area.* Seven thousand (7,000) square feet.

(B) *Minimum Lot Area per Dwelling Unit.*

Area of Lot (square feet)	Minimum Lot Average per Dwelling Unit (square feet)
7,000 to 10,500	3,500
10,501 to 15,000	3,000
15,001 and over	2,500

(C) *Minimum Average Lot Width.* Sixty (60) feet.

(D) *Minimum Lot Frontage.* Thirty (30) feet.

(E) *Maximum Lot Coverage.* Forty (40) percent.

(F) *Minimum Front Yard.* Twenty (20) feet.

(G) *Minimum Side Yard.* One (1) side yard of five (5) feet and one (1) side yard of twelve (12) feet except that where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet. Subdivisions that received final plat approval prior to January 7, 2003, may utilize side

yard setbacks of either five (5) feet and twelve (12) feet or eight (8) feet and eight (8) feet except where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet.

(H) *Minimum Rear Yard.* Fifteen (15) feet.

(I) *Maximum Building Height.* Not to exceed thirty-five (35) feet.

(J) Except where the two (2) zones are separated by a city street, where a multifamily development of three (3) units or more adjoins a single-family residential zone, the development shall be screened from the single-family residential property by a solid material fence, six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission.

(K) *Recreation Area.*

(1) Five hundred (500) square feet of usable open space shall be provided for each dwelling unit. "Usable open space" shall mean space that can be enjoyed by people. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., which is meant to provide an open garden atmosphere. Usable open space does not include any required yards less than ten (10) feet in width, parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.

(2) Where a centralized recreation area is provided, the usable open space may be reduced up to two hundred fifty (250) square feet per dwelling unit at the following ratio: For each square foot of recreational area, open space requirements may be reduced by three (3) square feet. Recreational areas may include community use facilities, indoor recreational areas, swimming pools, hobby shops, etc. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(D))

19.55.050 Twin homes, townhouses, etc. – Property development standards.

Twin homes, townhouses, or other similar type developments in which real property other than the footprint of each unit is individually owned.

(A) *Minimum Total Lot Area (Prior to Development).* Seven thousand (7,000) square feet.

- (B) *Minimum Lot Area (Each Unit)*. Thirty-five hundred (3,500) square feet.
- (C) *Minimum Average Lot Width (Prior to Development)*. Sixty (60) feet.
- (D) *Minimum Average Lot Width (Each Unit)*. Thirty (30) feet.
- (E) *Minimum Total Lot Frontage (Prior to Development)*. Thirty (30) feet.
- (F) *Minimum Lot Frontage (Each Unit)*. Fifteen (15) feet.
- (G) *Maximum Lot Coverage (Each Unit)*. Forty (40) percent.
- (H) *Minimum Front Yard*. Twenty (20) feet.
- (I) *Minimum Side Yard*. Eight (8) feet except that where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet. Side yards of zero (0) feet for structures utilizing a common wall may be allowed; provided, that all other property development standards, including required street side setbacks, are met.
- (J) *Minimum Rear Yard*. Fifteen (15) feet.
- (K) *Maximum Building Height*. Not to exceed thirty-five (35) feet.
- (L) Except where the two (2) zones are separated by a city street, where a multifamily development of three (3) units or more adjoins a single-family residential zone, the development shall be screened from the single-family residential property by a solid material fence, six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(E))

19.55.060 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(F))

19.55.070 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(G))

19.55.080 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(H))

19.55.090 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(I))

Chapter 19.60

MH ZONE

Sections:

19.60.010	Purpose.
19.60.020	Permitted uses.
19.60.030	Conditional uses.
19.60.040	Property development standards.
19.60.050	Property development standards for R.V. subdivisions.
19.60.060	Property development standards for manufactured home parks.
19.60.070	General provisions.
19.60.080	Signs.
19.60.090	Parking and loading.
19.60.100	Plan review.

19.60.010 Purpose.

This district is intended to promote orderly planned development of manufactured housing and related accessory uses. Regulations are designed to preserve and protect the residential character of the district and to ensure compatibility with adjacent districts. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(A))

19.60.020 Permitted uses.

- (A) One (1) single-family dwelling or manufactured home per lot or parcel.
- (B) One (1) single-family dwelling, manufactured home, motor home, travel trailer or park model trailer per lot in a recreational vehicle subdivision.
- (C) Customary accessory uses and buildings provided such uses are incidental to the principal use.
- (D) Temporary buildings for uses incidental to construction work, which buildings shall be removed from completion or abandonment of the construction work.
- (E) Publicly owned and operated schools, parks and recreation areas and centers, and recreational facilities incidental to the manufactured home park or subdivision.
- (F) Home occupations.
- (G) Attached guest units in accordance with Section [19.25.230\(A\)](#).
- (H) Group home for the handicapped. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(B))

19.60.030 Conditional uses.

- (A) Manufactured home parks.
- (B) Churches and similar places of worship.
- (C) Private schools.

- (D) Public utility buildings, structures, or appurtenances thereto for public service use.
- (E) Recreational vehicle subdivisions.
- (F) Bed and breakfast.
- (G) Golf courses and associated facilities but not including miniature golf or commercial driving ranges.
- (H) Cemeteries and public or quasi-public facilities.
- (I)
 - (1) One (1) additional single-family dwelling for use as a guest house not to exceed fifty (50) percent of the total living area of the main dwelling, provided the total intensity of land use shall be a minimum of ~~seven thousand, five hundred (7,500)~~ ~~ten thousand (10,000)~~ square feet of lot area per dwelling unit; or
 - (2) One (1) additional single-family dwelling for use as a guest house not to exceed the total living area of the main dwelling provided the total intensity of land use shall be a minimum of ~~ten thousand (10,000)~~ ~~twenty thousand (20,000)~~ square feet of lot area per dwelling unit.
- (J) ~~Multi-family dwellings in accordance with chapter 19.55.040. Group home for the handicapped.~~ (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(C))

19.60.040 Property development standards.

- (A) *Minimum Lot Area.* Five thousand (5,000) square feet.
- (B) *Minimum Average Lot Width.* Fifty (50) feet.
- (C) *Minimum Lot Frontage.* Thirty (30) feet.
- (D) *Maximum Lot Coverage.* Forty (40) percent.
- (E) *Minimum Front Yard.* Twenty (20) feet.

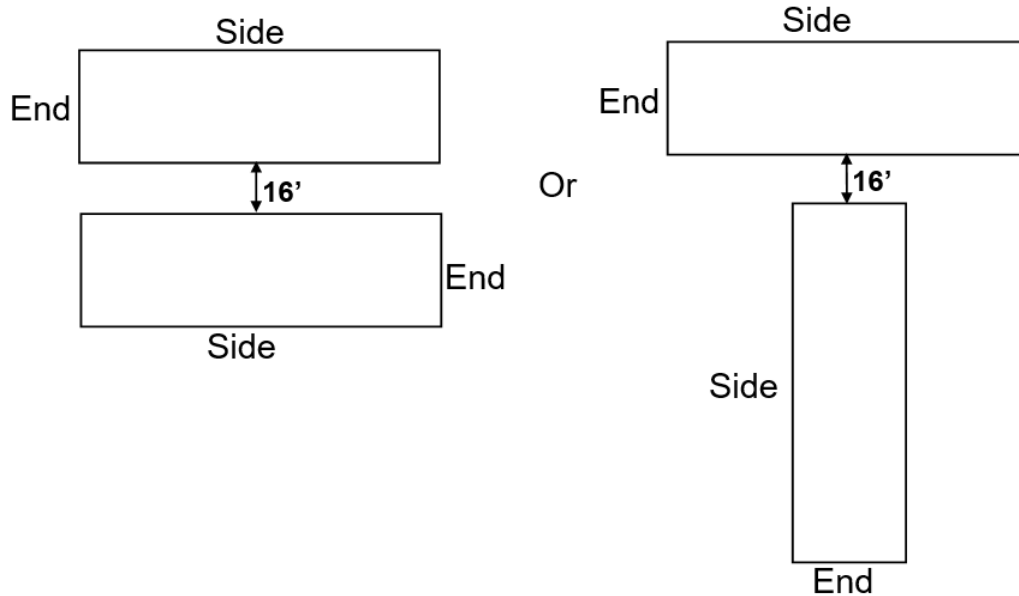
- (F) *Minimum Side Yard.* Eight (8) feet, except that where a side yard lot line abuts a street, there shall be a side yard of not less than twenty (20) feet.
- (G) *Minimum Rear Yard.* Ten (10) feet.
- (H) *Minimum Manufactured Home Size.* Five hundred (500) square feet.
- (I) *Maximum Building Height.* Not to exceed thirty-five (35) feet.
- (J) *Skirting.* All manufactured homes shall be skirted and maintained with a material that is not susceptible to rapid weathering. No untreated “earth to wood” contact (as defined by applicable building codes) shall be permitted. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(D))

19.60.050 Property development standards for R.V. subdivisions.

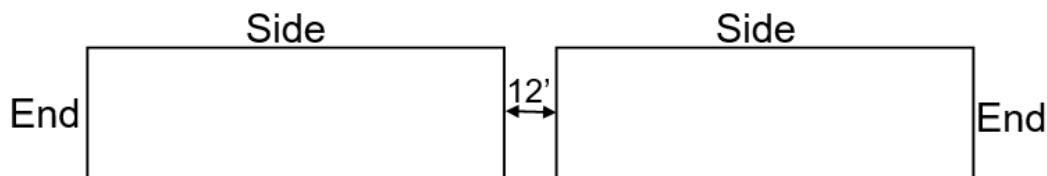
- (A) *Minimum Lot Area.* Five thousand (5,000) square feet.
- (B) *Minimum Average Lot Width.* Fifty (50) feet.
- (C) *Minimum Lot Frontage.* Thirty (30) feet.
- (D) *Maximum Lot Coverage.* Forty (40) percent.
- (E) *Minimum ~~Street Side Setback~~Front Yard.* Twenty (20) feet.
- (F) *Minimum Side Yard.* Eight (8) feet, except that where a side yard lot line abuts a street, there shall be a side yard of not less than twenty (20) feet.
- (G) *Minimum Rear Yard.* Ten (10) feet.
- (H) *Maximum Building Height.* Not to exceed twenty (20) feet.
- (I) *Skirting.* All manufactured homes and recreational vehicles shall be skirted and maintained with a material that is not susceptible to rapid weathering. No untreated “earth to wood” contact (as defined by applicable building codes) shall be permitted. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(E))

19.60.060 Property development standards for manufactured home parks.

- (A) Minimum manufactured home park size: One and one-half (1-1/2) acres.
- (B) Minimum lot area: A minimum lot average of three thousand five hundred (3,500) square feet, and a minimum lot area of three thousand (3,000) square feet.
- (C) Minimum setback of any building or manufactured home from any public street line: Twenty (20) feet.
- (D) Minimum setback of any building or manufactured home from district boundary line: Twenty (20) feet.
- (E) Minimum setback of any building or manufactured home from manufactured home park boundary: Fifteen (15) feet.
- (F) *Placement of Manufactured Home or Building on Individual Site.*
 - (1) Minimum setback from private access street: Ten (10) feet.
 - (2) Minimum distance between manufactured homes and/or attached structures:
 - (a) Between two (2) opposing sides, and between a side and an opposing end: Sixteen (16) feet.



(b) Between two (2) opposing ends: Twelve (12) feet.



(G) Minimum manufactured home size: Four hundred (400) square feet.

(H) Maximum building height: Not to exceed twenty (20) feet.

(I) *Recreation Area.*

(1) Five hundred (500) square feet of usable open space shall be provided for each dwelling unit. "Usable open space" shall mean space that can be enjoyed by people. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., which is meant to provide an open garden atmosphere. Usable open space does not include any required yards less than ten (10) feet in width, parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.

(2) Where a centralized recreation area is provided, the usable open space may be reduced up to two hundred fifty (250) square feet per manufactured home at the following ratio: For each square foot of recreational area, open space requirements may be reduced

by three (3) square feet. Recreational areas may include community use facilities, indoor recreational areas, swimming pools, hobby shops, etc.

(J) *Screening*. All manufactured home parks shall be screened with a solid material fence six (6) feet in height as defined in Chapter [19.25](#), or as otherwise required by the planning and zoning commission.

(K) *Driveways and Vehicular Access*.

(1) Manufactured home parks shall be located on or have direct access to a public street, except that no individual manufactured home space within the manufactured home park may have direct access to a public street.

(2) All driveways shall have a minimum width of twenty-four (24) feet, except when a driveway is located between trailer parking spaces it shall have a minimum width of thirty (30) feet.

(3) All driveways and interior streets shall be surfaced and maintained with a compacted aggregate base and surfaced with reclaimed asphalt or a material of equal or better strength and durability which meets the city engineer's minimum standards, weather permitting, on the type of requested by the property owner. All surface water run-off shall be retained on site or drained into a drainage system approved by the city engineer, and shall be maintained by the property owner.

(4) All plans and traffic engineering shall be subject to approval of the development review board and shall be based upon the spacing and maneuverability requirements for sixty (60) foot-long trailers.

(L) *Skirting*. All manufactured homes shall be skirted and maintained with a material that is not susceptible to rapid weathering. No untreated "earth to wood" contact (as defined by applicable building codes) shall be permitted.

(M) *Public Utilities*. All utilities shall be in compliance with applicable codes, and all utility distribution and service lines shall be installed underground. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(F))

19.60.070 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(G))

19.60.080 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(H))

19.60.090 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(I))

19.60.100 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-57(J))

Chapter 19.65**DC ZONE**

Sections:

19.65.010	Purpose.
19.65.020	Permitted uses.
19.65.030	Conditional uses.
19.65.040	Property development standards.

19.65.010 Purpose.

The purpose of this zoning district is to provide for a variety of unique commercial uses of sufficiently significant scale and intensity for a desired pedestrian oriented environment. A mixture of residential and nonresidential uses, where practical, will be encouraged. Manufactured housing and/or structures are prohibited. Any structure associated with a use four thousand (4,000) square feet or greater in area shall require a conditional use permit. Drive through uses shall only be allowed through approval of a conditional use permit in the Downtown Commercial zoning district. Because no list of uses can be complete, decisions on specific uses not included as examples on the following lists of permitted and conditional uses will be made by the planning and zoning director. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-58(A))

19.65.020 Permitted uses.

(A) *Sale of Retail Merchandise.* Retail merchandise must be sold on site. Uses permitted under this category shall include, but are not limited to, the following:

Antique dealers;

Art galleries;

Arts and crafts supply, retail sales;

Baby shops;

Bakers and baked goods, retail sales;

Barber shops;

Beauty shops;

Bicycle repair and retail sales;

Book sales, retail;

Butcher shops (no slaughtering);

Camera shops;

Candy shops, retail sales;

Christian Science reading rooms;

Clothing, retail sales;

Coffee shops;

Coin dealers;

~~Computer sales;~~

Contractor's offices only;

Cosmetics, retail sales;

Costume rental;

~~Curio shops, retail sales;~~

Delicatessens;

~~Drapery, retail sales;~~

~~Dressmakers, custom;~~

Drug stores, retail sales;

Dry cleaning outlets (no plant);

Engravers;

~~Entertainment bureaus;~~

Financial institutions;

~~Fish markets, retail sales;~~

Florists, retail sales;

Gas companies, offices only;

~~Gift shops;~~

Groceries, retail sales;

Handicrafts;

Hardware, retail sales;

Hats, retail sales and repair;

Health food stores;

Historical museums;

Hobby shops;

Home appliances, retail sales;

Home decor and furnishing, retail sales;

Home electronics, retail sales;

Ice cream shops;

Interior decorators, retail sales/display;

Jewelry store;

Leather goods, custom;

~~Linen/diaper supply, retail sales;~~

~~Magazines, retail sales;~~

Musical instruments, repairing, service, retail sales;

~~News services (no publishing);~~

~~Newspapers (advertising) sales office;~~

Notions, retail sales;

Office: Administrative and professional, including but not limited to architect, accountant, attorney, dentist, doctor, engineer, finance and other similar professions;

Office furniture, equipment and supplies, retail sales and showroom;

Optical goods, retail sales;

Pet shops, retail sales;

Philatelists (stamp dealers);

Photographer (commercial studios);

Picture framing, custom;

Pottery and ceramics, retail sales;

~~Produce, retail sales;~~

Public parking, surface;

Realty sales and management;

Restaurants (no alcoholic beverages);

~~Restaurants (beer and wine only);~~

~~Shoe repair;~~

Shoe sales and service, retail only;

Soaps, retail sales;

Sporting goods, retail;

Stationery, retail sales;

Tailors;

~~Tapestries;~~

Tea rooms;

Theatrical agency;

Toys, retail sales.

(B) *Warehousing.* Warehousing and storage of items incidental to allowed sales or service is permitted, subject to the following conditions:

- (1) All products incidental to a permitted use stored on the premises shall be sold at retail only and on the premises only.
- (2) All such storage shall be conducted within a completely enclosed building, and there shall be no external evidence of the activity such as noise, vibration, smoke, odor, dust, gas, glare, etc.

(C) *Public and Civic Uses (No Alcoholic Beverages).*

Government offices;

Publicly owned and operated parks and recreation areas and centers;

Schools, public or private elementary and high schools, colleges and universities.

(D) *Reintroduction of Prior Uses.* Uses not listed as permitted or conditional uses, but which existed as of October 6, 1998, may be reintroduced if the following conditions are satisfied:

- (1) The person(s) seeking to reintroduce the use is the owner of the property or a heir(s) of the owner of the property at the time it originally existed; ~~or and~~
- (2) The owner(s) and/or heir(s) of the owner has regained ownership of the property through foreclosure of a secured instrument; ~~or and~~
- (3) The reintroduced use shall not exceed the intensity of the original use. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-58(B))

19.65.030 Conditional uses.

Aerobics studios;

~~Antique dealers;~~

Assembly halls and auditoriums;

Bars, taverns, cocktail lounges;

Bowling alleys;

~~Butcher shops (no slaughtering);~~

Caterers;

Dance halls;

Day care centers;

Department stores;

Employment agencies;

Family game centers;

Furniture, retail sales, repair and refinish;

Garages (parcels along the Deuce of Clubs and White Mountain Road only);

Guns, retail sales and repairs;

Hotels and motels;

Indoor shooting range;

Laundromat;

Martial arts studios;

Microbrewery;

Miniature golf;

Multiple-family dwellings: Up to ten (10) units (must meet the standards of the R2-7 zone).

Manufactured homes are excluded;

Music studios;

Nursing homes;

Pet grooming;

Places of worship, fraternal and social facilities, meeting halls and similar uses;

Pool and billiard halls;

Public and civic uses serving alcoholic beverages;

Public parking, garage;

Public/private utility structures and appurtenances thereto for public service;

Recreation and health club centers;

Restaurants serving alcoholic beverages other than beer or wine;

Schools, including, but not limited to, academic, beauty, business, dancing, martial arts, vocational-technical;

Single-family residence in conjunction with and attached to a commercial use;

Skating rinks;

Theaters, motion picture and live performance;

Tobacco sales. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-58(C))

19.65.040 Property development standards.

(A) *Minimum Lot Area.* None.

(B) *Minimum Lot Width.* None.

(C) *Minimum Street Side Setback~~Front Yard~~.* None. Requirements for separation as outlined in the International Building Code shall be met.

(D) *Minimum Side Yard.* None, except where a side lot line joins residentially zoned property, in which case the minimum side yard setback shall be at least twenty (20) feet or equal to the height of the building, whichever is greater. Requirements for separation as outlined in the International Building Code shall be met.

(E) *Minimum Rear Yard.* None, except where a rear lot line joins residentially zoned property, in which case the minimum rear yard setback shall be at least twenty (20) feet or equal to the

height of the building, whichever is greater. Requirements for separation as outlined in the International Building Code shall be met.

(F) *Building Design.* Maximum building height shall be thirty-five (35) feet, except by conditional use permit. The placement of manufactured homes/buildings is prohibited. All buildings located within the Downtown Commercial zoning district shall comply with the following:

- (1) A minimum of two-thirds (2/3) of the primary building surface (defined as walls visible from the right-of-way or adjacent properties) exclusive of windows and doorways shall be treated with natural appearing materials such as stone, split face block, siding, brick, or exposed beams. The remaining one-third (1/3) of the primary building surface shall be treated with materials complementary in characteristics to the primary treatment material. Treatment shall be equally distributed on all building sides.
- (2) Primary facade planes which are visible from the public right-of-way and exceed fifty (50) feet in length shall require the addition of architectural elements such as building offsets, covered porches, or bay windows.
- (3) All roof overhangs shall be a minimum of twelve (12) inches in width.
- (4) No metal siding utilizing vertical seams shall be allowed.

(G) *Landscaping.* All development located within the DC (Downtown Commercial) zoning district shall be accompanied with a landscaping plan. All open areas not designated for parking shall be landscaped in accordance with the Show Low City Code. This landscaping plan shall incorporate the following:

- (1) All open areas not designated and surfaced for parking shall be landscaped with trees, shrubs, ground cover, pedestrian walkways, and plazas in a manner acceptable to the planning and zoning director or his/her designee.
- (2) A minimum of thirty (30) percent of the required landscaping area shall consist of vegetative ground cover. The remaining area may be landscaped with rock, gravel, or similar landscaping materials. A minimum of one (1) tree per two hundred (200) square feet of required landscaped area shall be provided. In addition, a minimum of one (1) bush or shrub shall be provided for every one hundred (100) square feet of required landscaped area. Trees, bushes, and shrubs may be grouped. In addition to these landscaped portions, an area equal to at least five (5) percent of the required parking area exceeding five

thousand (5,000) square feet shall be landscaped. Preservation of existing trees is strongly encouraged.

(3) The use of native or indigenous species is required. A list of approved trees, shrubs, bushes and ground cover is available from the community development department. Deviations from this list may be permitted following written approval from the planning and zoning director.

(4) All landscaping shall be installed and maintained in substantial conformance to the submitted and approved landscaping plan.

(H) *Screening.*

(1) Where the lot adjoins a residential zone, dissimilar uses shall be screened from the residential property by a solid material fence six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission.

(2) All outdoor storage must be screened from the public view and from the view of the adjoining property owners. A sight-obscuring fence or wall of consistent materials and nature to the primary structure(s) on the property shall be installed or a mature landscape wall that obscures view shall be planted and maintained around the perimeter of the outdoor storage area. A conditional use permit shall be required for the use of chain link fencing for sight-obscuring purposes.

(3) Screening shall not be located closer to the primary street side of the property than the front of the building.

(I) *General Provisions.* The provisions of Chapter [19.25](#) shall apply.

(J) *Signs.* The provisions of Chapter [19.100](#) shall apply.

(K) *Parking.* The provisions of Chapter [19.105](#) shall apply.

(L) *Plan Review.* The provisions of Chapter [19.15](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-58(D))

Chapter 19.70

C ZONES

Sections:

Article I.

C-1 Zone – Neighborhood Commercial

19.70.010	Purpose.
19.70.020	Permitted uses.
19.70.030	Conditional uses.
19.70.040	Property development standards.
19.70.050	General provisions.
19.70.060	Signs.
19.70.070	Parking and loading.
19.70.080	Plan review.

Article II.

C-2 Zone – General Commercial

19.70.090	Purpose.
19.70.100	Permitted uses.
19.70.110	Conditional uses.
19.70.120	Property development standards.
19.70.130	General provisions.
19.70.140	Signs.
19.70.150	Parking and loading.
19.70.160	Plan review.

Article I. C-1 Zone – Neighborhood Commercial

19.70.010 Purpose.

The purpose of this district is to provide for neighborhood retail and service uses which serve the needs of adjoining residential neighborhoods and provide for medical and professional uses that accommodate regional medical service needs. The property development standards are designed to ensure compatibility between these uses and nearby residential uses. Because no list of uses can be complete, decisions on specific uses not included as examples on the following lists of permitted and conditional uses will be made by the planning and zoning director. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 3, 4-19-05; Ord. No. 2006-07, § 6, 3-7-06; Ord. No. 2006-20, § 2, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-59(A))

19.70.020 Permitted uses.

(A) Retailing merchandise must be sold on site. Uses permitted under this category shall include, but are not limited to, the following:

All uses identified as “permitted uses” in the Downtown Commercial zone;

Antique dealers;

Art galleries;

Arts and crafts supply, retail sales;

Baby shops;

Bakers and baked goods, retail sales;

Barbershops;

Beauty shops;

Book sales, retail;

~~Butcher shops (no slaughtering);~~

~~Bicycle repair and retail sales;~~

~~Camera shops;~~

~~Candy shops (retail sales);~~

Caterers;

~~Clothing, retail sales;~~

~~Coffee shops;~~

~~Coin dealers;~~

Contractors' offices (inside storage only);

Convenience stores, no fuel sales;

~~Curio shops, retail sales;~~

Dairy products, retail sales;

Day care centers;

~~Delicatessens;~~

Delivery service, office;

~~Drapery, retail sales;~~

~~Dressmakers, custom;~~

~~Drug stores, retail sales;~~

~~Dry cleaning outlets (no plant);~~

Dry goods;

Employment agencies;

Financial institutions (drive through accessibility prohibited);

~~Florists, retail sales;~~

~~Gift shops;~~

~~Handicrafts;~~

~~Health food stores;~~

~~Hemstitching;~~

~~Hobby shops;~~

~~Ice (package sales);~~

~~Ice cream shops;~~

~~Imported goods (retail sales);~~

~~Interior decorators (retail sales/display);~~

Jewels (retail sales and repairs);

Laundries (collecting shops/self service);

~~Libraries, private, rental;~~

~~Linens, retail sales;~~

~~Magazines, retail sales;~~

~~Milliners, custom and retail sales;~~

Nail salons;

~~Newspapers (advertising) sales office;~~

~~Notions (retail sales);~~

Office: Administrative and professional, including, but not limited to, architect, accountant, attorney, dentist, doctor, engineer, finance and other similar professions;

Optical goods (retail sales);

Pet grooming;

Pharmacies;

~~Philatelists (stamp dealers);~~

~~Photographer (commercial studios);~~

~~Picture framing, custom;~~

Plant nurseries, indoor (retail sales);

~~Pottery and ceramics (retail sales);~~

~~Realty sales and management;~~

Recreation and health club centers;

Restaurants, ~~beer and wine only~~~~no alcoholic beverages~~ (no drive through);

~~Rugs (retail sales);~~

Schools, including, but not limited to, academic, beauty, business, dancing, martial arts, vocational-technical;

~~Shoe sales and service (retail only);~~

~~Stationery (retail sales);~~

Tailors, custom;

~~Tapestries;~~

~~Tea rooms;~~

~~Theatrical agency;~~

~~Toys (retail sales);~~

Variety stores (retail sales);

Video sales and rental;

Watches, sales and repairing;

Weaving, handicraft and custom.

(B) *Warehousing.* Warehousing and storage of items incidental to allowed sales or service shall be permitted, subject to the following:

- (1) All products incidental to a permitted use that are stored on the premises shall be sold at retail only and on the premises only.
- (2) All such storage shall be conducted within a completely enclosed building, and there shall be no external evidence of the activity such as noise, vibration, smoke, odor, dust, gas, glare, etc.

(C) *Public and Civic Uses (No Alcoholic Beverages).*

Government offices;

Publicly owned and operated parks and recreation areas and centers;

Schools, public or private elementary and high schools, colleges and universities;

Places of worship, fraternal and social facilities, meeting halls and similar uses;

Cemeteries. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 3, 4-19-05; Ord. No. 2006-07, § 6, 3-7-06; Ord. No. 2006-20, § 2, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-59(B))

19.70.030 Conditional uses.

~~Antique dealers;~~

Bed and breakfast;

Fuel dispensing (retail only). No auto or truck repair;

Heliport (medically related);

Hospitals;

Hotels and motels;

Manufactured home parks and subdivisions, subject to the property development standards of the MH zone;

Microbrewery with restaurant;

Multiple-family dwellings (must meet the standards of the R2-7 zone). Manufactured homes are excluded;

Nursing homes;

Overnight boarding of animals (indoor only – no livestock);

Public and civic uses serving alcoholic beverages;

Public/private utility structures and appurtenances thereto for public service use;

Recreational vehicle park or campground in accordance with Section [19.25.200](#);

Restaurants serving alcoholic beverages other than beer or wine;

Restaurants, drive-through;

Single-family residential subject to development standards of the R1-10 zone;

Veterinary clinic. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 3, 4-19-05; Ord. No. 2006-07, § 6, 3-7-06; Ord. No. 2006-20, § 2, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-59(C))

19.70.040 Property development standards.

(A) *Minimum Lot Area.* Five thousand (5,000) square feet.

(B) *Minimum Lot Width.* Fifty (50) feet.

(C) *Minimum ~~Street Side Setback~~Front Yard.* Ten (10) feet. Where lots have a double frontage, the ten (10) foot yard shall be provided on both streets.

(D) *Minimum Side Yard.* None, except where a side lot line adjoins a lot in a residential zone, there shall be a fifteen (15) foot side yard, and where a side lot line abuts a street, there shall be a ten (10) foot side yard. Requirements for separation as outlined in the International Building Code shall be met.

(E) *Minimum Rear Yard.* Six (6) feet, except where a rear lot line adjoins a lot in a residential zone, there shall be a twenty (20) foot rear yard or the height of the building, whichever is

greater. Requirements for separation as outlined in the International Building Code shall be met.

(F) *Building Design.* Maximum building height shall be thirty-five (35) feet, except by conditional use permit. The placement of manufactured homes/buildings is prohibited. All buildings located within the Neighborhood Commercial zoning district shall comply with the following:

- (1) A minimum of two-thirds (2/3) of the primary building surface (defined as walls visible from the right-of-way or adjacent properties) exclusive of windows and doorways shall be treated with natural appearing materials such as stone, split face block, siding, brick, or exposed beams. The remaining one-third (1/3) of the primary building surface shall be treated with materials complementary in characteristics to the primary treatment material. Treatment shall be equally distributed on all building sides.
- (2) Primary facade planes which are visible from the public right-of-way and exceed fifty (50) feet in length shall require the addition of architectural elements such as building offsets, covered porches, or bay windows.
- (3) All roof overhangs shall be a minimum of twelve (12) inches in width.
- (4) No metal siding utilizing vertical seams shall be allowed.

(G) *Landscaping.* All development located within the C-1 (Neighborhood Commercial) zoning district shall be accompanied with a landscaping plan. This landscaping plan shall incorporate the following:

- (1) An average of ten (10) feet of the lot measured from the front property line and the street side property line, extending the developed length of the property (except for driveways) with a minimum distance of three (3) feet from the front property line and the street side property line, extending the developed length of the property (except for driveways), shall be landscaped.
- (2) All open areas not designated and surfaced for parking shall be landscaped with trees, shrubs, ground cover, pedestrian walkways and plazas in a manner acceptable to the planning and zoning director or his/her designee.
- (3) A minimum of thirty (30) percent of the required landscaping area shall consist of vegetative ground cover. The remaining area may be landscaped with rock, gravel or

similar landscaping materials. A minimum of one (1) tree per two hundred (200) square feet of required landscaped area shall be provided. In addition, a minimum of one (1) bush or shrub shall be provided for every one hundred (100) square feet of required landscaped area. Trees, bushes and shrubs may be grouped. The use of native or indigenous species is required. A list of approved trees, shrubs, bushes and ground cover is available from the community development department. Deviations from this list may be permitted following written approval from the planning and zoning director. In addition to these landscaped portions, an area equal to at least five (5) percent of the required parking area exceeding ten thousand (10,000) square feet shall be landscaped. Preservation of existing trees is strongly encouraged.

(4) All landscaping shall be installed and maintained in substantial conformance to the submitted and approved landscaping plan.

(H) *Screening*. Where the lot adjoins a residential zone, dissimilar uses shall be screened from the residential property by a solid material fence six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission.

(I) *Outdoor Storage*. All outdoor storage is prohibited. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 3, 4-19-05; Ord. No. 2006-07, § 6, 3-7-06; Ord. No. 2006-20, § 2, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-59(D))

19.70.050 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 3, 4-19-05; Ord. No. 2006-07, § 6, 3-7-06; Ord. No. 2006-20, § 2, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-59(E))

19.70.060 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 3, 4-19-05; Ord. No. 2006-07, § 6, 3-7-06; Ord. No. 2006-20, § 2, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-59(F))

19.70.070 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 3, 4-19-05; Ord. No. 2006-07, § 6, 3-7-06; Ord. No. 2006-20, § 2, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-59(G))

19.70.080 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 3, 4-19-05; Ord. No. 2006-07, § 6, 3-7-06; Ord. No. 2006-20, § 2, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-59(H))

Article II. C-2 Zone – General Commercial**19.70.090 Purpose.**

The purpose of this district is to provide for General Commercial uses to serve the community and White Mountain region. Property development standards are designed to encourage orderly, attractive and compatible commercial development in the city. Single-family residential development shall be prohibited in the General Commercial zone. Because no list of uses can be complete, decisions on specific uses not included as examples on the following lists of permitted and conditional uses will be made by the planning and zoning director. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(A))

19.70.100 Permitted uses.

- (A) All uses identified as “permitted uses” in the Neighborhood Commercial zone.
- (B) Merchandise must be sold on site. Uses permitted under this category shall include, but are not limited to, the following:

Aerobics studios;

~~Antique dealers;~~

Artificial limbs and braces, sales and manufacturing;

Assayers;

Assembly halls and auditoriums;

Auction halls with goods stored and auctioned within a building;

Automobile parts and supplies, retail sales;

Automobile sales, licensed franchise dealers;

Automobile rental and leasing;

Awnings, custom, retail sales and fabrication (indoor only);

Balls and bearings, retail sales;

Barber and beauty supply and equipment, retail sales;

Beer, ale and wine distributors (no bottling);

Blood and plasma centers;

Boat sales and service;

Bottled fuel, storage and distribution (no bulk storage, 500-gallon maximum capacity);

Bowling alleys;

Building materials, retail sales ~~(indoor only)~~;

Burglar alarm equipment, sales, service and monitoring;

Camper sales;

Candy, retail and wholesale sales and distribution;

Carpet, rug, and furniture cleaners;

Cesspool builders and service (offices only);

Charitable institutions;

Christian Science reading rooms;

Cigarette vending service;

Clothing, retail sales and alterations;

Coin machines, rental and service;

Collection agencies;

~~Computer sales;~~

Contractors' offices;

Cosmetics, retail sales;

Costume rental;

Crockery, retail sales;

Dairies, retail sales of products;

Dental laboratories;

Dental supplies;

Department stores;

Diaper supply services;

~~Drive through restaurant not adjacent to residentially zoned property;~~

Electrical contractors' shops;

Electrical equipment, retail sales;

Engravers;

Entertainment bureaus;

Express, messenger and courier companies, office and dispatch only;

Feed, retail sales, office;

Financial institutions, drive through permitted;

Fire protection equipment, retail sales and service;

~~Fish markets, retail sales;~~

Floor coverings and refinishing;

Food products, sales and warehousing;

Furnaces, retail sales and repair;

Furniture, retail sales, repair and refinish;

Garage equipment, retail sales;

Garages (parking, public);

Gas appliances, retail sales and service;

Gas companies, offices only;

Gas regulating equipment, sales and service;

Glass and mirror sales, installation and repair;

Groceries, retail sales;

Guns, retail sales and repairs;

Gymnasiums, private and commercial;

Hardware, retail sales;

Hats, retail sales and repair;

Headstone (tombstone) sales and display;

Health clubs;

Health food products, retail sales;

Heating, ventilating and air conditioning equipment, retail sales;

Historical museums;

Hobby shops;

Home appliance sales and service;

Home electronics, general sales and service;

Home improvement sales, within an enclosed building;

Hospital service organizations;

Hotel equipment and supplies, retail sales;

Hotels and motels;

House furnishings, retail sales;

Janitorial supplies, retail sales;

Laboratories, clinical and dental (accessory to medical offices);

Lawnmower repair shops;

Leather goods, custom;

~~Libraries, private, rental;~~

Linen supply, laundry services;

Locksmith shops;

Martial arts studios;

Medical supplies, retail sales and rental;

~~Monuments, retail sales and display;~~

Mortuaries;

Motion picture equipment, retail sales and display;

~~Motion picture theaters;~~

Motor freight companies, offices only;

Motorcycles, sales and service;

Musical instruments, repairing, service, retail sales;

Music studios;

News services;

Office furniture, equipment and supplies, retail sales and showroom;

Oil burner, retail sales;

Painting equipment and supplies, retail sales;

Parking lots, commercial;

Pet shops, retail sales;

Pharmaceuticals, distribution and sales;

Photographic developing;

Physical therapy equipment, retail and wholesale;

Playground equipment, retail sales;

Plumbing fixtures and supplies, display and retail sales;

Printers;

Printer's equipment and supplies, sales;

~~Produce, retail sales;~~

Public transportation depot;

Radio and television studios;

Record retention center;

Restaurants, beer and wine only~~alcoholic beverages prohibited~~;

Restaurant equipment, retail sales;

Safes, repair and sales;

Saw sharpening shops;

School equipment and supplies, retail and wholesale;

Second hand goods which do not accept donations;

Sewing machines, retail sales and repair;

Shoe repairing equipment and supplies, sales;

Skating rinks;

Soaps, retail sales;

Soda fountain supplies, retail;

Sound systems and equipment, retail sales and repairs;

Sporting goods, retail and wholesale;

Swimming pool supplies;

Tack shops;

Theaters;

Tobacco sales;

Vacuum cleaners, retail sales and service;

Variety stores, retail sales;

Vehicle service;

Veterinarians, retail sales and supplies;

Video sales and rental;

Window cleaning service;

Window display installation, studio and shop;

Woodworking equipment, retail sales.

(C) *Multiple-Family Dwellings*. Up to ten (10) units (must meet the standards of the R2-7 zone).

Manufactured homes are excluded. Includes a single, site built residence attached to a business for use as a caretakers residence.(Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(B))

19.70.110 Conditional uses.

(A) Acoustical material, sales;

Agricultural implements, distributions and display, retail sales;

Ambulance service;

Amusement park;

Automobile, body and fender shops;

Automobile radiator shops;

Automobile sales, used;

Bars, taverns, cocktail lounges;

~~Building materials (outdoor storage yard);~~

Cabinetmaker;

Carbide sales and distribution;

Car wash;

Clothing manufacturing;

Cold storage (no slaughtering);

Cosmetics, compounding, packaging and storage;

Crematorium;

Dairy products manufacturing;

Dance halls;

Drive-in theaters;

Drive-through restaurants adjacent to residentially zoned property;

Equipment rental (indoor storage only);

Express companies, warehouses and garages;

Exterminators;

Family game centers;

Farm implements and machinery, retail sales;

Firewood storage;

Food processing;

Frozen foods processing;

Frozen foods, wholesale storage and distribution;

Fuel dispensing (retail only);

Furniture, wholesale and storage;

Golf or baseball driving ranges;

Groceries, wholesale and warehouse;

Heliport (medically related);

Homeless shelters;

Horseshoeing;

Hospitals;

Imported goods, wholesale, warehouse;

Indoor shooting range;

Ink, compounding, packaging, sales and storage;

Laboratories, testing and research;

Liquidators;

Liquor stores;

Lubricating compounds, wholesale, storage;

Lumber, sales;

Machine shops;

Machine tools, sales and storage;

Machinery dealers, retail sales and showrooms;

Manufactured home parks and subdivisions, subject to the property development standards of the MH zone;

Massage establishments;

Material handling;

Microbrewery;

Miniature golf;

~~Mini-storage facilities (personal use only). No unit greater than five hundred (500) square feet;~~

Missions, religious;

Monument works. No outdoor sandblasting;

Multiple-family dwellings, beyond ten (10) units (must meet the standards of the R2-7 zone).

Manufactured homes excluded;

Newspaper printing;

Nonchartered financial institutions;

Nursing homes;

Oil burners, service and repair;

Painting equipment and supplies, wholesale storage;

Paper products, wholesale and storage;

Pawnbroker, pawnshop;

Plant nurseries;

Plumbing fixtures and supplies, wholesale, storage;

Pool and billiard halls;

Produce, wholesale, storage;

Public and civic uses serving alcoholic beverages;

Public storage garages;

Public/private utility structures, and appurtenances thereto for public service use;

Quick freeze plants;

Radio and television broadcasting stations;

Recreational vehicle parks or campgrounds subject to the regulations in Section [19.25.200](#);

Recreational vehicle sales and service (licensed franchise dealers);

Recreational vehicle sales (used);

Refrigerators (wholesale and storage);

Rehabilitation centers;

Restaurants serving alcoholic beverages other than beer or wine;

Secondhand goods which accept donations;

Sheet metal work;

Sign shops, fabrication and painting;

Soaps, compounding, packaging, storage;

Surplus stores;

Taxicab garages;

Taxidermists;

Tire repairing equipment and supplies;

Toiletries, compounding, packaging, storage;

Trailer rental;

Trailer sales;

Vehicle repair;

Veterinary clinics that board animals;

Wine bottling.

(B) *Manufacturing.* Manufacturing incidental to a permitted sales or service shall be permitted through a conditional use permit subject to the following:

(1) Such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building devoted to the permitted use.

(2) All such manufacturing shall be conducted within a completely enclosed building, and there shall be no external evidence of the activity such as noise, vibration, smoke, odor, dust, gas, glare, etc. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(C))

19.70.120 Property development standards.

- (A) *Minimum Lot Area.* Five thousand (5,000) square feet.
- (B) *Minimum Lot Width.* Fifty (50) feet.
- (C) *Minimum ~~Street Side Setback~~Front Yard.* Ten (10) feet. Where lots have a double frontage, the ten (10) foot yard shall be provided on both streets.
- (D) *Minimum Side Yard.* None, except where a side lot line adjoins a lot in a residential zone, there shall be a fifteen (15) foot side yard, and where a side lot line abuts a street, there shall be a ten (10) foot side yard. Requirements for separation as outlined in the International Building Code shall be met.
- (E) *Minimum Rear Yard.* Six (6) feet, except where a rear lot line adjoins a lot in a residential zone, there shall be a twenty (20) foot rear yard or the height of the building, whichever is greater. Requirements for separation as outlined in the International Building Code shall be met.
- (F) *Building Design.* Maximum building height shall be forty-five (45) feet, except by conditional use permit. The placement of manufactured homes/buildings is prohibited. All buildings located within the General Commercial zoning district shall comply with the following:
- (1) A minimum of two-thirds (2/3) of the primary building surface (defined as walls visible from the right-of-way or adjacent properties) exclusive of windows and doorways shall be treated with natural appearing materials such as stone, split face block, siding, brick, or exposed beams. The remaining one-third (1/3) of the primary building surface shall be treated with materials complementary in characteristics to the primary treatment material. Treatment shall be equally distributed on all building sides.
 - (2) Primary facade planes which are visible from the public right-of-way and exceed fifty (50) feet in length shall require the addition of architectural elements such as building offsets, covered porches, or bay windows.
 - (3) All roof overhangs shall be a minimum of twelve (12) inches in width.
 - (4) No metal siding utilizing vertical seams shall be allowed.

(G) *Landscaping.* All development located within the C-2 (General Commercial) zoning district shall be accompanied with a landscaping plan. This landscaping plan shall incorporate the following:

- (1) An average of ten (10) feet of the lot measured from the front property line and the street side property line, extending the developed length of the property (except for driveways) with a minimum distance of three (3) feet from the front property line and the street side property line, extending the developed length of the property (except for driveways), shall be landscaped.
- (2) All open areas not designated and surfaced for parking shall be landscaped with trees, shrubs, ground cover, pedestrian walkways and plazas in a manner acceptable to the planning and zoning director or his/her designee.
- (3) A minimum of thirty (30) percent of the required landscaping area shall consist of vegetative ground cover. The remaining area may be landscaped with rock, gravel or similar landscaping materials. A minimum of one (1) tree per two hundred (200) square feet of required landscaped area shall be provided. In addition, a minimum of one (1) bush or shrub shall be provided for every one hundred (100) square feet of required landscaped area. Trees, bushes and shrubs may be grouped. The use of native or indigenous species is required. A list of approved trees, shrubs, bushes and ground cover is available from the community development department. Deviations from this list may be permitted following written approval from the planning and zoning director. In addition to these landscaped portions, an area equal to at least five (5) percent of the required parking area exceeding twenty thousand (20,000) square feet shall be landscaped. Preservation of existing trees is strongly encouraged.
- (4) All landscaping shall be installed and maintained in substantial conformance to the submitted and approved landscaping plan.

(H) *Screening.*

- (1) Where the lot adjoins a residential zone, dissimilar uses shall be screened from the residential property by a solid material fence six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission.

(2) All outdoor storage must be screened from the public view and from the view of the adjoining property owners. A sight-obscuring fence shall be built, or sight-obscuring landscaping fence shall be planted, and maintained around the perimeter of the outdoor storage area. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(D))

19.70.130 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(E))

19.70.140 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(F))

19.70.150 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(G))

19.70.160 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(H))

Chapter 19.75

I ZONES

Sections:

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I-1 Zone – Light Industrial

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19.75.020	Permitted uses.
19.75.030	Conditional uses.
19.75.040	Property development standards.
19.75.050	General provisions.
19.75.060	Signs.
19.75.070	Parking and loading.
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Article II.

I-2 Zone – Heavy Industrial

19.75.090	Purpose.
19.75.100	Permitted uses.
19.75.110	Conditional uses.
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19.75.130	General provisions.
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19.75.150	Parking and loading.
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Article I. I-1 Zone – Light Industrial

19.75.010 Purpose.

The purpose of this zoning district is to provide for light industrial uses such as laboratories, light manufacturing, warehousing, and other uses in locations which are suitable and appropriate, taking into consideration the land uses on adjacent or nearby properties. Because no list of uses can be complete, decisions on specific uses not included as examples on the following lists of permitted and conditional uses will be made by the planning and zoning director. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 5, 4-19-05; Ord. No. 2006-07, § 8, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-61(A))

19.75.020 Permitted uses.

(A) All uses identified as permitted and conditional uses in the commercial zones, except multi-family residential uses. Caretaker residential use permitted.

(B) Uses permitted under this category shall include, but not be limited to, the following:

Acetylene storage;

Acoustical material, manufacturing, storage;

Agricultural implements, repair, service, storage;

Agricultural tillage, contractors;

Air conditioning equipment, fabrication, storage;

Aircraft fabrication and assembly;

Aircraft sales and repair;

Auctioneers;

Bags, manufacturing, storage;

Balls and bearings, manufacturing, storage;

Battery repair;

Boat manufacturing, storage;

Boilers, manufacturing, storage and repair;

Bolts and nuts, manufacturing, storage;

Bottle manufacturing, storage;

Boxes, manufacturing, storage;

Brake lining, manufacturing, storage;

Brick storage;

Brooms, manufacturing, storage;

Bus line, repair and garage;

Buttons, manufacturing, storage;

Candle manufacturing, storage;

Cannery;

Canvas manufacturing, storage;

Carpet, warehousing and wholesale;

Caskets, manufacturing, storage;

Chocolate and cocoa products, manufacturing;

Cider and vinegar, manufacturing, storage;

Cigar and cigarette manufacturing;

Clothing manufacturing;

Coffee roasting;

Concrete products, storage;

Contractor's equipment and supplies, storage;

Dairy products, manufacturing;

Diesel engines, manufacturing, service, equipment and supplies;

Display designers and builder's shops;

Door manufacturing, metal and wood;

Drilling company equipment yards;

Electric appliances, manufacturing, storage;

Electric light and power companies, storage yards;

Equipment rental for residential use and residential construction (outdoor storage);

Feeds (grains) manufacturing, processing, storage;

Freight depots;

Fences, manufacturing, storage;

Fiberglass, fabrication;

Flour and grain storage elevators;

Flour mill;

Food preparation, wholesale;

Freight yards;

Fruit and vegetable juice, processing and storage;

Furniture manufacturing, storage;

Hardware, manufacturing, storage;

Hay and straw, processing, sales, storage;

Heating, ventilating and air conditioning equipment, manufacturing and storage;

Hiring (day labor) and transportation centers;

Homeless shelters

Hotel equipment, assembly and custom fabrication;

House movers and wreckers, equipment storage yards;

Ice, manufacturing, storage;

Insecticides, storage;

Insulation, manufacturing, wholesale, equipment yards, storage;

Landscape contractors;

Machine tools, manufacturing, storage;

Meat packing and smoking (no slaughtering);

Mill work (woodworking) manufacturing, storage;

Mining machinery, wholesale, storage;

Mini-storage facilities;

Manufactured home sales;

Motor freight company, warehouse;

Motor freight company, garage;

Motor repair and rewinding, transformers, generators, heavy-duty;

Movers, warehouses;

Notions, manufacturing, wholesale, storage;

Ornamental metal work, fabrication, storage;

Pharmaceuticals, distribution and storage;

Pickled products, manufacturing and storage;

Pipe (concrete, metal, sewer), storage;

Pipe fittings, storage and sales;

Planing mills;

Plaster contractor, storage and wholesale;

Produce processing and packing plants;

Public utility plants;

Pumice manufacturing, storage;

Railroad, service and repairs;

Road building equipment, retail sales;

Sand and gravel;

Screening, manufacturing, storage;

Seed treatment, processing and oil extraction;

Septic tanks, contractors, storage, service and cleaning;

Sewer service, equipment yard;

Tanks, manufacturing, storage;

Tile, manufacturing, storage;

Tire recapping;

Trailers, manufacturing, storage;

Welding, equipment and supplies, storage;

Welding shop;

Wood products, manufacturing and bulk storage. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 5, 4-19-05; Ord. No. 2006-07, § 8, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-61(B))

19.75.030 Conditional uses.

(A) Abrasives, manufacturing, storage;

Animal boarding, breeding and hospitals;

Asphalt and asphalt products, processing, storage;

Brick, manufacturing;

Breweries;

Bulk fuel storage;

Cement products, manufacturing (pipe, blocks, etc.);

Cement storage;

Concrete (bulk), manufacturing, storage;

Concrete products, manufacturing;

Crop dusting equipment yards;

Dead stock collectors;

Distillers, distribution, warehouse;

Fertilizers, natural, manufacturing, storage;

Fertilizers, processed, manufacturing, storage;

Foundries;

Glue, manufacturing, storage;

Hide and tallow, manufacturing, storage;

Industrial truck body, manufacturing, storage;

Insecticides, manufacturing, storage;

Mineral resource extraction;

Mortar, bulk preparation, sales, storage;

Paint and varnish, manufacturing, storage;

Paper products, manufacturing and storage;

Petroleum products, packaging and storage;

Pipe manufacturing;

Plastic and plastic products, manufacturing, storage;

Public stables;

Recycling center;

Rendering works;

Rock crushing;

Rock quarrying;

Rubber products, manufacturing, storage, salvage;

Salvage (junk) dealers, yards;

Sand and gravel, extraction;

Sand and gravel, processing and storage;

Sawdust, manufacturing, storage;

Sawmill;

Soaps, detergent, bleach, manufacturing, storage.

(B) Manufacturing activities that involve the production, discharge, and/or creation of toxic substances. No outdoor operations or outdoor storage permitted.

(C) ~~SexuallyAdult~~ oriented businesses, subject to the provisions of Chapter [19.125](#). (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 5, 4-19-05; Ord. No. 2006-07, § 8, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-61(C))

19.75.040 Property development standards.

(A) *Minimum Lot Area*. Five thousand (5,000) square feet.

(B) *Minimum Lot Width*. Fifty (50) feet.

(C) *Minimum ~~Street Side Setback~~Front Yard*. Ten (10) feet. Where lots have a double frontage, the ten (10) foot yard shall be provided on both streets.

(D) *Minimum Side Yard*. None, except where a side lot line adjoins a lot in a residential zone, there shall be a fifty (50) foot side yard setback for industrial buildings or uses, and where a side lot line abuts a street, there shall be a ten (10) foot side yard. Requirements for separation as outlined in the International Building Code shall be met.

(E) *Minimum Rear Yard*. Ten (10) feet, except where a rear lot line adjoins a lot in a residential zone, there shall be a fifty (50) foot rear yard.

(F) Caretaker residence placement shall comply with the setback requirements of the MH (Manufactured Housing) zoning district.

(G) *Maximum Lot Coverage*. Sixty (60) percent.

(H) *Maximum Building Height*. Not to exceed forty-five (45) feet, unless otherwise permitted through a conditional use permit.

(I) *Landscaping*. All development located within the I-1 (Light Industrial) zoning district shall be accompanied with a landscaping plan. This landscaping plan shall incorporate the following:

- (1) An average of ten (10) feet of the lot measured from the front property line and the street side property line, extending the developed length of the property (except for driveways) with a minimum distance of three (3) feet from the front property line and the street side property line, extending the developed length of the property (except for driveways), shall be landscaped.

(2) All open areas not designated and surfaced for parking shall be landscaped with trees, shrubs, ground cover, pedestrian walkways and plazas in a manner acceptable to the planning and zoning director or his/her designee.

(3) Landscaping shall consist of vegetative ground cover, rock, gravel or similar landscaping materials. A minimum of one (1) tree per two hundred (200) square feet of required landscaped area shall be provided. In addition, a minimum of one (1) bush or shrub shall be provided for every one hundred (100) square feet of required landscaped area. Trees, bushes and shrubs may be grouped. The use of native or indigenous species is required. A list of approved trees, shrubs, bushes and ground cover is available from the community development department. Deviations from this list may be permitted following written approval from the planning and zoning director. Preservation of existing trees is strongly encouraged.

(4) All landscaping shall be installed and maintained in substantial conformance to the submitted and approved landscaping plan.

(j) *Screening.* Where the lot adjoins a dissimilar zone, industrial and/or commercial uses shall be screened by a solid material fence six (6) feet in height as defined in Chapter [19.25](#), or as otherwise allowed or required by the planning and zoning commission. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 5, 4-19-05; Ord. No. 2006-07, § 8, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-61(D))

19.75.050 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 5, 4-19-05; Ord. No. 2006-07, § 8, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-61(E))

19.75.060 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 5, 4-19-05; Ord. No. 2006-07, § 8, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-61(F))

19.75.070 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 5, 4-19-05; Ord. No. 2006-07, § 8, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-61(G))

19.75.080 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 5, 4-19-05; Ord. No. 2006-07, § 8, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-61(H))

Article II. I-2 Zone – Heavy Industrial

19.75.090 Purpose.

The purpose of this zoning district is to provide for heavy industrial uses such as manufacturing, warehousing, and other uses, in locations which are suitable and appropriate, taking into consideration the land uses on adjacent or nearby properties. Because no list of uses can be complete, decisions on specific uses not included as examples on the following lists of permitted and conditional uses will be made by the planning and zoning director. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2006-07, § 9, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-62(A))

19.75.100 Permitted uses.

(A) All uses identified as permitted uses in the Light Industrial zone ~~except residential uses~~. Caretaker residential use permitted.

(B) Uses permitted under this category shall include, but are not limited to, the following:

Abrasives, manufacturing, storage;

Acetylene, manufacture;

Animal boarding, breeding and hospitals;

Asphalt and asphalt products, processing, storage;

Brick manufacturing, storage;

Bulk fuel storage;

Cement products, manufacturing (pipe, blocks, etc.);

Cement storage;

Concrete (bulk), manufacturing, storage;

Concrete products, manufacturing;

Crop dusting equipment yards;

Diesel engines, manufacturing;

Fertilizers, natural, manufacturing, storage;

Foundries;

Industrial truck body, manufacturing, storage;

Livestock sales and shipping;

Mortar, bulk preparation, sales, storage;

Petroleum products, packaging and storage;

Pipe manufacturing;

Plastic and plastic products, manufacturing, storage;

Public stables;

Sand and gravel, processing and storage;

Sawdust, manufacturing, storage;

Sawmill;

Soaps, detergent, bleach, manufacturing, storage.

(C) Manufacturing activities that do not involve the production, discharge, and/or creation of toxic substances. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2006-07, § 9, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-62(B))

19.75.110 Conditional uses.

(A) Ammonia, manufacturing, storage;

Breweries;

Dead stock collectors;

Distillers, distribution, warehousing;

Fertilizers, processed, manufacturing, storage;

Gas or petroleum extraction;

Glue, manufacturing, storage;

Hide and tallow, manufacturing, storage;

Mechanical and/or biological decomposition of garbage and refuse;

Mineral resource extraction;

Paint and varnish, manufacturing, storage;

Paper products, manufacturing and storage;

Plating;

Recycling center;

Rock crushing;

Rock quarrying;

Rubber products, manufacturing, storage, salvage;

Salvage (junk) dealers, yards;

Sand and gravel, extraction;

Slaughterhouses;

Vehicle (motorized) racetrack;

Wastewater treatment plant.

(B) Manufacturing activities that involve the production, discharge, and/or creation of toxic substances.

(C) ~~SexuallyAdult~~ oriented businesses, subject to the provisions of Chapter [19.125](#). (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2006-07, § 9, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-62(C))

19.75.120 Property development standards.

(A) *Minimum Lot Area*. Seven thousand five hundred (7,500) square feet.

(B) *Minimum Lot Width*. Seventy-five (75) feet.

(C) *Minimum ~~Street Side Setback~~Front Yard*. Ten (10) feet. Where lots have a double frontage, the ten (10) foot yard shall be provided on both streets.

(D) *Minimum Side Yard*. None, except where a side lot line adjoins a lot in a residential zone, there shall be a one hundred (100) foot side yard setback for industrial buildings or uses, and where a side lot line abuts a street, there shall be a ten (10) foot side yard. Requirements for separation as outlined in the International Building Code shall be met.

(E) *Minimum Rear Yard*. Ten (10) feet, except where a rear lot line adjoins a lot in a residential zone, there shall be a one hundred (100) foot rear yard.

(F) Caretaker residence placement shall comply with the setback requirements of the MH (Manufactured Housing) zoning district.

(G) *Maximum Lot Coverage.* Sixty (60) percent.

(H) *Maximum Building Height.* Not to exceed forty-five (45) feet, unless otherwise permitted under a conditional use permit.

(I) *Landscaping.* All development located within the I-2 (Heavy Industrial) zoning district shall be accompanied with a landscaping plan. This landscaping plan shall incorporate the following:

(1) An average of ten (10) feet of the lot measured from the front property line and the street side property line, extending the developed length of the property (except for driveways) with a minimum distance of three (3) feet from the front property line and the street side property line, extending the developed length of the property (except for driveways), shall be landscaped.

(2) All open areas not designated and surfaced for parking shall be landscaped with trees, shrubs, ground cover, pedestrian walkways and plazas in a manner acceptable to the planning and zoning director or his/her designee.

(3) Landscaping shall consist of vegetative ground cover, rock, gravel or similar landscaping materials. A minimum of one (1) tree per two hundred (200) square feet of required landscaped area shall be provided. In addition, a minimum of one (1) bush or shrub shall be provided for every one hundred (100) square feet of required landscaped area. Trees, bushes and shrubs may be grouped. The use of native or indigenous species is required. A list of approved trees, shrubs, bushes and ground cover is available from the community development department. Deviations from this list may be permitted following written approval from the planning and zoning director. Preservation of existing trees is strongly encouraged.

(4) All landscaping shall be installed and maintained in substantial conformance to the submitted and approved landscaping plan.

(J) *Screening.* Where the lot adjoins a residential district, industrial uses shall be screened from the residential property by a solid material fence six (6) feet in height as defined in Chapter [19.25](#), or as otherwise allowed or required by the planning and zoning commission. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2006-07, § 9, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-62(D))

19.75.130 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2006-07, § 9, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-62(E))

19.75.140 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2006-07, § 9, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-62(F))

19.75.150 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2006-07, § 9, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-62(G))

19.75.160 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 498, § 1, 8-7-01; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2006-07, § 9, 3-7-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-62(H))

Chapter 19.80**P.U.D. ZONE – PLANNED UNIT DEVELOPMENT ZONING**

Sections:

19.80.010	Purpose.
19.80.020	Objectives.
19.80.030	Permitted uses.
19.80.040	Intensity of land use.
19.80.050	Construction.
19.80.060	Preliminary development plan.
19.80.070	Description of preliminary development plan.

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| 19.80.080 | Review of preliminary development plan. |
| 19.80.090 | Final development plan approval. |

19.80.010 Purpose.

The purpose of a planned unit development (P.U.D.) zoning district is to provide greater flexibility in the development of land involving various types and combinations of residential and nonresidential uses. A P.U.D. is also intended to encourage a more creative approach in the development of land that will result in a more efficient, aesthetic and desirable use of open area. A P.U.D. may be designed and utilized in the following manner:

- (A) For large-scale projects which are able to function as an individual community or neighborhood.
- (B) For small-scale projects which require flexibility because of unique circumstances or design characteristics.
- (C) For a transitional or buffer area between dissimilar land uses.
- (D) For a conservation area to preserve and protect streams, rivers, lakes, and other natural resources. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47(A))

19.80.020 Objectives.

- (A) To accommodate variations in building design, lot arrangements and land uses.
- (B) To provide for a compatibly arranged variety of land uses through innovative site planning.
- (C) To provide a maximum choice in the types of environments for residential, commercial, and industrial uses and facilities.
- (D) To encourage economy in the construction and maintenance of off-site improvements such as water and sewer utilities and roadways.

- (E) To encourage the provision of usable open space and the protection of natural watercourses.
- (F) To ensure adequate provision of community facilities and services necessary to accommodate the needs of the present and future residents of the city.
- (G) To assist in the fulfillment of the goals, objectives and policies of the Show Low general plan and any amendments thereto. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47(B))

19.80.030 Permitted uses.

All uses permitted within the P.U.D. zone are determined by the approved development plan for the site.

(A) *Residential.*

- (1) Single-family.
- (2) Multifamily, duplexes, and single-family attached dwelling units, R.V. parks, manufactured home park.
- (3) Public and private parks, community centers, recreational facilities, schools, etc.
- (4) Common public and private open spaces.
- (5) Hiking and riding trails.
- (6) Private clubs such as golf, swimming, tennis, guest ranches.
- (7) Accessory structures and uses.

(B) *Commercial and Industrial Uses.* Commercial and industrial uses shall be determined by the compatibility of such uses with each other and with surrounding land uses. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47(C))

19.80.040 Intensity of land use.

Densities and commercial intensity permitted in the P.U.D. zone shall be determined by either the city council or planning and zoning commission in compliance with the Show Low general plan. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47(D))

19.80.050 Construction.

No building permit shall be issued for any use in the P.U.D. zone prior to approval of the final development plan as prescribed herein. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47(E))

19.80.060 Preliminary development plan.

A preliminary development plan for the P.U.D. is required for projects which would normally require subdivision approval. The approval of such plan may be handled in the following way:

(A) In the case of large-scale multi-phased developments, such approval may be given in stages. The initial submittal with the application may be a conceptual plan with sufficient description and documentation to identify nature, mix, general arrangements, density, proposed setbacks, usable open space, community facilities, and quality of the project. Such conceptual plan may then be approved conditionally, with the preliminary development plan(s) to be submitted to the planning and zoning commission and the city council within the time period(s) established at the time of rezoning. If no time period is established, the preliminary development plan must be submitted within eighteen (18) months of the effective date of the zone change.

(B) In the case of specific or small-scale, single-phase projects, the preliminary plan as described in Section [19.80.070](#) shall be filed as part of the application and approved prior to and in conjunction with planning and zoning commission and city council consideration of the application. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47(F))

19.80.070 Description of preliminary development plan.

The preliminary development plan shall be submitted to the planning and zoning director and shall include:

- (A) A ~~preliminary tentative~~ plat as described in the subdivision code acceptable to the planning and zoning director for consistency with Show Low codes, policies and plans.
- (B) An area map showing adjacent property owners, together with the location of all buildings and existing uses within three hundred (300) feet of the parcel.
- (C) A legal description of the metes and bounds of the parcel.
- (D) Drawings and descriptions clearly showing the following:
 - (1) The existing topographical features of the site.
 - (2) A statement of intended design philosophy and environmental quality. This statement may include graphic and photographic materials.
 - (3) Where portions of the site are subject to flooding, the map and supporting data shall indicate the extent, frequency, and location of detention/retention areas.
 - (4) Where areas lie in aircraft approach and holding patterns, such areas shall be indicated.
 - (5) The location and nature of the various uses and their areas in acres.
 - (6) The proposed circulation system and traffic analysis, including any improvements needed to accommodate additional traffic, indicating whether they are public or private.
 - (7) Delineation of the various land use areas indicating for each such area its general extent, size, total number of dwelling units and approximate percentage allocation by dwelling type, building arrangement, architectural style and exterior building materials and colors.
 - (8) The interior open space system.
 - (9) General statement as to how common open space is to be owned and maintained.

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- (10) A calculation of the residential density in dwelling units per gross acre including interior roadways.
- (11) Proposed minimum setback distances for planned development including the following:
- (a) Side yard distances (including corner lots);
 - (b) Building separation distances if common ownership;
 - (c) Front yard setback distances from roads (private and/or public);
 - (d) Rear yard distances (identifying whether sites are privately or commonly owned); and
 - (e) Buffer or “no build” distances from properties situated adjacent to proposed development.
- (12) Perimeter treatment and relationship of the project to surrounding land uses.
- (13) Principal ties to the community at large with respect to transportation, water supply and sewage disposal, indicating whether they are public or private.
- (14) General description of the availability of other community facilities, such as schools, fire protection services, and cultural facilities, if any, and how these facilities are affected by this proposal.
- (15) Evidence that the proposal is compatible with the goals of the city’s general plan.
- (16) If the development is to be phased, a general indication of how the phasing is to proceed. Whether or not the development is to be phased, the plan shall show the intended total project.
- (17) The planning and zoning director may waive, in writing, any of the above required information when, in his opinion, they are not applicable. The planning and zoning director may also require additional information when needed to adequately describe or clarify the project or its impact. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47(G))
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19.80.080 Review of preliminary development plan.

The preliminary development plan shall be reviewed by city staff and any other agencies deemed appropriate by the staff. The plan shall then be submitted to the planning and zoning commission and the city council for approval. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47(H))

19.80.090 Final development plan approval.

(A) It is the intent of this section that subdivision review, where applicable, under the city subdivision regulations, be carried out simultaneously as an integral part of the P.U.D. review. The plans required under this section must be submitted in a form that substantially satisfies the requirements of the subdivision regulations for final plat approval. Final plan approval under the P.U.D. shall constitute final plat approval under the city subdivision regulations and the P.U.D. final development plan shall be recorded in the same manner as the final plat.

(B) The applicant shall submit eight (8) copies of the final ~~plat~~development plan to the planning and zoning director. The plan shall contain the following information:

- (1) All information required on the preliminary development plan.
- (2) Complete plans showing location and type of all improvements.
- (3) Plans and elevations of all building types, building materials, and colors.
- (4) Schematic grading plans including proposed treatment of sloped and retention areas.
- (5) All applicable standards of design and construction required by all pertinent city codes and policies.

(C) If approval of the preliminary development plan has been given in phases, approval of the final development plan may also be given in phases. The final development plan must be in substantial conformance with the approved preliminary development plan. Any deviations from the approved preliminary plan which are deemed by the planning and zoning director not to be in substantial compliance with the approved development plan shall require approval by the city council. (Ord. No. 382, §§ 1 – 3, 12-20-94; Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47(I))

Chapter 19.85

RECREATION COMMUNITY DISTRICT

Sections:

19.85.010	Purpose.
19.85.020	Permitted uses.
19.85.030	Application and development plan.
19.85.040	Development standards.

19.85.010 Purpose.

The purpose of the Recreation Community district (RCD) is to further the intent of the Show Low general plan to:

(A) Promote the development of high quality, stable and environmentally compatible residential areas that contain necessary ancillary commercial, public and semi-public facilities and services. Additionally, such mixed use areas shall be associated with golf or other significant recreational uses.

- (1) Support various housing types located by appropriate and specific buildable areas.
- (2) Create quality development standards which provide a variety of options.
- (3) Encourage and promote the development of lodging, resort and retreat use areas that are compatible with adjacent land uses.
- (4) Encourage neighborhood businesses, offices, services and retail uses to be located adjacent to collector streets and other suitable locations.

(B) Continue to emphasize recreation as a major attraction to Show Low's residents and tourists by providing, protecting and improving public and private recreational opportunities to meet projected neighborhood, community and regional needs.

- (1) Promote outdoor recreational activities as an amenity to residents and visitors.
- (2) Encourage greenbelts and open spaces in developing areas that will connect with existing local, regional and national forest open space.

(C) *Minimum Site Area.* A minimum of three hundred (300) acres of contiguous land shall be required, unless the city council finds that a site containing less acreage than the minimum required is suitable as an RCD by virtue of its unique topography, historical character of other features and the uniqueness of the proposed development use and design. (Ord. No. 407, § 1, 1-7-97; Ord. No. 472, § 1, 4-4-00; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47.1(A))

19.85.020 Permitted uses.

(A) All uses permitted in single-family and multifamily residential districts, excluding the manufactured home district, subject to the restrictions, conditions and limitations outlined herein.

(B) All of the following uses, other than outdoor facilities, shall be of permanent construction type. Manufactured housing or structures are prohibited.

(1) Buildings containing apartments, condominiums, townhouses, patio homes and other attached and semi-detached and detached residences.

(2) Quasi-public uses, churches and parish houses, child and adult day care, schools, and professional occupations which are ancillary and subordinate to a residence.

(3) Attached or detached dwelling or room for guests with full living accommodations, which is subordinate to a residence. Such an accessory dwelling when associated with a principal residence situated on a lot smaller than twenty thousand (20,000) square feet may be an efficiency unit only (i.e., combined living and sleeping room) and no larger than seven hundred (700) square feet. Setbacks for detached guest quarters shall conform with CC&Rs, but shall be no less than twenty (20) feet from any side or rear property line.

Any such accessory dwelling, when associated with a principal residence situated on a lot twenty thousand (20,000) square feet or larger that is limited to a maximum of forty (40) percent disturbable area, may be larger than seven hundred (700) square feet and need not be an efficiency only. Such accessory dwellings that are detached and equipped with full living accommodations shall not be counted towards the allowed number of total dwelling units for the project.

(4) Inns, bed-and-breakfasts, lodges, retreat and resort hotels, and related businesses, and ancillary facilities, indoor and outdoor restaurants and lounges, meeting rooms, rental and time-share cottages, casitas and guest rooms.

(5) Real estate sales offices, rental offices, information centers, model homes used for the sale, resale and management of the RCD properties.

(6) Office and nonresidential buildings not exceeding two (2) stories or thirty-five (35) feet in height, for specialty retail, neighborhood groceries, personal services shops, pro shops, and other related support businesses scaled to meet the needs of the community.

(7) Private and semi-public recreation clubs and attendant uses and facilities, including: golf, swimming and spa, athletic and health, tennis, croquet, skating, polo, horseback riding, country clubs and similar clubs as may be approved in conjunction with the master plan, and may be allowed as an outdoor use.

(8) Comfort stations, cart and equipment/maintenance buildings, and community centers, clubhouses and other similar facilities.

(C) *Outdoor Uses.*

(1) Plant propagation facilities for on-site landscaping purposes.

(2) Private, semi-public and public park facilities, including: pavilions, picnic, play and outdoor exercise areas, trails, swimming pools, fishing and water feature ponds, botanical gardens, and riding stables.

(D) *Mixed Uses.* To meet the intent of the Show Low general plan and the purpose statement (Section [19.85.010](#)), an RCD shall be comprised of a variety of uses as permitted in this section in accordance with the following minimum mixture:

(1) Two (2) or more types of residential housing types including, but not limited to, those permitted in residential districts and those permitted in subsection [\(B\)\(1\)](#) of this section. The types, numbers and densities of dwellings shall be as determined and approved by city council action on the RCD master plan.

(2) One (1) or more of the significant recreational facilities, clubs and amenities including, but not limited to, those permitted in subsection [\(B\)](#) of this section and other forms of greenbelts and open space.

(3) Any one (1) or more of the guest lodging, food and beverage establishments, or other businesses permitted in subsections [\(B\)\(4\)](#), [\(B\)\(5\)](#), and [\(B\)\(6\)](#) of this section.

(4) Neighborhood retail uses and other nonresidential uses that include, but may not be limited to, those uses enumerated in the C-1 district. These uses may be specifically and selectively authorized as to type and size when integrated in areas designated on the RCD master plan and conform with the buffer requirements of Section [19.85.040\(B\)](#) outlined therein.

(5) The city council may approve other mixtures of land uses which meet the intent and purpose of this section.

(E) All uses and densities as specified within the RCD are subject to approval of an RCD master plan as specified in Section [19.85.030](#), Application and development plan, and Section [19.85.040](#), Development standards, and as specified in this section. (Ord. No. 407, § 1, 1-7-97; Ord. No. 472, § 1, 4-4-00; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47.1(B))

19.85.030 Application and development plan.

(A) *Zoning.*

(1) An application to establish an RCD zone shall be processed in accordance with the rezoning procedures outlined in Section [19.10.100](#).

(2) *Master Plan.* The request for RCD zoning shall be accompanied by an RCD master plan.

(3) The master plan may be conceptual in nature, but should sufficiently document graphically and otherwise the nature and mix of residential, nonresidential and recreational/open space uses. The master plan shall include the following:

(a) Identification and approximate location of residential and nonresidential uses by planning sub-area.

(b) Individual planning sub-areas shall demonstrate the use types and ranges of the maximum residential densities and general intensity of nonresidential uses. Residential densities of each planning area shall not exceed the cumulative total of actual developed dwelling units permitted by the RCD master plan.

(c) Conceptual plans and/or reports identifying design compatibility and preservation techniques intended for landscaping, natural features, screening, lighting, and other site/building design elements in the RCD master plan.

(B) *Preliminary Development Plan.*

(1) Upon approval of an RCD master plan by city council, a preliminary development plan shall be submitted for residential platting which may be submitted in phases.

(2) All preliminary development plans shall be prepared in substantial conformance with the approved RCD master plan.

(3) Preliminary development plans for residential subdividing shall conform with the requirements and procedures of Sections [19.80.070](#) and [19.80.080](#).

(C) *Final Development Plan.*

(1) Application for final development plan approval may be submitted following city council approval of the preliminary development plan.

(2) Final development plan approval for residential subdivisions shall conform with requirements and procedures of Section [19.80.090](#).

(3) Final plan approval under the RCD zone shall constitute final plat approval under city subdivision regulations and recorded with Navajo County in the same manner as a final plat.

(4) Final development plans for nonresidential sites shall conform with the plan review requirements and procedures of Chapter [19.15](#).

(5) Where a subdivision plat contains highly sensitive or significant natural features, “no build” restriction areas shall be placed within designated boundaries on the final plat for their preservation. “No build” restriction areas for highly sensitive natural areas shall be used to ensure preservation of such open space in perpetuity. To further protect sensitive natural areas, “nondisturbable area envelopes” may be used, the locations and sizes of which shall take into account preservation of the view corridors from both common areas and from individual lots to the fullest extent practicable. These “no build” areas may include, but are not limited to, significant features such as major rock outcrops, mature stands of trees, or drainage areas within the site.

(a) If it is found that a significant portion of the site and/or lots are to be labeled with “no build” restrictions, a separate map depicting these areas may be required as separate from the final plat.

(b) The “no build” area(s) shall not require legal descriptions, but shall be recognized by the planning and zoning director as an approved document to be used to review development plans of individual lots or tracts. Minimum areas, stated as square footage, shall be noted for each lot or tract. The building permit applicant shall indicate, on a site or plot plan, the same identifiable “no build” areas outlined on the final plat for that lot or tract. (Ord. No. 407, § 1, 1-7-97; Ord. No. 472, § 1, 4-4-00; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47.1(C))

19.85.040 Development standards.

All RCDs shall meet the following development standards:

(A) *Landscaping.* This landscape section shall apply to the entire area of sites where no significant native vegetation and trees exist. The undisturbed portion of sites which meet the following criteria shall be exempted. If the site contains significant stands of mature trees, and special care is given to remove only those trees and shrubs where approved improvements are to be constructed, and a conscientious effort has been made to preserve the surrounding natural vegetation, then the portion of the site which has not been disturbed shall be deemed to be landscaped and is exempt from the requirements of this section. For the purpose of this section, “undisturbed” shall mean areas where no native vegetation has been removed and no grading or other damage to the native surface has taken place.

(1) *Single and Multifamily Residential.* Single and multifamily development shall maintain a “nondisturbable area envelope.” The envelope is to ensure minimal disturbance of the natural grade and vegetation of areas outside the envelope. The total area of the disturbable area envelope (excluding pedestrian walkways, parking areas and courtyards) shall be no greater than forty (40) percent of the area of the single-family lot or multifamily residential (townhouse, condominium) development. All disturbed areas not taken up by structures or other impervious surfaces shall be re-vegetated with native or commonly accepted equal trees, shrubs and other vegetative ground cover.

(2) *Nonresidential.* A minimum of thirty (30) percent of each lot or site shall be landscaped, which at a minimum shall include the following:

(a) The required front and street side yards shall be entirely landscaped, except for necessary driveways, parking areas and pedestrian paths. Such landscaped areas shall be planted with a minimum of one (1) fifteen (15) gallon tree and two (2) five (5) gallon shrubs per fifty (50) linear feet.

(b) All parking areas for four (4) or more vehicles shall contain landscaped islands at all entry/exit points to the parking area, at ends of parking aisles and between lengths of twelve (12) parking spaces in a row; such landscaped islands shall have a minimum width of seven (7) feet and a length equal to that of the adjacent parking space; such landscaped islands shall be planted with a minimum of one (1) fifteen (15) gallon deciduous tree and three (3) five (5) gallon shrubs.

(3) *General Requirements.*

(a) In addition to the minimum on-site landscaping, the areas in public street rights-of-way not used for vehicular or pedestrian traffic and lying adjacent to individual properties shall be landscaped; such areas shall contain one (1) fifteen (15) gallon tree and three (3) five (5) gallon shrubs for every fifty (50) feet of lineal street frontages unless native vegetation is maintained in its natural state as approved and set forth in this subsection [\(A\)](#). Plant species shall be used that are noninvasive to underground utility lines. Such trees and shrubs may be clustered and located within the street right-of-way or partially within the adjacent ten (10) feet of the site. Adequate vision clearances at driveways and street intersections shall be maintained.

(b) All landscaping shall be compatible with adjacent properties within the RCD. All trees, shrubs and ground cover should be a high altitude tolerant native or commonly accepted equal species.

(c) Rock material used in landscaping shall be subordinate to and not a substitute for plant material.

(B) *Buffer.* Buffers are required at district boundaries and to separate dissimilar uses within an RCD project. Buffers specified herein should not be viewed as an additional requirement above

and beyond respective building setback requirements. Required building setbacks constitute a portion of the required buffer.

(1) Minimum natural and/or enhanced landscape buffers between any residential and nonresidential uses shall be a minimum of twenty (20) feet. At zoning district boundaries, this buffer shall be a minimum of thirty-five (35) feet.

(2) Buffers between adjacent land uses may be required by the city council to obtain greater separations than the specified setbacks required in the land use designation where necessary to protect existing adjacent residential, business, commercial or industrial uses.

(C) *Screening*. The following screening regulations are provided to mitigate unsightly areas, objects and equipment, and to provide privacy between dissimilar uses. Screening, where required, shall be the responsibility of the property owner.

(1) Outdoor storage of materials, equipment, vehicles, trailers and similar items, outdoor refuse container areas, ground mounted mechanical equipment, loading docks and service bays shall be screened from view with materials compatible with the architecture of the principal building on the same site pursuant to subsection [\(F\)](#) of this section.

(2) Nonresidential parking areas shall be screened from street view by a three (3) foot high screen consisting of masonry or other type walls, earth berms or dense landscaping, or a combination of two (2) or more of these elements. Such walls or earth berms shall be enhanced by appropriate vegetative landscaping materials. Such walls shall be designed to be compatible with the architecture of the principal building on the same property or area pursuant to subsection [\(F\)](#) of this section, Building, Structure and Site Design.

(3) Where any non-single-family lot line adjoins a single-family residential lot, a six (6) foot high solid material fence shall be constructed along the property line in addition to the landscaped buffer required in subsection [\(B\)\(2\)](#) of this section. Similar screening may be required between other dissimilar uses, as determined by the planning and zoning director or designee.

(4) Openings no greater than six (6) feet wide in screening walls and buffer landscaping necessary to facilitate pedestrian and bicyclist traffic may be required where determined by the planning and zoning director.

(5) The use of solid material fences for the purpose of privacy screening between dissimilar uses may be waived if the applicant can provide alternatives for adequate screening to be determined by performance (i.e., by completely concealing or disguising the unsightly areas, object or equipment). In all cases, the applicant shall bear the burden of proving adequacy of required screening by including renderings, photographs or plans to accompany application or building permits. Preservation of view corridors shall be treated as good cause for flexibility in the requirement for visual screening.

(6) Fencing around tennis courts or driving ranges shall have a maximum height of twelve (12) feet.

(7) Roof-mounted mechanical equipment shall be screened from view on all sides by materials that are an integral part of the design and finish of the building upon which they are mounted; such materials shall be equal to or greater in height than the mechanical equipment they are intended to screen.

(D) *Site Design and Building Orientation.* Site design and building orientation shall preserve the natural environment and protect the privacy of adjacent users as much as practicable. With this intent, the following standards and alternatives apply when, in the opinion of the planning and zoning director, alternatives or reductions will minimize the impact upon or the preservation of existing mature trees, vegetation, major rock outcrops, and riparian areas, and will not be detrimental to the use of the property or to adjacent properties:

(1) Loading areas and service bays shall not be located on any side of any building fronting upon a street, unless such location would cause undue destruction of significant natural environmental features; if located on a side of a building fronting upon a street, such loading areas and bay doors shall be screened from view using the same screening requirements as in subsection [\(C\)](#) of this section.

(E) *Building Separations and Setbacks.*

(1) Minimum setbacks for single-family residential detached structures with lots twenty thousand (20,000) square feet or greater shall conform to the AR-43 zoning district requirements of this Code. All other single-family and multifamily developments shall conform to the setbacks in the R1-15 zoning district, except as specifically set forth herein.

(2) Minimum setbacks for commercial developments shall meet the setback requirements of the Neighborhood Commercial zoning district.

(3) Where more than one (1) detached, multifamily residential building occupies one (1) lot or one (1) tract or multiple contiguous tracts, there shall be a minimum separation of twenty (20) feet between such residential buildings of one (1) story and/or fifteen (15) feet in height. Such separation shall be increased by five (5) feet for each story and/or each fifteen (15) feet in height above the first story.

(4) There shall be a minimum separation of twenty (20) feet for any one (1) story building, other than a detached, single-family residence, which is located adjacent to a single-family residence or lot; such separation shall be increased by ten (10) feet for each story and/or each fifteen (15) feet in height above the first story and/or thirty-five (35) feet in height.

(5) Where existing mature trees, significantly tall rock outcrops or other terrain features provide adequate privacy screening between buildings as described in subsections [\(E\)\(2\)](#) and [\(E\)\(3\)](#) of this section, the planning and zoning director may reduce the building separations and setbacks required herein.

(6) Where special architectural design elements create privacy through the location of windows, doors, walls and private yards or courts or other design features, the building separations and setbacks required in subsections [\(E\)\(2\)](#) and [\(E\)\(3\)](#) of this section may be reduced if, in the opinion of the planning and zoning director, the intent of this section is provided for.

(7) Where reduction of building setbacks and separations, parking and loading requirements and locations pursuant to subsections [\(E\)\(1\)](#) through [\(E\)\(6\)](#) of this section are desired by the applicant, the applicant must submit a site plan of existing conditions, visual analysis, construction documents or other reasonable proof in support of such reductions or deviations when filing for a building permit.

(F) *Building, Structure and Site Design.* It is the intent of the RCD that buildings, structures and landscaping be compatible with the natural environment and existing nearby neighborhoods within the RCD. To further this intent, the developer shall be required to form property owners associations to review and approve the compatibility of proposed buildings, structures, walls and other screening and landscaping, site plans and grading plans. Evidence of such approval must be provided by the applicant at the time of submittal for building and grading permits. A

documented determination of incompatibility shall be cause to obtain the compatibility to sign off by the property owners association. The city's role in enforcement of compatibility shall be tied to the property owners association's determination of compatibility or incompatibility at the building/site/grading plan permitted stages only.

(G) *General Provisions*. The provisions of Chapter [19.25](#) shall apply unless otherwise specified herein.

(H) *Signs*. The provisions of Chapter [19.100](#) shall apply unless otherwise specified herein.

(I) *Parking and Loading*. The provisions of Chapter [19.105](#) shall apply unless otherwise specified herein.

(J) *Outdoor Lighting*. The provisions of Chapter [19.110](#) shall apply unless otherwise specified herein. (Ord. No. 407, § 1, 1-7-97; Ord. No. 472, § 1, 4-4-00; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-47.1(D))

Chapter 19.90

WATER RESOURCE PROTECTION AREA DISTRICT

Sections:

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19.90.110	Use variances.

19.90.010 Establishment.

(A) The Water Resource Protection Area District map of the City of Show Low is on file with the city clerk's office. Those active wells as depicted upon the Water Resource Protection Area District map shall be deemed an overlay zone on the otherwise applicable zoning districts as delineated on the Zoning Map of the City of Show Low. The Water Resource Protection Area District imposes a set of requirements in addition to those of the underlying zoning district; therefore, land may be used only under the conditions and requirements of both zones.

(B) The Water Resource Protection Area consists of land in the zone of contribution of public water supply wellfields. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(A))

19.90.020 Purpose.

This chapter is intended to protect the public water supplies in the city by providing for a land management process that will ensure compatible uses within those districts necessary to maintain the water supply areas and to protect the public health by preventing contamination of the water supply by substances harmful to health. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(B))

19.90.030 Definitions.

The following terms shall have the meanings ascribed to them in the application of this section:

Alteration: Either an expansion as described below or a change in the use or activity in a portion of a building.

Aquifer: A stratum or zone below the surface of the earth that will yield water in a usable quantity to a well or spring.

Conversion: A change in the use or activity of a building or site.

Development: Includes, but is not limited to, any structure or other impervious cover, including streets, parking lots, driveways, walkways and other paved areas.

Expansion: Any addition to a building or part of a building.

Groundwater: Any water found under the surface of the earth.

Hazardous material: Any material as defined by [49](#) USC Section [5102](#) and amendments thereto.

Hazardous substance: Any substance as found in [40](#) CFR Part [116](#), Designation of Hazardous Substances, and amendments thereto.

Hazardous waste: Any waste as defined by [40](#) CFR Section [261.3](#), Definition of Hazardous Waste, and amendments thereto.

Impervious surfaces: Areas that do not allow significant amounts of water to penetrate.

Leachable wastes: Waste materials including without limitation solids, sewage sludge and agricultural residue that may release waterborne contaminants to the surrounding environment.

Public water supply well: A well from which the water is used to serve fifteen (15) or more service connections and which is used for public purposes.

Runoff: The water on the surface of the land resulting from any form of precipitation, including snow or ice melt.

Secondary containment: A system installed to prevent any volume of a substance released from the primary containment tank from reaching the soils and/or water outside the system for the anticipated period of time necessary to detect and recover the released substance.

Sewage: Water carrying human or animal waste from septic tanks, water closets, residences, buildings, industrial and municipal establishments or other places, together with such groundwater infiltration, sub-surface water, mixtures of industrial waste or other waste as may be present.

Surface waters: Water occurring generally on the surface of the earth.

Underground petroleum storage: Any underground storage vessel, including the underground pipes connected thereto, which is used to contain petroleum products including heating oil and diesel fuel, and the volume of which, including the volume of the underground pipes connected thereto, is buried ten (10) percent or more beneath the surface of the ground.

Water Resource Protection Area District map: Map delineating the zone of contribution area for active and planned public water supply wells within the city. Planned wells are only for advisory purposes, not regulatory as the active wells depicted on the map.

Zone of contribution: The area contributing water to a well or well field. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(C))

19.90.040 General provisions.

(A) *Applicability.* These provisions shall apply to all lands within the jurisdiction of Show Low and shown as being located within the boundaries of any identified Water Resource Protection Area District, as defined in Section [19.90.010](#).

(B) *Compliance.* No area within the Water Resource Protection Area District shall hereafter be used or developed and no structure shall be located, extended or structurally altered without full compliance with the terms of this section and other applicable regulations. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(D))

19.90.050 Application review and approval.

Any proposed construction or land disturbance activity on land within any Water Resource Protection Area District shall be in compliance with the uses allowed in Sections [19.90.060](#) and [19.90.070](#). Any such proposal shall be reviewed by the planning and zoning department, in conjunction with other agencies determined appropriate by the planning and zoning department, for compliance with all requirements of this chapter and all other applicable codes and ordinances of the city. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(E))

19.90.060 Permitted uses in the Water Resource Protection Area.

(A) The following principal uses are permitted in areas served by sanitary sewer and storm drainage systems providing there are no conflicts with Section [19.90.070](#):

- (1) Any use which does not involve the handling, discharge, processing, use or storage of hazardous materials, wastes, and substances, as defined in Section [19.90.030](#).
- (2) Bakery and beauty shops, dry cleaning pick-up shops, laundries and similar personal service shops.
- (3) Professional offices including medical and dental offices, law offices, finance, insurance and real estate offices, and similar establishments.
- (4) Retail sales establishments including hardware stores, grocery stores, department stores, paint stores, and similar establishments. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(F))

19.90.070 Regulated uses in the Water Resource Protection Area.

(A) The use, storage, treatment, or disposal of hazardous substances in quantities listed in [40](#) CFR Part [117](#), Determination of Reportable Quantities for Hazardous Substances, or hazardous wastes in levels listed in [40](#) CFR Section [261.24](#), Toxicity Characteristics Table 1, or the transportation to or from a site within the Water Resource Protection Area of hazardous materials in quantities as described in [49](#) USC Section [5108](#), Registration, shall be prohibited except those activities that are subject to the “special exception” approval of the planning and zoning commission. The use, storage, treatment, or disposal may be permitted of the substances described in this section with appropriate safeguards based on applicable federal, state, and local regulations which shall be installed to prevent the release and/or discharge into the environment of these substances. Those items strictly regulated by other provisions of this section shall meet these provisions and cannot apply for a special exception for these items.

(1) *Special Exception.* The operator of any commercial or industrial facility which involves the use, handling, storage, or processing of hazardous material or hazardous waste shall prepare a materials management plan for submission to the planning and zoning commission. The plan must demonstrate that the applicant shall use best management practices and ensure the risk to the groundwater supply shall be minimized. The planning and zoning commission, by conditional use permit with a bi-annual review, may approve, modify and approve or deny the plan.

(a) The plan shall contain the following information:

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- (i) *Facility Description.* The plan shall contain the name and address of the facility, and business phone number of the applicant; the name, titles and emergency phone numbers of the primary response person and an alternate; the number of employees by shift, number of shifts, and principal and accessory business activity.
 - (ii) *Safe Handling.* The plan must contain a description of the handling procedures to be employed for each material on this site.
 - (iii) *Transportation Plan.* The plan shall also include materials entering and leaving the site. A map indicating the transportation routes to be utilized to and from the site, as well as a description of the means of material transportation.
 - (iv) *Disposal of Waste Materials.* A description of the disposal methods to be employed for those materials identified in Section [19.90.030](#), as well as any secondary wastes generated during the manufacturing process.
 - (v) *Leak and Spill Prevention.* Identify and describe procedures and practices to be employed to prevent leaks and spills of hazardous materials.
 - (vi) *Leak and Spill Reporting.* Prepare a leak reporting system to be employed by the facility providing for proper notification of the appropriate officials of the facility, city, fire district, and state. A description of the reporting procedure including identification of officials to be notified shall be provided.
 - (vii) *Emergency Spill Plan.* An in-depth emergency spill procedure must be formulated as part of the plan that identifies and describes the following major topics:

Emergency Procedures;

Notification of Officials;

Spill Containment Procedures;

Cleanup;

Disposal;

Reporting.

(B) The underground storage of oil, petroleum, and petroleum products shall be prohibited unless contained in either a fiberglass reinforced plastic or cathodically protected externally coated steel tank. A testing laboratory approved by the Arizona Department of Environmental Quality must list these tanks. Such tanks and appurtenant facilities shall be equipped with monitoring devices and failure detection systems and protected internally and externally from structural failure. Leak detection reports must be submitted to the planning and zoning department annually. Underground storage tanks shall be positioned within a nonporous vault large enough to retain the contents of the tank if a rupture occurs or surrounded by an impermeable synthetic fabric barrier. An alternative to the vault or barrier may be a listed dual-walled tank with a definite annular space between the primary and secondary wall.

Installation of such tanks, facilities and systems shall be done strictly in accordance with the manufacturer's specifications. These installations shall be inspected by the building inspector and fire chief or his/her designee, and these officials must witness a test of the facilities for tightness before they are covered. If a failure is detected, work shall not proceed until the failure is remedied and the system retested.

The building inspector, fire chief, planning and zoning director, or public works director shall have the right to periodically inspect the underground tank. The materials used for underground storage systems must be appropriate for and chemically compatible with the material stored contained in a vaulted container.

The above-ground storage of oil, petroleum, and petroleum products shall be permitted; provided, that secondary containment facilities based on applicable federal, state, and local regulations capable of capturing the materials stored on the site are provided, subject to the approval of the planning and zoning director.

(C) The burial, dumping, or disposal of municipal, industrial, or agricultural waste, defined as any land use associated with the disposal, storage and treatment, or transfer of municipal solid waste, sewerage treatment plant sludge, or industrial residual waste, and other special solid waste, shall be prohibited.

(D) Public sanitary sewer service, where available, shall be required for all residential, commercial, and industrial uses. For the purposes of this section "available" shall mean a public sanitary sewer is located no more than two hundred (200) feet from the property line of the lot being developed.

When sanitary sewers are not available the following provisions will apply: Single-family detached homes shall be permitted to use on-site septic systems. Commercial or industrial uses shall be permitted to use on-site septic systems provided the use does not involve the use, handling, storage, or processing of a hazardous material or hazardous waste and the applicant can show that the amount and type of discharge expected from the use will not exceed that which could be expected from a single-family residence not to exceed three hundred (300) gallons per day total discharge. Septic systems are prohibited within the first one thousand (1,000) feet of the Water Resource Protection Area beginning at the wellhead.

(E) Building floor drains are prohibited in any structure or portion of a structure where hazardous materials or wastes are present including but not limited to storage areas, process areas, assembly areas, or service areas except when an approved oil/sand separator is installed and connected to the sanitary sewer system.

(F) All commercial/industrial parking, driveway, access lanes, and loading areas with an aggregate area over one (1) acre shall be paved and any such paved areas shall be adequately curbed to control runoff. Any such area over five (5) acres is required to have a "Parking Lot Sweeping Plan" on file with the city. Annual reporting shall show compliance with this plan. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(G))

19.90.080 Administration.

All subdivision and/or land development proposals, site plan applications, lines and grades plans, or any change of use, alteration or expansion of an existing use, new development, or expansion of floor space of existing uses and changes in use within the Water Resource Protection Area District shall be reviewed by the planning and zoning department, with the advice of the public works department for the City of Show Low, and shall conform to the provisions of this section and other applicable ordinances of the city, as well as state and federal regulations as applicable. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(H))

19.90.090 Designated zones.

(A) When the area of the actual boundary of the Water Resource Protection Area District is in dispute by any owner actually affected by said boundary, the owner may engage the services of professional practitioners set forth in this section to prepare a report intended to determine more accurately the precise boundary of the Water Resource Protection Area District, which report shall be submitted to the planning and zoning department with detailed findings, including:

- (1) A detailed topographic layout of the subdivision and/or area to be developed prepared by a registered professional land surveyor.
- (2) Site-specific geological and hydrogeological analyses shall be performed by an Arizona registered professional geologist and shall be based upon thorough site investigation and testing to be determined and established through regulations approved by the public works department.
- (3) Evidence derived from a pumping test(s) or a sufficient number of test borings, test pits, observation wells and groundwater elevations to clearly demonstrate that the area in question does not meet the definition of a Water Resource Protection Area District as defined in this section.

(B) Notwithstanding any other provision of this Code, if an owner initiates a precise boundary delineation pursuant to this chapter, any and all time review limitations shall be stayed pending the submission of the report contemplated by this chapter. Following submission of the report, the planning and zoning department shall have thirty (30) days to finally approve or disapprove the exploratory sketch plan submission. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(I))

19.90.100 Legal nonconforming uses.

Legal nonconforming uses may continue in this district in the form in which they exist at the time of the adoption of the ordinance codified in this chapter. Any change of title or right to possession shall not affect such continuation of an existing use. Whenever a nonconforming use has been abandoned for a period of one (1) year, such use shall not thereafter be

re-established and any future use shall only be in compliance with the provisions of this chapter. In the event such nonconforming use shall pose a direct hazard to the public water supply, the City of Show Low may take any action permitted by law to abate the hazard. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(J))

19.90.110 Use variances.

The board of adjustment shall not be permitted to grant use variances in the Water Resource Protection Area. (Ord. No. 484, 2-6-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-70(K))

Division III. Use Regulations

Chapter 19.95

NONCONFORMING USES AND STRUCTURES

Sections:

19.95.010	Purpose.
19.95.020	Definitions.
19.95.030	Continued use.
19.95.040	Reconstruction.
19.95.050	Nonconforming lots.
19.95.060	Expansions.
19.95.070	Parking.
19.95.080	Rezoning and annexation.

19.95.010 Purpose.

The purpose of this chapter is to regulate the use, maintenance, alteration, repair, extension and restoration of buildings and land which lawfully existed at the time of adoption of the

ordinance codified in this chapter, but which do not conform to the regulations for the district in which they are located. (Ord. No. 360, §§ 1, 3, 4-6-93; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-43(A))

19.95.020 Definitions.

Nonconforming structure: A structure which was lawfully erected prior to the adoption of the ordinance codified in this title but which, under this title, does not conform with the standards of development and construction, lot coverage, yard spaces, height of structures, distance between structures or other standards prescribed in the regulations for the district in which the structure is located.

Nonconforming use: A use of a structure or land which was lawfully established and maintained prior to the adoption of the ordinance codified in this title but which, under this title, does not conform to the use regulations for the district in which it is located. (Ord. No. 360, §§ 1, 3, 4-6-93; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-43(B))

19.95.030 Continued use.

(A) The lawful use of land, buildings, or structures existing at the time of the passage of the ordinance codified in this title, although such does not conform to the provisions hereof for said land, building, or structure, may be continued, but if such nonconforming use is discontinued for a period of twelve (12) months it shall be considered abandoned, and future use of said land or structure shall be in conformity with the provisions of this title.

(B) Nothing in this title shall prevent the reconstruction, repairing, or rebuilding of a nonconforming structure or part thereof rendered necessary by normal wear and tear or depreciation, provided such wear and tear or depreciation does not exceed seventy-five (75) percent of the value of said structure as determined by the building official.

(C) Nothing in this title shall be interpreted as authorization for approval of the continuance of the use of a building or premises in violation of regulations in effect at the time of the effective date of the ordinance codified in this title.

(D) Nothing in this title shall prevent requiring the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by a proper authority.

(E) Nothing in this title shall require any change in plans, construction, or designated use of a building for which a building permit has been issued prior to the enactment of this title, provided the construction shall be diligently pursued within sixty (60) days of the date of this title, and the building is completed and used according to such plans as filed within two (2) years from the date of this title.

(F) A nonconforming building may be used for conforming uses if the owner has not taken action since the passage of this title to cause nonconformity or a greater degree of nonconformity. Once a structure, either in part or whole, is brought into conformance with this title, no action to take that conforming structure, either in part or whole, back into nonconformance shall be permitted. (Ord. No. 360, §§ 1, 3, 4-6-93; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-43(C))

19.95.040 Reconstruction.

Should a nonconforming structure or nonconforming portion of a structure be destroyed by fire, explosion, collapse, act of God, or act of public enemy, it may be repaired, replaced, or reconstructed within its original footprint or to a greater degree of conformity. Should an application for a building permit to repair or replace not have been made within one (1) year from the date of loss, it shall not be reconstructed except in conformity with the provisions of this Code. Should one (1) year prove inadequate, an extension of a maximum of one (1) year may be applied for by application to the planning and zoning commission. (Ord. No. 360, §§ 1, 3, 4-6-93; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-43(D))

19.95.050 Nonconforming lots.

Notwithstanding any other provisions of this title, a building may be constructed on any lot of record before September 1, 1987, in any zone in which such buildings are permitted even though such lot fails to meet the area or width requirements within the zone. (Ord. No. 360, §§ 1, 3, 4-6-93; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-43(E))

19.95.060 Expansions.

(A) Any expansion of a conforming structure devoted to a nonconforming use or expansion of a nonconforming structure shall be by conditional use permit issued by the planning and zoning commission.

(B) Any expansion of a nonconforming use shall be by conditional use permit issued by the planning and zoning commission subject to the following:

(1) The expansion of a conforming use within any portion of a nonconforming building shall not be deemed the expansion of such nonconforming use and would not require a conditional use permit.

(2) No nonconforming use shall be expanded to displace a conforming use.

(3) Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. (Ord. No. 360, §§ 1, 3, 4-6-93; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-43(F))

19.95.070 Parking.

(A) If a building or business is destroyed, and if it is allowed to be reconstructed subject to the provisions of Section [19.95.040](#), it shall be required to provide only the number of parking spaces which existed prior to the destruction.

(B) If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion. (Ord. No. 360, §§ 1, 3, 4-6-93; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-43(G))

19.95.080 Rezoning and annexation.

Whenever the boundaries of a zone shall be changed so as to transfer an area from one (1) zone to another zone of a different classification, or for areas annexed into the city, the foregoing provisions shall also apply to any nonconforming uses existing therein. (Ord. No. 360, §§ 1, 3, 4-6-93; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-43(H))

Chapter 19.100

SIGNS

Sections:

19.100.010	Purpose and intent.
19.100.020	Definitions.
19.100.030	Applicability.
19.100.040	Permits.
19.100.050	Nonconforming signs.
19.100.060	Prohibited sign types.
19.100.070	Regulations applicable to signs in all zoning districts.
19.100.080	Regulations applicable to signs in all agricultural, residential, and manufactured home zoning districts.
19.100.090	Regulations applicable to sign walkers in all zoning districts.
19.100.100	Regulations applicable to transient merchant signs in all zoning districts.
19.100.110	Regulations applicable to special event signs in all zoning districts.
19.100.120	Regulations applicable to signs in commercial and industrial zones.
19.100.130	Violations, enforcement and penalties.

19.100.010 Purpose and intent.

This chapter provides a set of standards for the design and construction of signs in the City of Show Low.

(A) The purpose of this chapter is to:

- (1) Preserve and protect the public health, safety and welfare of the citizens of the City of Show Low.
- (2) Promote and accomplish the goals, policies and objectives of the City of Show Low general plan.
- (3) Balance public and private objectives by allowing adequate signage for business identification.

(4) Promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage.

(5) Prevent property damage and personal injury from signs which are improperly constructed or poorly maintained.

(6) Promote the use of signs which are aesthetically pleasing, or appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the community's expressed desire for quality development.

(7) Protect property values, the local economy and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the City of Show Low.

(B) It is the intent of this section to:

(1) Provide functional flexibility, encourage variety and create an incentive to relate signing to basic principles of good design.

(2) Provide an improved visual environment for the citizens of and visitors to the City of Show Low. (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(A))

19.100.020 Definitions.

Animation or animated: The movement or the optical illusion of movement of any part of the street graphic structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street graphic.

Awning: A cloth, plastic, or other nonstructural covering that is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Banner: A temporary sign of fabric, plastic, paper or other light, pliable material.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Changeable copy: Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered, at intervals exceeding sixty (60) minutes between changes or alterations, on a fixed display.

Commercial flag: A piece of cloth, vinyl or other material that is moved by the wind or meant to be an attention-attracting device, which may or may not include a commercial message such as business name, logo, colors, "Open," "Sale," etc.

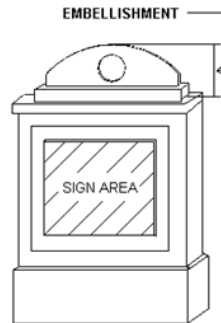
Copy: The words, letters, symbols, illustration or graphic characters used to convey the message of a sign.

Eave line: The point at which any part of the roof structure touches or bears upon an external wall.

Electronic message display: A sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. Such signs shall include the following modes of operation:

- (1) *Dissolve:* Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.
- (2) *Fade:* Signs upon which static messages are changed by means of varying light intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility.
- (3) *Scrolling:* Signs upon which the message is changed by the apparent vertical movement of the letters or graphic elements of the message.
- (4) *Static:* Signs which include no animation or effects simulating animation.
- (5) *Travel:* Signs upon which the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

Embellishment: Structural or decorative elements of a sign incorporating representations of the significant architectural features of the associated building or development. Embellishment shall not include letters, numerals, figures, emblems, logos, colored bands or other features conveying a commercial advertising message.



Embellishment (Figure 1)

International Building Code (IBC): The current edition of the International Building Code adopted by the City of Show Low.

Maintenance: The repair or replacement in kind of individual sign components including paper, fabric, plastic copy panels, electrical wiring and bulbs, or paint, stucco or other exterior finishes.

Mural: A message, picture, scene, or diagram exhibited on the outside wall of a building or structure through application of paint, canvas, tile, panels, or similar materials such that the wall becomes the background surface or platform for the mural. A mural shall be considered a wall sign or commercial message if it contains words, logos, trademarks, or graphic representations of any person, product, or service for the purpose of advertising or identifying a business. Explanatory wording relative to the artwork may be incorporated into the mural. Signatures shall be allowed and are limited to a maximum of two (2) square feet in size.

Out-parcel pad: A building that shares a common parking lot with a shopping center, but is physically separated from the shopping center.

Shopping center: A group of three (3) or more commercial establishments and/or professional offices associated by common agreement or under common ownership which comprises a contiguous land parcel unit with common parking facilities. The required under-roof square footage to be considered as a shopping center is a minimum of five thousand (5,000) square feet.

Sign: Any identification, description, illustration, or device which is affixed directly or indirectly upon a building, structure, or land which directs attention to a product, place, activity, person, institution, or business, and which is visible from any public street, waterway, alley, or public place, or a vehicle-mounted sign on a vehicle that is habitually parked or stationed at the site of

a business, shall be construed as a sign for the purpose of this chapter. National flags and government flags shall not be construed as signs.

Sign area: The area of a sign is the entire area within a single continuous perimeter composed of parallelograms, circles, ellipses, trapezoids and triangles, or a combination of two (2) of the above or regular portions thereof per sign panel which encloses the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed (excluding the necessary supports or uprights on which such sign is placed). Embellishment, as defined in this section, does not constitute sign area. The area of any two (2) faced sign with parallel faces, or "V" type signs having an interior angle of forty-five (45) degrees or less, shall be the area of the single face. All other multiple-faced or paneled signs shall be the total area of all faces or panels.

Sign, canopy: A type of building-mounted sign supported by a permanent canopy, arcade, or portal.

Sign, costume: Clothing that is integral to the conveyance of a commercial message. Commercial logos and other commercial identification on shirts, hats and other clothing are not costume signs.

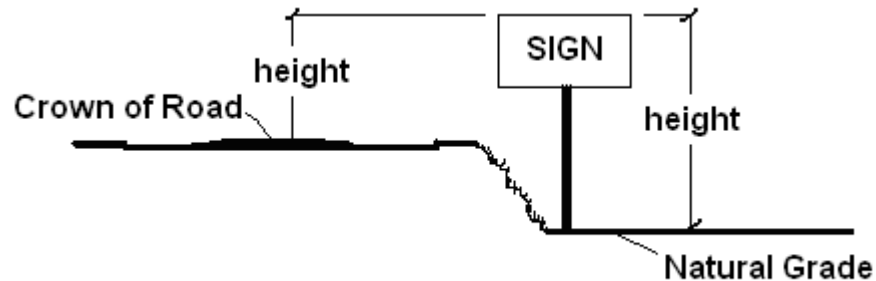
Sign, development: Any temporary sign erected on the premises of an existing construction project and designating the architect, contractor, designer or builder, or developer or the name and nature of the project.

Sign, directional: Any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed, and which contains no advertising copy.

Sign, entrance and exit: Signs with the sole purpose of indicating the entrance and exit to a property/business.

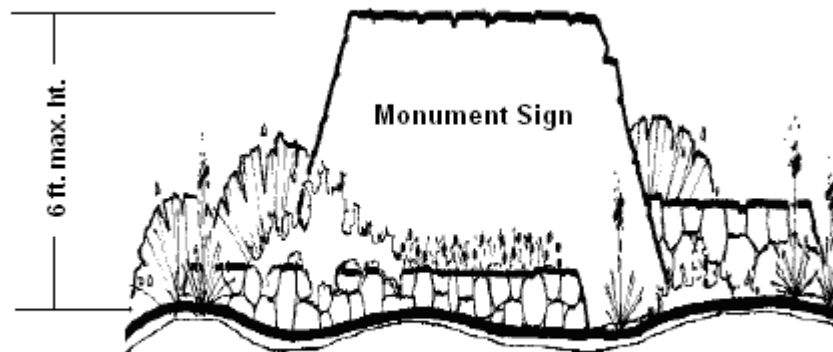
Sign, freestanding: A sign attached to or supported from the ground and not attached to a building; signs on walls or fences which are not an integral part of a building are freestanding signs.

Sign height: The vertical distance from the crown of the nearest adjacent road to the highest point of the sign or the vertical distance from the natural grade of the property where the sign is located to the highest point of the sign, whichever is greater.



Sign Height (Figure 2)

Sign, monument: A self-supporting detached sign mounted on or incorporated into a solid base.



Monument Sign (Figure 3)

Sign, off-site: Any sign located on a lot other than the lot on which the entity, business, purpose, activity, etc. to which it refers is located. The term “off-site” sign shall also include an outdoor advertising sign (billboard) on which space is leased, rented or donated by the owner thereof to others for the purpose of conveying a message.

Sign, over-the-highway banner: A display, decoration, flag, pennant, symbol, badge or object affixed to or hung from a pole on the right-of-way of a state highway which extends over the

traveled lanes of the highway, which shall not be attached to trees, only in locations approved by the Arizona Department of Transportation and the city.

Sign, political: Any sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot of primary, general, or special elections.

Sign, portable: Any sign or advertising device not permanently attached to the ground or to a building or building surface.



Portable Sign (Figure 4)

Sign, projecting: A type of building-mounted sign, other than a wall sign or canopy sign, which projects from and is supported by a wall of a building.



Projecting Sign (Figure 5)

Sign, property sale, rental, or lease: Any sign advertising the availability for sale, rental, or lease of land or buildings.

Sign, special event: Any sign intended to promote, identify or advertise a special event.

Sign structure: The supports, uprights, braces and framework of a sign.

Sign, temporary: Any sign or banner not intended for permanent use, which is expressly used to announce community functions, grand openings, or establishment of new commercial projects.

Sign, ~~temporary~~transient merchant: Any signs intended to identify, promote or advertise the goods, wares, merchandise or activities of a transient merchant who has obtained a valid ~~temporary~~transient merchant permit.

Sign, vehicle: A sign mounted, painted, placed on, attached or affixed to a trailer, semi-trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed that the sign thereon is discernible from a public street or right-of-way as a means of communication. The term shall not include a symbol, mark or other medium of identity that is intrinsic, inherent or otherwise belonging to the vehicle by nature of its manufacture, or a license plate, license plate frame, bumper sticker, spare tire cover or similar appurtenance displaying a commercial message, when placed in the number, amount, location and manner customarily found on a vehicle, or messages painted directly on, or adhesive vinyl film affixed to, the interior or exterior surface of a vehicle or vehicle window. This provision expressly excludes business signs that are painted on or magnetically attached to motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities.

Sign walker: A person who wears, holds or balances a sign that conveys a message, including a costume sign.

Sign, wall: A sign flush to the exterior surface of a building, applied directly on the building, in a window, or a signboard attached flush to the building, projecting no more than six (6) inches from the building surface.

Sign, window: Any sign placed on, affixed to, painted on or located within the casement or sill area of a window.

Street frontage: The entire length of a building side that faces and is adjacent to a street.

Structure: Anything constructed or erected which requires a fixed location on or below the ground, including a building or manufactured home, but not including a fence or wall used as a fence.

~~Temporary~~Transient merchant or vendor: As defined in Section [16.05.010](#).

Vehicle, delivery: A vehicle primarily related to the business to which it pertains. (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(B))

19.100.030 Applicability.

The provisions of this chapter shall apply to all signs placed or maintained within the City of Show Low with the exception of the following:

- (A) *Governmental Signs.* Signs required by law, such as traffic signs, warning signs, temporary notification signs, or “no trespassing” signs.
- (B) *Public Utility Signs.* Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.
- (C) *Vehicle Signs.* Signs upon a vehicle; provided, that any such vehicle with a sign face of over two (2) square feet is not conspicuously parked so as to constitute a sign; nothing herein contained shall prevent such a vehicle from being used for a bona fide delivery and other vehicular purposes. (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(C))

19.100.040 Permits.

(A) A sign permit shall be required before A-frames, banners, freestanding signs, permanent signs or signs mounted, painted, placed on, attached or affixed to semi-trailers, as allowed in this section, may be placed, constructed, reconstructed, or altered within the City of Show Low, with the exception of the following:

- (1) Nameplate signs and address signs as allowed in residential zones.
- (2) Repainting or maintenance of signs, provided there is no change in size or shape. (Changes in wording or color shall be allowed without a permit.)
- (3) Property for sale, rental, or lease signs.
- (4) Temporary construction signs.

(5) Directional signs as allowed in this chapter.

(6) *Dedication Plaques.* Nonilluminated names of buildings, dates of erection, monument citations, commemorative tables and the like when carved into stone, concrete, metal, or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.

(7) Fixed aerial displays, balloons, pennants, including strings of flags, streamers, commercial flags, banners, temporary business signs, feather or flutter flags, or devices affected by the movement of air shall be allowed for a maximum of forty-five (45)-sixty (60) days in any one (1) calendar year.

(B) An application for a sign permit shall be filed with the planning and zoning director on a form prescribed by the planning and zoning director. The application shall include the following:

(1) Sketch showing size, height and shape of sign, setbacks to property lines, easements, and existing or proposed buildings.

(2) Description of materials used, method of mounting, and method of lighting if applicable.

(3) Any existing or planned landscaping.

(4) Existing signs including, but not limited to, relationship of new signage to existing signage, square footage of existing signage.

(5) Calculation of allowable sign area as per this Code.

(6) Any other information the planning and zoning director might need to evaluate the sign proposal.

(7) Payment of the filing fee in an amount established by a schedule adopted by resolution of the city council. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is an official agency of the city, county, state or federal government.

(C) *Plan Review.* Upon receipt of a completed application for a sign permit, the planning and zoning director or his/her designee shall review the sign plans and deny, approve, or

conditionally approve said plans, basing his/her decision on the conformity of the proposal with the provisions of this section.

(D) *Inspections.*

(1) As part of a sign permit, should the City of Show Low building and safety department deem it necessary, a structural inspection will be required.

(2) Should electrical service be a component of a sign, a separate electrical permit will be required from the building and safety department along with the necessary inspections prior to erection of said sign. (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(D))

19.100.050 Nonconforming signs.

(A) *General.* If at the time of the adoption of this section any sign which is being used in a manner or for a purpose which was otherwise lawful, but does not conform to the provisions of this section, shall be deemed nonconforming. Such sign may continue only in the manner and to the extent that it existed at the time of such adoption, amendment or extension or as outlined in this section.

(B) *Alterations.* A nonconforming sign and/or sign structure shall not be altered, reconstructed, replaced, or relocated other than to be brought into compliance with this section, except for:

(1) Reasonable repair and maintenance required to restore the structure to its original state. See Section [19.100.070\(A\)](#).

(2) Change in copy on changeable copy panel(s).

(3) A reduction in the height or area of a nonconforming sign of twenty (20) percent or more in sign height or area.

(C) *Removal.* Removal of a nonconforming sign and/or sign structure, or replacement of a nonconforming sign with a conforming sign, is required when:

(1) Any such sign or substantial part is blown down, destroyed, or for any reason or by any means is taken down, altered, and/or removed besides routine maintenance. For the

purpose of this section, "substantial" is defined as fifty (50) percent or more of the entire sign structure; or

(2) The condition of the sign or sign structure has deteriorated, and/or the sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event, and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds fifty (50) percent of the cost of reconstruction of the sign structure. The property owner has the burden of proof in establishing the cost of restoration. The planning and zoning director has the authority to approve or deny the property owner's valuation proposals for sign restoration; or

(3) The property on which the sign is located has become vacant or been unoccupied for a period of one hundred eighty (180) consecutive days or more. In the event this should occur, such conditions will be considered as evidence of abandonment, requiring removal of such sign by the owner of the property, his/her agent, or person having the beneficial use of the property, building, or structure upon which such sign or sign structure is erected, within thirty (30) days after written notification from the planning and zoning director. If within the thirty (30) day period such sign(s) is (are) not removed, enforcement action will result.

(D) *Separation Provision.* This section shall not require a nonconforming sign that does not meet a separation standard, spacing between ground signs, or separation from buildings or residential areas to come into conformance if the site upon which the sign stands would be impermissible. This provision shall not be construed to exempt such signs from the provisions requiring reduction of height and area nonconformities. (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(E))

19.100.060 Prohibited sign types.

(A) *Purpose.* The purpose of this section is to specify sign types and other devices which are prohibited within the jurisdiction of the City of Show Low.

(B) *Applicability.* Any sign not specifically authorized by this chapter is prohibited unless required by law. The following signs and conditions are prohibited:

(1) Any sign projecting over a property line, or any sign which is located within a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, except as provided in this section. The property owner or owner of the sign shall be notified to remove the prohibited sign. If the sign is permanent and the owner does not comply within five (5) days, the planning and zoning director or designee may have the sign removed and the cost assessed to the appropriate property or sign owner, or enforcement action may be taken. If the sign is a portable sign, it shall be removed immediately or a civil violation may be issued pursuant to Section [19.100.130\(A\)](#).

(2) Any sign attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein.

(3) Any sign placed which, by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device.

(4) Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the International Building Code and/or by the International Fire Code as adopted by the city.

(5) Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs motion picture projection.

(6) Any fixed aerial displays that do not conform to the requirements herein.

(7) Any off-site sign except for:

(a) Directory signs as established and specified by the city council. A directory sign advertising a business shall not be construed as a portion of the cumulative total of allowable signage for that business. When a directory sign is not available, an off-site sign for a business not located adjacent to a state highway may be allowed by conditional use permit. Such signage shall:

(i) Be construed as part of the total allowable signage for the business seeking the permit;

(ii) Not exceed four (4) square feet in area;

- (iii) Be removed within thirty (30) days after a directory sign becomes available;
 - (iv) Be subject to all conditions imposed pursuant to the conditional use permit;
 - (v) Not exceed two (2) in number on any one (1) property, lot, or parcel.
- (b) As otherwise provided herein.
- (8) Except as otherwise allowed, Any portable sign or attention-attracting device including, but not limited to, sandwich, A-frame, tire rim sign, vehicle used as a sign or sign structure, or string of lights arranged in the shape of a product, arrow, commercial flags, or any commercial message.
- (9) Any sign mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously in a manner intended to attract the attention of the public for advertising purposes. Such signs or devices are considered vehicle signs within the meaning of these regulations and are prohibited. The provision expressly excludes business signs that utilize adhesive vinyl, are permanently painted on or magnetically attached to motor vehicles, including delivery vehicles, or rolling stock that are regularly and consistently used to conduct normal business activities.
- (10) Any unauthorized sign attached to existing signs, outdoor light poles, or other structures.
- (11) No sign shall be attached to a tree or other natural object.
- (12) Business signs in all agricultural, residential, or manufactured home zones are prohibited, except as provided in this chapter.
- (13) Any sign with movement of the sign body such as rotating, moving up and down, or any other type of action involving a change in position of the sign body or segment thereof, whether by mechanical or any other means.
- (14) Vehicle-mounted signs, which include:
- (a) The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed.
 - (b) The vehicle being inoperable.

(c) The vehicle on which the sign is displayed is not parked in a lawful or authorized location, or is on blocks or other supports, or is parked in a manner that is distinct or different from the pre-determined parking area design.

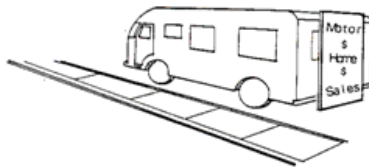
(d) The vehicle on which the sign is displayed is not used for business activities associated with the property on which the vehicle is parked or the product(s) or service(s) designated by the vehicle sign.



Acceptable



Acceptable



Prohibited



Prohibited

Vehicle Signs (Figure 6)

(Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(F))

19.100.070 Regulations applicable to signs in all zoning districts.

(A) *Maintenance.* All signs shall be maintained in a state of good order and repair. If any outdoor advertising sign becomes a danger to the public, or becomes deteriorated or is abandoned, the property owner or owner of the sign shall be notified to remove or repair the sign. If the owner does not comply within thirty (30) days, the planning and zoning director may have the sign removed and the cost assessed to the appropriate property or sign owner, or enforcement action may be taken in accordance with Section [19.100.130\(D\)](#).

(B) *Building Code.* All signs shall be constructed, designed, or attached to structures in conformance with the building and electrical codes adopted by the City of Show Low.

(C) Only signs erected by the city, county, state, or federal government shall be in any way supported by a public building or structure or located within a public right-of-way. Political signs placed in accordance with Section 19.100.070(N) shall be permitted.

(D) Freestanding signs located within a parking area shall incorporate a suitable barrier and/or landscaping, as approved by city staff, around such sign as to prevent vehicles from coming into contact with the sign.

(E) *Charitable, Fraternal, or Religious Organization.* For charitable, fraternal, or religious organizations located within residential zoning districts, two (2) on-site signs shall be permitted. The total area of such signs shall not exceed thirty-two (32) square feet. For charitable, fraternal, or religious organizations located within commercial or industrial zoning districts, the provisions of this section shall apply. For height regulations, see subsection (K) of this section.

(F) A sign mounted on, painted on, placed on, attached or affixed to a semi-trailer may be allowed to identify a subdivision for which a final plat has been recorded and a sign permit obtained. The semi-trailer must be licensed and regularly used by the subdivision to which the sign refers. Signs painted on, placed on, attached or affixed to a semi-trailer are limited to a maximum of four hundred fifty (450) square feet and are allowed for up to one (1) year from the date the sign permit is issued.

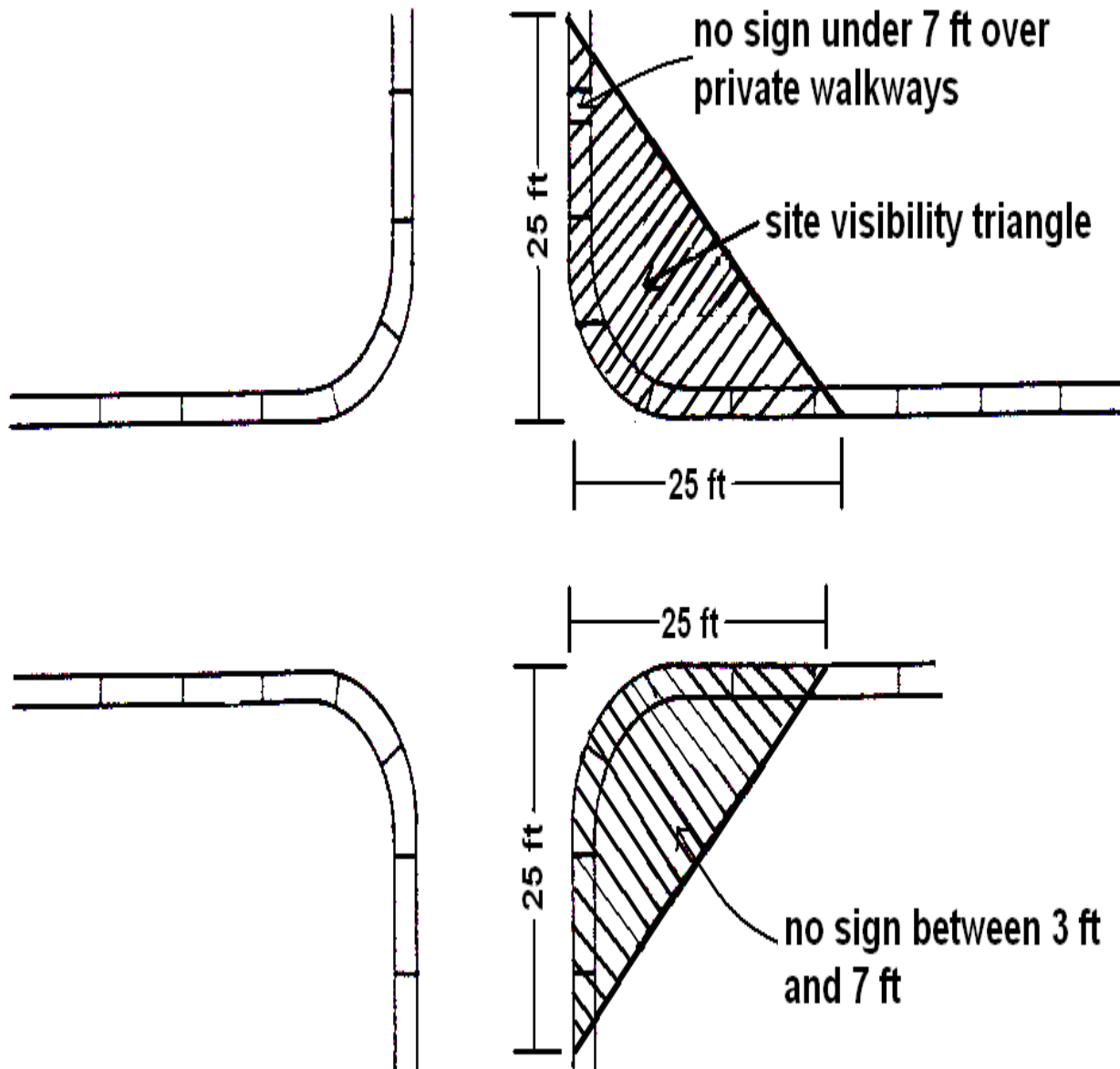
(G) One (1) subdivision sale sign for each street frontage with a maximum of two (2) signs per subdivision at least two hundred (200) feet apart shall be allowed, with a maximum of forty (40) square feet of sign area per sign. These signs shall be valid for either a period of five (5) years or at which point more than ninety (90) percent of the lots are sold within the subdivision. The time period may be extended if no more than seventy-five (75) percent of the subdivision lots have sold. The extension may occur for either a period of two (2) years or at which point more than seventy-five (75) percent of the lots are sold within the subdivision. Signs shall be removed after the expiration of time or sale of the above-listed lot percentages. For height regulations, see subsection (K) of this section.

(H) *Subdivision Identification Signs.* One (1) sign, containing only the name of the subdivision, not exceeding forty-eight (48) square feet in area, may be erected on each side of any entrance to a subdivision. For height regulations, see subsection (K) of this section.

(I) *Apartment House Identification Signs.* One (1) sign containing the name of the apartment house, not exceeding forty (40) square feet in area, may be allowed on each street frontage of any apartment complex. These signs shall be only wall signs or monument signs. Monument signs shall not exceed four (4) feet in height. For height regulations, see subsection (K) of this section.

(J) *Entrance or Exit Signs.* Two (2) signs not more than two (2) square feet each denoting "entrance" or "exit" with business logo shall be permitted at each entrance. Interior parking lot directional signage shall not constitute a sign for the purposes of this chapter.

(K) *Height Limitations at Streets, Driveways, and Private Walkways.* When located within a distance of twenty-five (25) feet of a street and twenty-five (25) feet of a driveway or other street, thus creating a site-visibility triangle, or within two (2) feet from a sidewalk, no sign shall be placed between a height of three (3) feet and seven (7) feet above the level of said street, driveway, or private walkway. When located over a private walkway, no part of any sign shall be less than seven (7) feet above said private walkway. When located over any driveway, no part of any sign shall be less than fourteen (14) feet above said driveway.



Site Visibility Triangle (Figure 7)

(L) *Location.* No freestanding, projecting, or canopy sign shall be located closer than ten (10) feet from any abutting lot.

(M) *Lighting.* Lighting shall be so installed so as to avoid any glare or reflection into any building used for residential purposes or into any street, alley, or driveway if such glare or reflection might create a traffic hazard. All exposed neon, freon, incandescent, or similar type of illumination shall be no less than ten (10) feet in height above grade. Below this ten (10) feet in

height above grade, any such lighting shall be shielded by transparent or translucent protective material.

(N) *Political Signs.* Political signs shall be permitted in accordance with state statutes provided the sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area, or interferes with the requirements of the Americans with Disabilities Act ([42 USC Sections 12101](#) through [12213](#) and [47 USC Sections 255](#) and [611](#)), and shall not be placed upon power or telephone poles.

(O) *Address Numbers.* Refer to Section [18.30.060](#).

(P) Advertising for sponsors of public transit stops shall be permitted according to industry standards for bus benches and/or weather protective shells, and buses.

(Q) Directory signs are subject to criteria, design standards and locations as established by the City of Show Low city council.

(R) *Yard/Garage Sale Signs.* Yard/garage sale signs shall be permitted in every zoning district provided they do not interfere with pedestrian or vehicular traffic, are placed and removed on the day of the sale, are no larger than eighteen (18) inches by twenty-four (24) inches in size and contain the date and address of the proposed yard/garage sale. Signs which do not meet this criteria are subject to immediate removal. (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(G))

19.100.080 Regulations applicable to signs in all agricultural, residential, and manufactured home zoning districts.

(A) *Business Signs.* One (1) sign not exceeding four (4) square feet in area shall be allowed in GA-5 (General Agriculture) zoning districts for each street frontage for each professional office or business in which such office or business is permitted. Business signs in all other agricultural, residential, or manufactured home zones shall comply with home occupation requirements. For height regulations, see Section [19.100.070\(K\)](#).

(B) *"For Sale," Rental, Lease Signs.* Temporary property sale, rental, or lease signs on individual residential lots shall not exceed a total of six (6) square feet in area and shall be allowed for

each street frontage of the property to which the signs refer. Temporary property sale, rental, or lease signs on undeveloped, residentially zoned property greater than five (5) acres shall not exceed forty (40) square feet. Such signs shall be removed within twenty (20) days after the sale, rental, or lease to which they refer. For height regulations, see Section [19.100.070\(K\)](#).

(C) *Height*. No wall, projecting, or canopy sign shall project above the top eave line of the building to which it is attached and no freestanding sign shall exceed twelve (12) feet in height. For height regulations, see Section [19.100.070\(K\)](#). (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(H))

19.100.090 Regulations applicable to sign walkers in all zoning districts.

Sign walkers shall be permitted, subject to the following regulations:

(A) *Location*. Sign walker shall:

- (1) Be located at least twenty-five (25) feet from a street or driveway intersection measured from the back of the curb edge or edge of pavement if no curb exists.
- (2) Be located at least five (5) feet from the street measured from the back of curb or edge of pavement if no curb exists.
- (3) Yield right-of-way to pedestrians, cyclists and all others traveling or located on the sidewalks.
- (4) Be located only at grade level.

(B) *Prohibited Location*. Sign walkers shall not be located:

- (1) In raised or painted medians.
- (2) In parking aisles or stalls.
- (3) In driving lanes or driveways.
- (4) On equestrian or multi-use trails.

- (5) So that less than a minimum of four (4) feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.
- (6) On fences, boulders, planters, other signs, vehicles, utility facilities or any structure.
- (7) Within a minimum distance of twenty (20) feet from any other sign walker.
- (8) In a manner that results in sign walkers physically interacting with motorists, pedestrians or bicyclists.

(C) *Display.* Signs shall be:

- (1) Displayed only during the hours the business is open to conduct business.
- (2) Held, worn or balanced at all times.

(D) *Elements Prohibited.* The following shall be prohibited:

- (1) Any form of illumination, including flashing, blinking or rotating lights.
- (2) Animation on the sign itself.
- (3) Mirrors or other reflective material.
- (4) Attachments, including, but not limited to, balloons, ribbons, or speakers. (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(I))

19.100.100 Regulations applicable to ~~temporary~~~~transient~~ merchant signs in all zoning districts.

(A) ~~Temporary~~~~Transient~~ merchant signs must adhere to all specifications set forth in this chapter.

(B) ~~Temporary~~~~Transient~~ merchant signs shall be limited to one (1) thirty-two (32) square-foot banner and one (1) two (2) by three (3) foot on-site portable sign, with permission of the property owner.

(C) ~~TemporaryTransient~~ merchant signs shall not be placed within a right-of-way or within two (2) feet of a sidewalk; they shall not be attached to any light pole, street pole, signal poles, electric box, tree or other similar structure.

(D) ~~TemporaryTransient~~ merchant signs shall be maintained in a state of good order and repair.

(E) A valid temporary merchant permit is required prior to the placement of any temporary merchant signage. (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(j))

19.100.110 Regulations applicable to special event signs in all zoning districts.

(A) Special event signs must adhere to all specifications set forth in this chapter.

(B) Special event signs shall be limited to one (1) ~~thirty-two (32)~~ forty (40) square-foot banner per frontage, one (1) two (2) by three (3) foot portable sign per street frontage and one (1) two (2) by three (3) foot off-site sign, located on private property, with permission of the property owner.

(C) Two (2) over-the-highway banner signs in conjunction with a special event may be displayed within thirty (30) days prior to the special event and are limited in size to one hundred (100) square feet. Any over-the-highway banner signs located within a state highway must be approved by the Arizona Department of Transportation. The applicant for an over-the-highway banner sign shall be responsible for paying all fees as established by the city council.

~~(D) Additional special event signs may be allowed for an additional fee of twenty dollars (\$20.00) for up to two (2) by three (3) foot portable signs, and forty dollars (\$40.00) for up to thirty-two (32) square foot banner signs. Additional signs shall be allowed at the discretion of the planning and zoning director.~~

~~(E)(D)~~ Special event signs, other than over-the-highway banners, shall not be displayed more than seven (7) days prior to nor three (3) days after the dates of the special event, as specified in the special event permit.

~~(F)(E)~~ All special event signs shall be removed by the applicant, except for over-the-highway banner signs.

~~(G)(F)~~ ~~Except for over-the-highway banners,~~ Special event signs shall not be placed within a right-of-way or within two (2) feet of a sidewalk; they shall not be attached to any light pole, street pole, signal poles, electric box, tree or other similar structure.

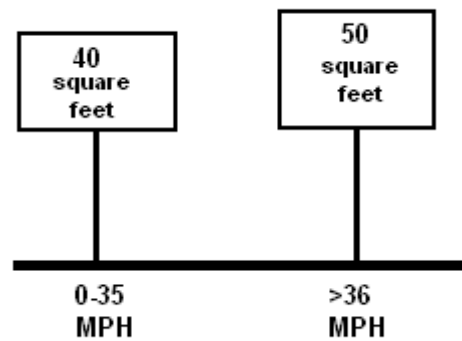
~~(H)(G)~~ Special event signs shall be maintained in a state of good order and repair. (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(K))

19.100.120 Regulations applicable to signs in commercial and industrial zones.

(A) *Number.* On a premises other than a shopping center a maximum of three (3) signs shall be permitted on any one (1) street frontage and a maximum of four (4) when a building has more than one (1) street frontage. Building frontage shall be deemed to exist when the entire length of a building side faces and is adjacent to a street. There may be one (1) freestanding sign per street frontage of the total allowable number of signs, with a maximum of two (2) freestanding signs on any one (1) site. All signs shall conform in size to subsection [\(B\)](#) of this section.

(B) *Area.* A total sign area of eighty (80) square feet will be allowed for buildings with fifty-five (55) or less lineal feet of building frontage. Buildings with more than fifty-five (55) lineal feet of building frontage will be allowed one and one-half (1-1/2) square feet of sign area per lineal foot of building frontage. The total maximum sign area for any building shall be two hundred (200) square feet. No sign shall project above the top eave line of the building to which it is attached and no freestanding sign shall exceed fifteen (15) feet in height. For height regulations, see Section [19.100.070\(K\)](#).

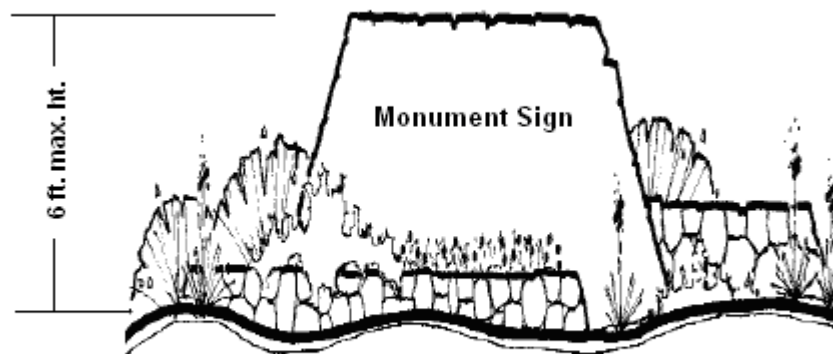
(C) *Freestanding Signs.* Freestanding sign area may be increased dependent on the speed limit. For a speed limit of thirty-five (35) miles per hour or less, sign area shall be a maximum of forty (40) square feet. For a speed limit of thirty-six (36) miles per hour or greater, sign area shall be a maximum of fifty (50) square feet.



Average Sign Size Related to Speed of Travel (Figure 8)

(D) Monument Signs Six (6) Feet or Less in Height.

The total monument sign area may be increased by fifteen (15) percent of the maximum allowable freestanding sign area, including base and embellishment.



Monument Sign (Figure 9)

(E) Shopping Center Signs.

(1) A shopping center's total aggregate under-roof square footage shall be considered a minimum of five thousand (5,000) square feet. Shopping centers shall be allowed one (1) freestanding sign not exceeding eighty (80) square feet per street frontage. This sign shall identify the shopping center and/or individual shops only. Only shopping center signage

may be utilized as a freestanding sign if the criteria for the definition of “shopping center” are met as defined in this section. If a freestanding sign identifies businesses in a shopping center, each identification shall be construed as one (1) of the allowable signs. Individual businesses in a shopping center shall have no more than two (2) signs for any one (1) building frontage, with a maximum of three (3) total allowable signs per any one (1) business. Street frontage shall be deemed to exist when the entire length of a building side faces and is adjacent to a street. Individual shops in a shopping center shall be allowed one and one-half (1-1/2) square feet per lineal foot of storefront. A second such freestanding shopping center sign (of the same or less size) shall be permitted for a lot whose street frontage measures greater than four hundred (400) feet. Where such second sign is permitted, it shall be at least one hundred (100) feet from the other sign. No more than two (2) shopping center signs for any one (1) building frontage, with a maximum of three (3) total shopping center signs, shall be allowed. For height regulations, see Section [19.100.070\(K\)](#).

(2) Out-parcel pads of a shopping center shall adhere to the signage requirements of subsections [\(A\)](#) and [\(B\)](#) of this section with a maximum of three (3) signs as specified for one (1) street frontage.

(F) *Electronic Message Displays*. Electronic message displays are permitted in the DC (Downtown Commercial), C-2 (General Commercial), I-1 (Light Industrial), and I-2 (Heavy Industrial) zoning districts in accordance with the following:

(1) Displays of static messages, where the message change sequence is accomplished immediately, shall be permitted subject to the sign size limitations otherwise applicable for the site, ~~provided each message is displayed for a minimum period of one (1) minute.~~ Electronic message displays shall be based on the speed limit of the roadway adjacent to the sign. Electronic message displays located adjacent to a roadway with a speed limit of less than forty-five (45) miles per hour shall be a minimum of twenty (20) seconds between messages. Electronic message displays located adjacent to a roadway with a speed limit of forty-five (45) mile per hour and above shall have a minimum of fifteen (15) seconds between messages. Any message that is displayed less than ~~one (1) minute~~these requirements shall require a conditional use permit for the sign.

(2) The intensity of the LED display shall not exceed four thousand six hundred ninety (4,690) nits (luminance equal to one (1) candle per square meter) during daylight and one thousand six hundred seventy-five (1,675) nits during the night.

(3) Prior to the issuance of a sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and equipped with an automatic dimmer for nighttime use, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the planning and zoning director.

(G) *For Sale, Rent, or Lease Signs.* One (1) temporary property sale, rental, or lease sign not exceeding thirty-two (32) square feet in area shall be allowed for each lot to which said sign refers. Such signs shall not exceed twelve (12) feet in height and shall be removed within twenty (20) days of the sale, rental, or lease of which they refer. For height regulations, see Section [19.100.070\(K\)](#).

(H) *Temporary Construction Signs.* Construction signs shall be allowed, subject to the following regulations:

(1) One (1) temporary sign, not to exceed forty (40) square feet in area, shall be allowed for each lot or parcel of property to designate that the same is to be occupied at a future date by the business or concern designated thereon.

(2) One (1) nonilluminated temporary sign, not to exceed forty (40) square feet in area for each contractor and forty (40) square feet for each subcontractor, shall be allowed for each lot or parcel of property to designate that such contractor or subcontractor is engaged in the construction or repair of a building on such lot or parcel of property.

(3) Each such temporary construction sign shall be removed from the lot or parcel of property upon which the same is placed within twenty (20) days after any occupancy of the building constructed on the premises, or in the event of repairs to the building, within twenty (20) days after completion of such repairs.

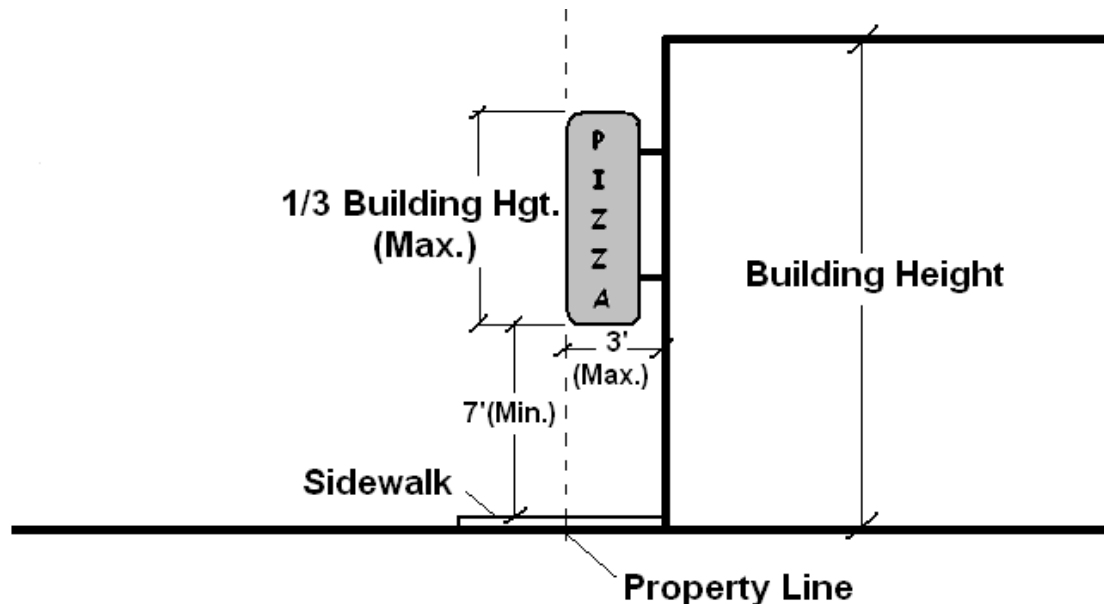
(4) No sign shall exceed twelve (12) feet in height. For height regulations, see Section [19.100.070\(K\)](#).

(I) *Parking Lot Signs.* A maximum of one (1) sign per street frontage advertising a public parking lot which shall not exceed a total area of forty (40) square feet is permitted for the purpose of advertising a public parking lot. For height regulations, see Section [19.100.070\(K\)](#).

(J) *Projecting Signs.* Projecting signs shall be permitted in lieu of freestanding signs on any street frontage limited to one (1) sign per occupancy along any street frontage with public entrance to such occupancy, and shall maintain a clear vertical distance above any sidewalk, walkway or parking lot a minimum of seven (7) feet. Signs shall not project over property lines or extend vertically above the eave line of the building upon which it is mounted. Such sign counts as part of the total sign area allowed. Projecting signs shall comply with one (1) of the following:

(1) *Vertical Projecting Signs.*

- (a) Such sign may project a maximum of three (3) feet at a ninety (90) degree angle.
- (b) Such sign shall be limited in height to a maximum of one-third (1/3) of building height.

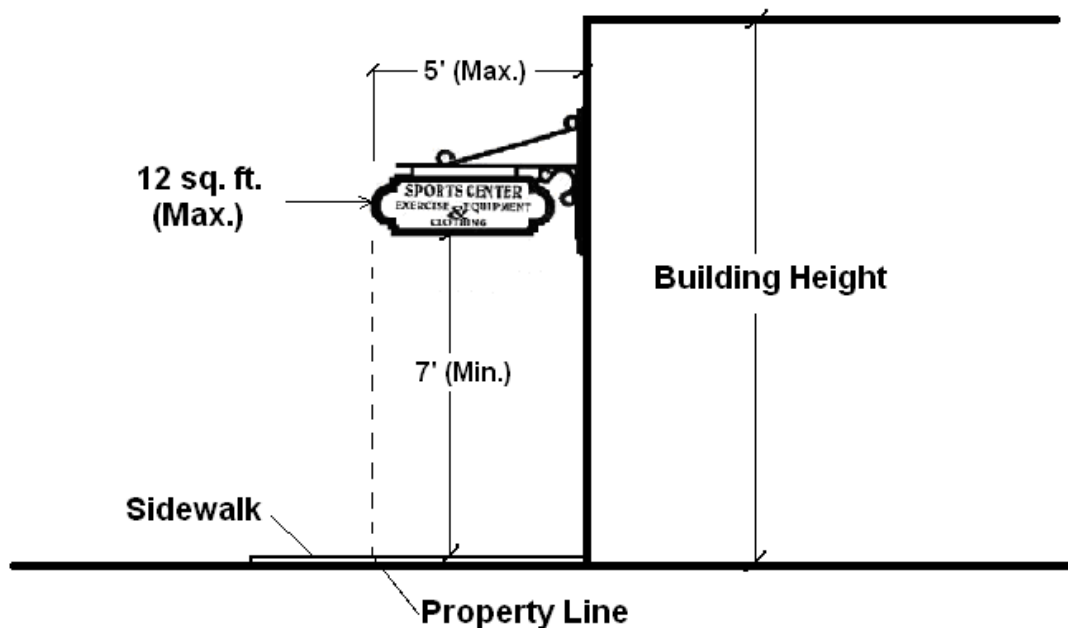


Projecting Sign (Figure 10)

(2) *Horizontal Projecting Signs.*

- (a) Such sign may project a maximum of five (5) feet at a ninety (90) degree angle.

(b) Such sign shall not exceed twelve (12) square feet.



Projecting Sign (Figure 11)

(K) *Window Signs.* Window signs which are temporary in nature shall be allowed in addition to other sign allowances, provided such signs are placed on the inside of the window and consist of no more than twenty-five (25) percent of the window area.

~~(L) Temporary business signs shall be permitted in commercial and/or industrial zones for uses as outlined below:~~

- ~~(1) A sign permit is required for all temporary signs.~~
- ~~(2) Only one (1) temporary sign shall be permitted per business for any one (1) event at the business location.~~
- ~~(3) Temporary sign area shall not exceed thirty-two (32) square feet.~~
- ~~(4) Any one (1) business shall only be assigned a total of three (3) temporary sign permits within any twelve (12) month period.~~
- ~~(5) A temporary sign shall be erected for no more than thirty (30) days.~~
- ~~(6) Temporary signs must adhere to all height limitations as set forth in this Code.~~

~~(7) Temporary signs shall not be placed off-premises.~~

~~(8) Temporary signs shall not be placed within a public utility, water or sewer easement, within the right-of-way or within two (2) feet of a sidewalk.~~

~~(9) Temporary signs shall not be affixed to any light pole, street pole, electrical box, tree or other similar structure.~~

~~(M)~~(L) Portable signs shall require a sign permit and an applicable fee as specified by resolution of the city council. A portable sign permit shall be issued if all criteria have been met. The portable sign permit shall be valid for one (1) calendar year. Portable signs shall be permitted provided:

- (1) The sign is located on the property to which it refers and not in a public right-of-way.
- (2) Signs shall be located no more than twenty (20) feet from the business to which the sign refers.
- (3) Signs shall be no more than three (3) feet high and two (2) feet wide.
- (4) Sign surface materials are limited to PVC, wood, Plexiglas or similar materials.
- (5) Sign is securely anchored, without being permanent.
- (6) The sign does not obstruct pedestrian movement and does not obstruct or pose a danger to motor vehicle traffic.
- (7) Signs shall not be illuminated.
- (8) All signs shall be constructed and maintained in a professional manner.
- (9) Only one (1) portable sign allowed per business.
- (10) Portable signs may only be displayed during the hours that the business is open or operating.
- (11) Sign permit is nontransferable.
- (12) Sign permit is valid for original location. A transfer fee as specified by resolution of the city council is allowed for the same business.

(13) The permit number, owner's name and business location address shall be affixed to the portable sign (this may be accomplished by a city-issued permit sticker). (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(L))

19.100.130 Violations, enforcement and penalties.

(A) *Portable/Temporary Signs.*

- (1) All portable/temporary signs shall meet the requirements of this section and require a sign permit approved by the city.
- (2) First offense for signs which do not comply with this section will result in a verbal or written notice, mailed or hand-delivered to the owner, agent or person responsible, directing removal of the sign by the owner, agent or person responsible within one (1) business day. Sign must be removed within five (5) days of date the written notice was mailed.
- (3) Following the notice period, signs which do not comply with this section will be cited into court.
- (4) Violation is for the subject property and/or sign owner or business, not the particular sign displayed.
- (5) Repeat offense of this violation may result in immediate enforcement action.

(B) *Vehicle Signs.*

- (1) All vehicle signs shall meet the requirements of this section.
- (2) First offense for signs which do not comply with this section will result in a verbal or written notice, mailed or hand delivered to the owner, agent or person responsible, directing removal of the sign by the owner, agent or person responsible within one (1) business day. Sign must be removed within seven (7) days of date the written notice was mailed.
- (3) Following the notice period, the owner, agent, or other responsible party will be cited into court.

(4) Violation is for the subject property and/or sign owner or business, not the particular sign displayed.

(5) Repeat offense of this violation may result in immediate enforcement action.

(C) *Permanent Signs.*

(1) All permanent signs shall meet the requirements of this section and require a sign permit approved by the city.

(2) First offense for permanent signs which do not have a permit will result in a verbal or written notice to the owner, agent or person responsible to apply for a sign permit within five (5) business days of the date of the letter or verbal notice.

(3) Second offense for permanent signs which do not have a permit will result in a formal written notice to the owner, agent, or person responsible to apply for a sign permit within ten (10) business days of the date of the letter.

(4) Following the notice period, permanent signs which do not have a sign permit will be cited into court.

(5) Violation is for the subject property and/or sign owner or business, not the particular sign displayed.

(6) Repeat offense of this violation may result in immediate enforcement action.

(D) *Removal of Dangerous, Discontinued or Illegal Signs.*

(1) Upon formal notice of violation, the city may remove or cause to be removed any dangerous, discontinued, illegal, defective, prohibited or nonconforming sign.

(2) Notwithstanding the above, in case of emergency, the planning and zoning director or his/her designee may institute the immediate removal of a dangerous or defective sign without notice.

(3) Obsolete sign copy on either a nonconforming or conforming sign is to be removed by the owner of the sign or owner of the premises. Obsolete sign copy shall be removed by replacing the sign face with a blank face, replacing the obsolete sign copy with copy that is not obsolete or removing the sign structure.

(4) Prohibited signs and/or illegal signs located within the public right-of-way are hereby determined to create an immediate threat to the health and safety of the general public.

(5) The planning and zoning director or his/her designee may immediately remove any dangerous sign or sign that creates an immediate threat to the health and safety of the general public.

(E) *Administrative Appeal.* Appeal of decisions of the planning and zoning director relating to this sign code shall be made pursuant to Section [19.10.050\(B\)\(1\)\(a\)](#).

(F) *Abatement by the City After Court Order.*

(1) Pursuant to the summary abatement provisions of this section, or after entry of a court order directing removal of an offending sign, the city or its agents may enter upon the property and cause the offending sign to be removed at the expense of the owner, tenant, lessee or occupant either jointly or severally.

(2) A verified statement of the costs or expense shall be sent by certified or registered mail to the last known address of the owner of record and to the lessee, tenant or occupant. The owner of record, the lessee, tenant or occupant shall be liable jointly or severally for the payment of said cost or expense.

(3) The payment for costs or expenses shall be in addition to any civil penalty imposed pursuant to Chapter [2.25](#). (Ord. No. 429, § 2, 1-6-98; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2014-04, §§ 1, 2, 9-2-14; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-45(M))

Chapter 19.105

PARKING

Sections:

19.105.010 **Parking and loading requirements.**

19.105.010 Parking and loading requirements.

(A) *Purpose.* The purpose of this section is to alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public, by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which the property is put. It is the further purpose of this section to place upon the property owner the primary responsibility for relieving public streets of the burden of on-street parking.

(B) *General Regulations.*

(1) *Size.* A parking space shall mean an area of not less than one hundred sixty-six and one-half (166-1/2) square feet, with a minimum width of nine (9) feet, and a minimum depth of eighteen and one-half (18-1/2) feet, not including any required overhang, which is specifically designated for, and used for, the parking of an automobile or light truck, exclusive of all driveways and accessways.

(2) *Permits.* An applicant for plan review, development review, or a building permit must submit plans showing the off-street parking required by this section. These plans must show locations, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress, and must be approved by the zoning director. Whenever a permit has been issued in compliance with the requirements of this section, subsequent use of the structure or use of the land is conditioned upon the unqualified availability of off-street parking as shown in the approved plans.

(3) *Alterations, Additions, and Expansion of a Business.*

(a) A new use, addition, or alteration of a building shall not be approved if it would create or increase a deficit in off-street parking.

(b) It is unlawful to reduce the amount of existing parking below the minimum required by this section without first supplying other spaces as are required.

(c) If a building or business is destroyed, and if it is allowed to be reconstructed subject to the provisions of Chapter [19.95](#), it shall be required to provide only the number of parking spaces which existed prior to the destruction.

(d) If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion.

(4) *Parking Garage.* All garage or other space allocated for the parking of vehicles, within buildings, basements, or on roofs of buildings, shall be considered part of the off-street parking facilities and may be included as such in computing the parking area requirements.

(5) *Access.* All off-street parking shall have access from a public street or alley.

(6) Ingress, egress, internal traffic circulation, off-street parking and loading facilities, and pedestrian ways shall be designed so as to promote safety and convenience and so that traffic visibility is not obstructed.

(7) *Downtown Commercial Zone.* There shall be no minimum parking space requirements for the Downtown Commercial zone. Any provided parking shall meet the requirements of this chapter.

(C) *Design and Location of Parking Spaces.*

(1) *Single-Family Residences, Manufactured Homes, Duplexes, and Agricultural Uses.*

(a) *Location.* Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve.

(b) *Surfacing.* Off-street parking spaces, driveways, and accessways shall be properly surfaced and graded to prevent impoundment of surface water in a manner satisfactory to the city engineer.

(2) *All Other Uses.*

(a) *Location.* Required off-street parking shall be located within three hundred (300) feet of the building or use it is intended to serve, the distance being measured along the street line from the nearest point of the building or use to the nearest point of the parking lot. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements, the owner shall submit as a part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by enforceable legal measure.

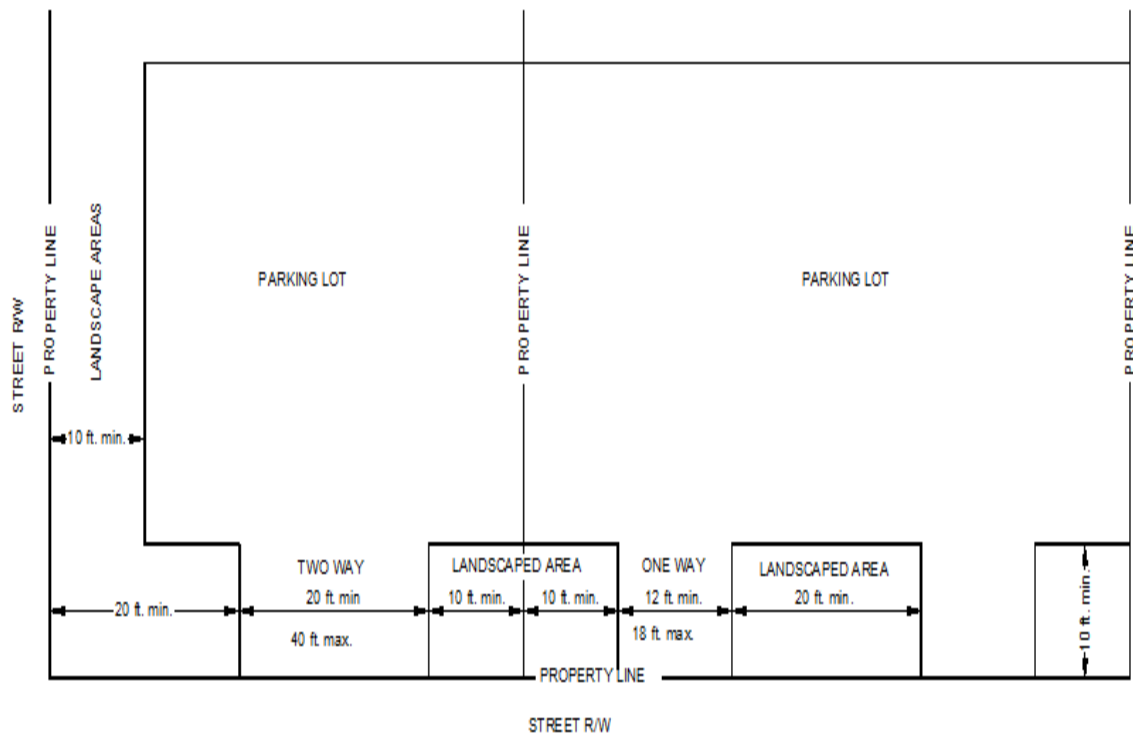
(b) Off-street parking spaces shall be situated in a manner which will not result in automobiles backing onto a public street.

(c) *Surfacing – Customer, Patron Parking Areas, and Automotive Display Areas.* All new construction shall be subject to the following: All areas, access ways, driveways, and display areas for vehicles with gross vehicle weight of less than two and one-half (2-1/2) tons shall provide a pavement design drawing showing the extent of the new pavement area. This design drawing shall include a section specifying the type and thickness of the asphalt pavement, aggregate base, and subgrade and shall consist of a minimum of three (3) inches of asphalt over an eight (8) inch aggregate base over a compacted subgrade, or as otherwise specified by the site design engineer and approved by the city engineer. Paved parking lots shall be maintained at an approved standard for paving. Existing gravel parking lots shall be maintained at an approved standard with a compacted aggregate base and surfaced with three-quarter-inch (3/4) minus gravel (cinders prohibited) at a two (2) inch minimum depth, or a material of equal or better strength and durability which meets the city engineer's minimum standards. All surface water run-off shall be detained on-site or drained into a drainage system approved by the city engineer, and shall be maintained by the property owner. The city engineer may require a drainage study at their discretion.

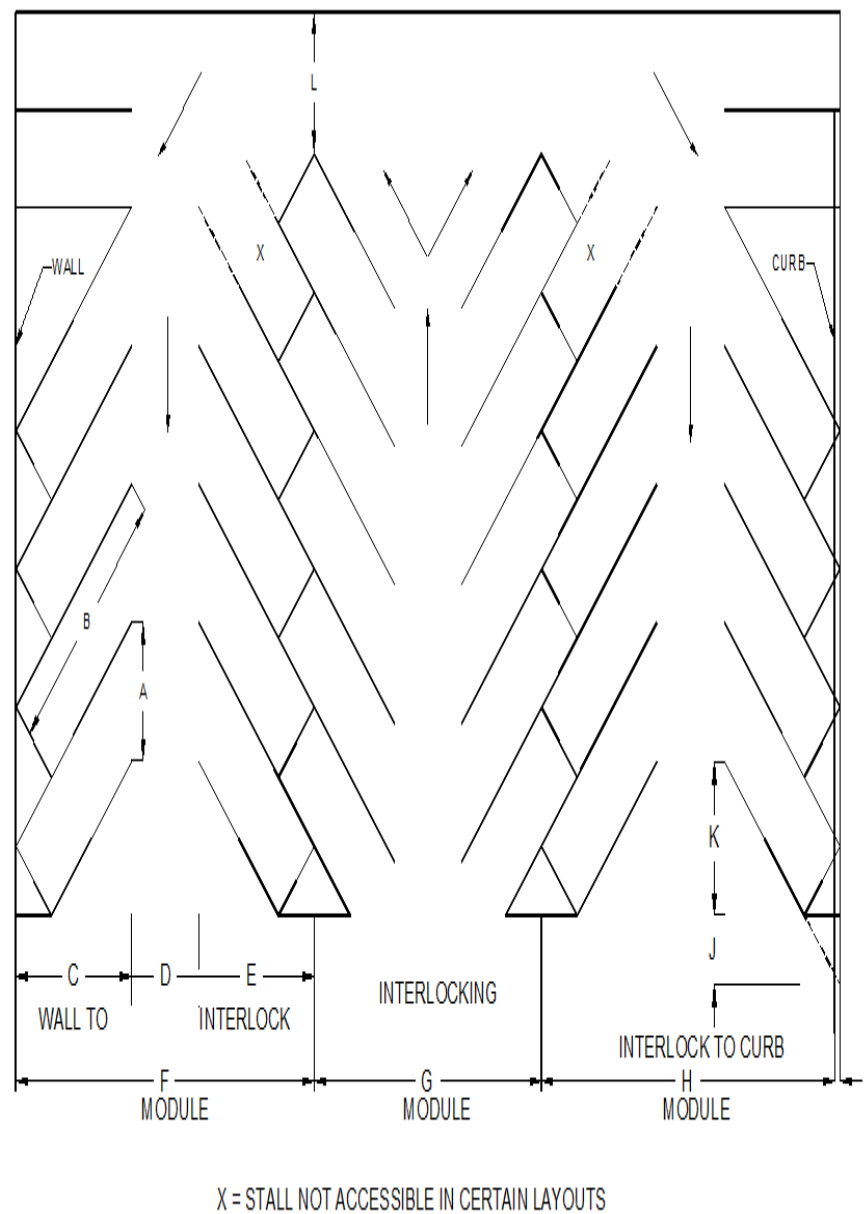
(d) *Curbing.* A six (6) inch wide by six (6) inch high curb or bumper guard shall be installed along all property lines bordering the parking and maneuvering area, excluding necessary points of ingress and egress, and shall be so located that no part of a vehicle shall extend over or beyond any property line.

(e) *Design.* As indicated in the diagram below, all areas of the parking lot, with the exception of necessary points of ingress and egress, shall be no closer than ~~ten (10)~~ two (2) feet from the front property line. Average landscaping requirements shall be met. That unoccupied area shall be landscaped and maintained with trees, shrubs, ground cover, pedestrian walkways, and plazas in a manner acceptable to the zoning director. Such landscaping shall be maintained and kept in a weed-free manner. Access to off-street parking areas from a public street shall be from a two-way driveway with a minimum width of twenty (20) feet and a maximum width of forty (40) feet, or two (2) one-way driveways each with a minimum width of twelve (12) feet and a maximum width of eighteen (18) feet. No access driveway shall be located closer than twenty (20)

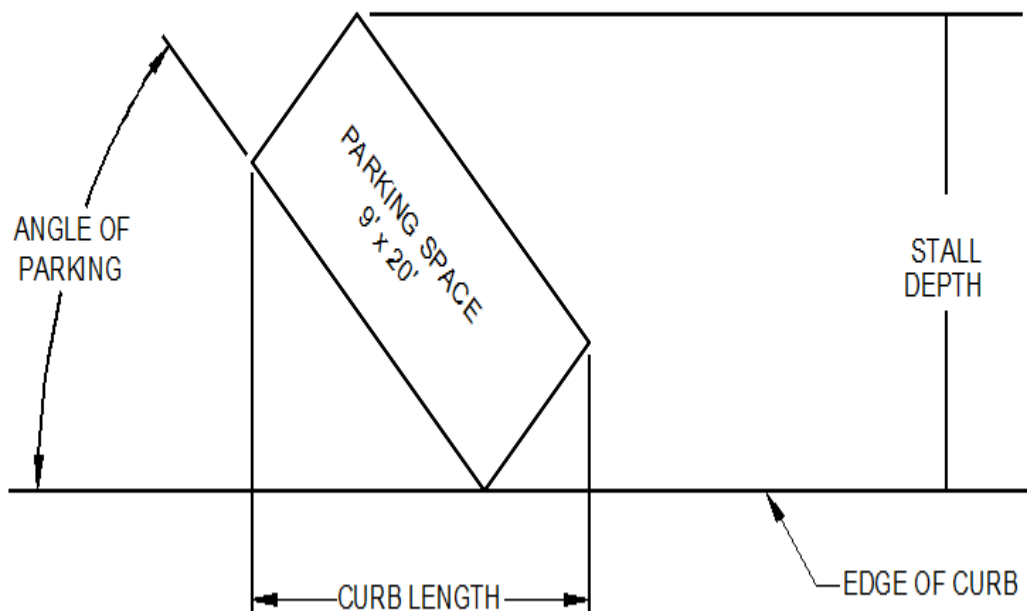
feet from a street intersection or other access driveway, nor any closer than ten (10) feet from any property line.



(f) *Dimensions.* Arrangements of parking spaces within the parking lot and driveway widths shall conform with the following requirements:



Parking layout dimension (in feet) for nine (9) foot by eighteen and one-half (18-1/2) foot stalls at various angles.



		Angle			
Dimension	On Diagram	45	60	75	90
Stall width, parallel to aisle	A	12.7	10.4	9.3	9.0
Stall length of line	B	27.5	23.7	20.9	18.5
Stall depth to wall	C	19.5 <u>20</u>	20.5	20.0	18.5 <u>20</u>
Aisle width between stall lines	D	12.0	16.0	23.0	26.0
Stall depth, interlock	E	16.5	18.5	19.0	18.5
Module, wall to interlock	F	48.0	55.0	62.0	63.0

Dimension	On Diagram	Angle			
		45	60	75	90
Module, interlocking	G	45.0	53.0	61.0	63.0
Module, interlock to curb face	H	46.0	52.5	59.5	60.5
Bumper overhand (typical)	I	2.0 1.5	2.3 1.5	2.5 1.5	2.5 1.5
Offset	J	6.4	2.6	0.6	0.0
Setback	K	13.1	9.3	4.8	0.0
Cross aisle, one-way	L	14.0	14.0	14.0	14.0
Cross aisle, two-way	L	24.0	24.0	24.0	24.0

(g) *Screening.* Whenever a parking lot or a driveway to a parking lot is established so as to adjoin the side or abut the rear line of a lot in a residential or manufactured home zoning district, a solid masonry or solid material fence six (6) feet in height, or of other material or height as allowed or required by the planning and zoning commission (subject also to the fence height regulations established in Chapter [19.25](#)), shall be constructed and maintained along said side or rear lot line.

(h) *Lighting.* Parking lots used during hours of darkness shall be lighted to a minimum level of one and one-half (1-1/2) foot-candles. Lighting shall be indirect, hooded and arranged so that the source of light is not directly visible from any street or adjoining property. All outdoor lighting shall conform to Chapter [19.110](#), Outdoor Light Control. Light standards shall be a maximum of forty (40) feet in height above grade in airport, commercial, and industrial zones and sixteen (16) feet in residential zones.

(D) *Schedule of Required Off-Street Spaces.*

(1) *Off-Street Parking Spaces.* Shall be provided for each specified use in accordance with the schedule below. While the following schedule requires the minimum amount of parking spaces, the business is not relieved of the responsibility to provide adequate off-street parking for all employees and customers.

(2) *Definitions.* In calculating the total number of required parking spaces, “usable area” as used herein shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.), and the term “seat” shall also include each thirty (30) inches of bench seating when individual seats are not provided.

(3) *Mixed Uses.* In the event of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements of the various uses computed separately.

(4) *Fractional Amount.* In calculating the total number of required off-street parking spaces, fractional amounts are to be disregarded.

(5) *Unlisted Uses.* Parking requirements for a specific use not listed in this section shall be determined by the planning and zoning director.

(6) *Schedule.*

Use	Spaces
Residential use:	
One- or two-family residences:	2 per dwelling unit
Multiple dwellings:	
Efficiency units	1-1/2 per dwelling unit
One-bedroom units	1-1/2 per dwelling unit
Two or more bedroom units	2 per dwelling unit
Senior living facilities:	1 per 2 dwelling units
Rooming houses, fraternities, sororities, resident clubs, lodges:	1 per sleeping room or 1 per bed, whichever is greater
Manufactured home parks and subdivisions:	2 per manufactured home site, plus 1 per 2 employees
Commercial sales and services:	

Use	Spaces
Restaurants, bars, cocktail lounges:	1 per 50 sq. ft. of gross floor area excluding kitchens and storage areas
Drive-in food or drink places with on-site consumption:	1 per 50 sq. ft. of gross floor area excluding kitchens and storage areas, plus 1 per each 3 employees on the maximum shift
Churches, mortuaries, funeral homes:	1 space for each 4 seats, or 1 per 30 sq. ft. of assembly room space for each congregation meeting at the same time, whichever is greater
Self-service laundries and dry cleaners:	1 per 2 machines
Open air businesses:	1 per 500 sq. ft. of sales area for first 2,000 sq. ft., plus 1 per additional 2,000 sq. ft.
Car lots:	All parking for employees, customers, and auto storage or display shall be legally contained within the boundary of the property
Gasoline service stations:	1 per employee on the maximum shift, plus 2 for each service bay (additional parking for grocery or other retail sales shall be required in the amount specified herein)
Car wash:	1 per employee, plus reserved spaces equal to 5 times the wash line capacity
Motor vehicle and machinery sales, auto repair shops:	1 per 800 sq. ft. of floor area
Barbershops, beauty shops:	2 per service chair
Furniture and appliance stores, household equipment:	1 per 800 sq. ft. of usable floor area
Supermarkets, drugstores:	1 per 250 sq. ft. of gross leasable space

Use	Spaces
Hotels, motels:	1 per guest room or suite, plus 1 per 2 employees
Bus depots:	1 per 150 sq. ft. of waiting room space
Skating rinks, dance halls, dance studios:	1 per 3 persons of maximum capacity permitted by fire regulations
Bowling alleys:	7 per bowling lane, plus 1 per 5 seats in gallery, plus 1 per 2 employees
Billiard parlors:	2 per billiard table, plus 1 per 2 employees
Gymnasiums, health studios:	1 per 400 sq. ft. of usable floor area, plus 1 per 2 employees
Private golf clubs and similar uses:	1 per 8 member families or individuals
Theaters:	1 space for each 3 seats
Any other retail use not indicated above:	1 per 250 sq. ft. of customer floor area, plus 1 per 2 employees on the maximum shift
Office and clinic uses:	
Offices, banks, savings and loan agencies:	1 per 200 sq. ft. of usable floor area
Medical and dental offices/complexes and clinics:	1 per 150 sq. ft. of gross floor area for the first 20,000 sq. ft. and 1 per 250 sq. ft. of the remaining gross floor area over 20,000 sq. ft.
Schools and institutions:	
Elementary and intermediate schools:	1 per employee, plus 1 per every 20 students
High schools:	1 per 8 students, plus 1 per employee

Use	Spaces
Junior colleges, colleges, universities:	1 per 3 enrolled full-time day students, plus 1 per employee
Trade schools, business colleges:	1 per 150 sq. ft. of gross floor area
Hospitals:	1 per 2 beds, plus 1 per resident employee, plus 1 per 2 nonresident employees

(E) *Loading Space Requirements.* Each use is required to provide off-street loading spaces for the safe maneuverability of loading and unloading of its delivery vehicles. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-46)

Chapter 19.110

OUTDOOR LIGHT CONTROL

Sections:

- 19.110.010 Administration.**
- 19.110.020 Definitions.**
- 19.110.030 General requirements.**
- 19.110.040 Prohibitions.**
- 19.110.050 Permanent and temporary exemptions.**
- 19.110.060 Procedures for compliance.**
- 19.110.070 Appeals.**

Cross reference: Searchlights – Section [8.15.100](#).

19.110.010 Administration.

(A) *Purpose.* This chapter is intended to restrict the permitted use of outdoor artificial illuminating devices emitting undesirable rays into the night sky which have a detrimental effect on astronomical observations.

(B) *Conformance With Applicable Code Provisions.* All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this chapter, any other applicable provisions of the zoning ordinance of the City of Show Low and any building ordinances of the City of Show Low which may hereafter be enacted, as applicable.

Where any provision of any of the Arizona state statutes or of the federal laws, or any companion ordinance, comparatively conflicts with the requirements of this chapter, the most restrictive shall govern.

(C) *Approved Material and Methods of Installation.* The provisions of this chapter are not intended to prevent the use of any material or method of installation not specifically prescribed by this chapter, provided any such alternate has been approved in writing by the City of Show Low zoning director upon a finding that the proposed design, material or method:

- (1) Provides approximate equivalence to the applicable requirements of this chapter; or
- (2) Is otherwise satisfactory and complies with the intent of this chapter. (Ord. No. 196, 4-25-84; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-71)

19.110.020 Definitions.

For purposes of this chapter, the following terms shall have the following definitions:

Fossil fuel light: Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

Fully shielded: Means the fixture shall be shielded so that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Individual: Any private individual, tenant, lessee, owner or any commercial entity including, but not limited to, companies, partnerships, joint ventures or corporations.

Installed: An initial installation of outdoor light fixtures on or after the effective date of the ordinance codified in this chapter.

Light Emitting Diode (LED): A semiconductor device that emits light when exposed to electrical current.

Outdoor light fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for:

- (1) Buildings and structures.
- (2) Recreational areas.
- (3) Parking lot lighting.
- (4) Landscape lighting.
- (5) Billboards and other signage (advertising or other).
- (6) Street lighting.

Partially shielded: The fixture shall be shielded so that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing the emission of light above the horizontal plane. (Ord. No. 196, 4-25-84. 1976 Code § 15-1-72)

19.110.030 General requirements.

(A) Shielding and Filtration.

- (1) All outdoor light fixtures, except those exempt from this chapter and those regulated by Section [19.110.040](#), shall be fully or partially shielded as required in subsection (B) of this section.
- (2) It is recommended that existing mercury vapor fixtures either be replaced or be equipped with a filter whose transmission is less than ten (10) percent total emergent flux at wavelengths less than forty-four hundred (4,400) angstroms. "Total emergent flux" is defined as that between three thousand (3,000) and seven thousand (7,000) angstrom units.

(3) Low pressure sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observations.

(B) *Requirements for Shielding.* The requirements for shielding light emissions from outdoor light fixtures and recommendations for filtration are as set forth in the following table:

Requirements for Shielding/Filtration Recommendations

Fixture lamp type	Must be shielded	Filtering recommended
Low pressure sodium ¹	Partially	None
High pressure sodium	Fully	None
Metal halide ⁵	Fully	Yes
Fluorescent	Fully ⁴	Yes ²
Quartz ³	Fully	None
Incandescent, greater than 150w	Fully	None
Incandescent, 150w or less	None	None
Mercury vapor	Fully ⁶	Yes ⁶
Fossil fuel	None	None
Glass tubes filled with neon, argon and krypton	None	None
<u>Light Emitting Diode (LED)</u>	<u>Fully</u>	<u>None</u>
Other sources	As approved by the zoning director	

Footnotes:

1 This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.

2 Warm white and natural lamps are preferred to minimize detrimental effects.

- 3 For the purposes of this chapter, quartz lamps shall not be considered an incandescent light source.
- 4 Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.
- 5 Metal halide lamps shall be in enclosed luminaires. See also Section [19.110.040\(F\)](#).
- 6 Recommended for existing fixtures. See also Section [19.110.040\(D\)](#).

(Ord. No. 196, 4-25-84; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-73)

19.110.040 Prohibitions.

- (A) *Searchlights*. The operation of searchlights for advertising purposes is prohibited.
- (B) *Recreational Facilities*. No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 p.m. except to conclude a specific recreational, sporting or other activity in progress prior to 11:00 p.m.
- (C) *Outdoor Building or Landscaping Illumination*. The unshielded outdoor illumination of any building, landscaping, signing or other purpose is prohibited except with incandescent fixtures less than one hundred fifty (150) watts. All illumination shall be so arranged as not to shine upon or reflect onto adjoining properties.
- (D) *Mercury Vapor*. The installation of mercury vapor fixtures is prohibited without shielding as required in Section [19.110.030](#). This prohibition is effective ninety (90) days after adoption of the ordinance codified in this chapter.
- (E) *Signage*. All outdoor signage, with its lighting, shall conform to Section [19.110.030](#) and shall be of such size and color as not to interfere with traffic or limit visibility of adjoining property. Illumination on any sign not wholly illuminated from within must conform to Section [19.110.030](#) and be directed towards the ground. Signs shall not have intermittent illumination or flashing lights (see Chapter [19.100](#)).
- (F) *Metal Halide Lamps*. Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. (Ord. No. 196, 4-25-84; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-74)

19.110.050 Permanent and temporary exemptions.

(A) *Nonconforming Fixtures.* All outdoor light fixtures existing and fully installed prior to the effective date of the ordinance codified in this chapter are nonconforming indefinitely; provided, however, that no change in use, replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this chapter.

(B) *Federal and State Facilities.* Those facilities and lands owned, operated or protected by the U.S. federal government, the state of Arizona or Navajo County are exempted from all requirements of this chapter. Voluntary compliance with the intent of this chapter at those facilities is urged.

(C) *Special Exemption.* The zoning director may grant a special exemption from the requirements of Section [19.110.030](#) only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

(D) *Utility Exemption.* Utility companies entering into a duly approved contract with the City of Show Low in which they agree to comply with the provisions of these regulations shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.

(E) *Temporary Exemptions.*

(1) *Request.* Any individual may submit a written request (in a form approved by the zoning director) for a temporary exemption to the requirements of this chapter, such exemption to be valid for thirty (30) days, renewable at the discretion of the zoning director.

(2) The request for temporary exemption shall contain at least the following information:

- (a) Specific exemption(s) requested.
- (b) Type and use of outdoor light fixture for which exemption is sought.
- (c) Duration of the requested exemption.
- (d) Type of lamp(s) and calculated lumens.

- (e) Total wattage of lamp(s).
- (f) Proposed location.
- (g) Previous temporary exemptions, if any.
- (h) Physical size of outdoor light fixture and type of shielding to be provided.

In addition to the above data, the zoning director may request any additional information which would assist his evaluation of the request. (Ord. No. 196, 4-25-84; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-75)

19.110.060 Procedures for compliance.

(A) *Application.*

- (1) Any individual applying for a building or use permit under the zoning ordinance of the City of Show Low intending to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with this chapter.
- (2) All other individuals intending to install outdoor lighting fixtures shall submit an application to the zoning director providing evidence that the proposed work will comply with this chapter.

(B) *Contents of Application.* The application shall contain, but shall not necessarily be limited to, the following, all or part of which may be part of or in addition to the information required elsewhere in the zoning ordinance of the City of Show Low.

- (1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, etc.
- (2) Description of the illuminating devices, fixtures, lamps, supports, etc. This description may include, but is not limited to, manufacturer's catalog cuts, and drawings (including sections where required).

The above required plans and descriptions shall be sufficiently complete to enable the zoning director to readily determine compliance with the requirements of this title. If such

plans and descriptions do not readily enable this determination, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

(C) *Issuance of Permit.* Upon compliance with the requirements of this chapter, the zoning director shall issue a permit for installation of the outdoor lighting fixtures, to be installed per the approved application. In the event the application is part of another application under this title, the privilege applied for will be granted if the applicant is in compliance with this chapter as well as the other requirements for the privilege applied for under this title.

(D) *Amendment to Permit.* Should the applicant desire to use different outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the zoning director for approval, with adequate information to allow determination of compliance with this chapter. (Ord. No. 196, 4-25-84; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-76)

19.110.070 Appeals.

(A) *Requests for Temporary Exemptions.* The zoning inspector, within five (5) days from the date of submission of a complete request for temporary exemption, shall approve or reject the request in writing. If rejected, the individual making the request shall have the right of appeal to the board of adjustment for review pursuant to the procedures applicable to appeals of decisions of the zoning director under Chapter [19.135](#).

(B) *Other Applications.* The zoning director, within seven (7) calendar days from the date of submission of a complete application for permit under Section [19.110.060\(C\)](#), shall approve or deny the application in writing. In the event of rejection, then appeal procedures for appeal of decisions of the zoning director shall apply (see Chapter [19.135](#)). (Ord. No. 196, 4-25-84; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-77)

Chapter 19.115

WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

Sections:

19.115.010 Purpose.

19.115.020	Definitions.
19.115.030	Applicability.
19.115.040	General requirements.
19.115.050	Permitted uses.
19.115.060	Administratively approved uses.
19.115.070	Conditional use permits.
19.115.080	Buildings or other equipment storage.
19.115.090	Removal of abandoned antennas and towers.
19.115.100	Nonconforming uses.

19.115.010 Purpose.

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

~~(A) Protect residential areas and land uses from potential adverse impacts of towers and antennas;~~

~~(B)(A)~~ Encourage the location of towers in nonresidential ~~areas~~zoning districts;

~~(C)(B)~~ Minimize the total number of towers throughout the community;

~~(D)(C)~~ Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

~~(E)(D)~~ Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

~~(F) Consider the public health and safety of communications towers;~~

~~(G)(E)~~ Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures; and

~~(H)(F)~~ Protect airport approach corridors.

In furtherance of these goals, the City of Show Low shall give due consideration to the city's general plan, zoning map, and existing land uses in approving sites for the location of towers and antennas. (Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(A))

19.115.020 Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

Alternative tower structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, microwave signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul network or interconnection facilities: The lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Height: When referring to a tower, the distance measured from the base of the tower to the highest point on the tower or other structure, including the base pad and any antenna. An applicant shall be prohibited from altering the natural grade/elevation of the site. No tower/antenna installations shall exceed one hundred ninety-nine (199) feet in height, except as may be conditionally approved on industrially zoned properties.

Preexisting towers and preexisting antennas: Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of the ordinance codified in this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired; also any tower or antenna

erected prior to annexation or prior to the commencement of the city's building permit requirement.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. (Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(B))

19.115.030 Applicability.

(A) *New Towers and Antennas.* All new towers or new antennas in the City of Show Low shall be subject to these regulations, except as follows:

(1) *Amateur Radio Station Operators and/or Receive Only Antennas.* This chapter shall not govern any tower, or the installation of any antenna, that is under fifty (50) feet in height; provided, that minimum setback requirements are met and the tower or antenna is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. Extendable tower/antenna installations, no greater than a seventy-five (75) foot extended height, shall be permitted; provided, that minimum setback requirements are maintained for the installation's maximum extended height. The minimum required setbacks from adjacent properties of these installations shall be the height of the tower/antenna assembly (measured to the extended height of an extendable tower and antenna).

(2) *Preexisting Towers or Antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of Sections [19.115.040\(E\)](#), [\(F\)](#) and [\(G\)](#).

(3) *Small Wireless Facilities as defined and meeting the standards found in Chapter 11.30, Small Wireless Facilities and the City of Show Low Design Standards, Concepts & Requirements for Wireless Facilities in the Right-of-Way.* (Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(C))

19.115.040 General requirements.

(A) *Principal or Accessory Use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(B) *Lot Size.* For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(C) *Aesthetics.* Towers and antennas shall meet the following requirements:

(1) Towers shall be painted, subject to any applicable FAA standards, a neutral color so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall, to the extent possible, utilize materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(2) If an antenna is installed on a structure other than a tower, the antenna and supporting mechanical equipment must be of a neutral color that is compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(D) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or the city and/or other applicable authority for safety reasons. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The owner of the tower shall ensure the ongoing maintenance of all required tower lighting.

(E) *State or Federal Requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(F) *Building Codes – Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and any other applicable standards, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(G) *Interference.* The installation of any equipment or commencement of any frequencies that interfere with or compromise any public safety frequencies/installations shall be prohibited.

(H) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Show Low irrespective of municipal and county jurisdictional boundaries.

(I) *Nonessential Services.* Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(J) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Show Low have been obtained and shall file a copy of all required franchises with the zoning director.

(K) *Public Notice.* For purposes of this chapter, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice in accordance with this title and applicable state law.

(L) *Signs.* No signs shall be allowed on an antenna or tower, except as may be legally required.

(M) *Buildings and Support Equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section [19.115.080](#).

(N) *Visual Corridor Protection.* Except for placement on existing structures or towers, no new tower shall be permitted within two hundred (200) feet of the edge of the right-of-way for any arterial or collector roadways as identified in the City of Show Low's transportation plan.

(O) *Airport Corridor Protection.* No tower or antenna shall exceed the airport protection height limitations as set forth in the Show Low Regional Airport Master Plan Part 77 Airspace Plan on file in the office of the city clerk.

(P) *Downtown Commercial (DC) Land Use District.* No new freestanding tower construction shall be permitted in the DC land use district. This prohibition may not restrict the possible collocation of antennas on an existing tower, building, or possible rooftop installations.

(Q) *Residential Land Use Zoning Districts.* No new towers shall be permitted on any residentially zoned property, except for amateur radio or receive only towers/antennas as described herein. Tower/antenna installations may be considered on publicly owned residentially zoned properties. (Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(D))

19.115.050 Permitted uses.

The following uses are specifically permitted: Antennas or towers located on property owned, leased, or otherwise controlled by the City of Show Low provided a license or lease authorizing such antenna or tower has been approved by the city council. (Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(E))

19.115.060 Administratively approved uses.

(A) *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas:

- (1) The zoning director may administratively approve the uses listed in this section.
- (2) Each applicant for administrative review shall apply to the zoning director providing the information set forth in Sections [19.115.070\(B\)\(1\)](#) and [\(B\)\(3\)](#) and shall pay a nonrefundable fee as established by resolution of the city council to reimburse the city for the costs of reviewing the application.

(3) The zoning director shall review the application for administrative approval and determine if the proposed use complies with Sections [19.115.040](#) and [19.115.070\(B\)\(4\)](#) and [\(B\)\(5\)](#).

(4) The zoning director shall respond to each such application within sixty (60) days after receiving it by either approving, conditionally approving, or denying the application. If the zoning director fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.

(5) In connection with any administrative application, the zoning director may, in order to encourage the use of self-supporting poles, administratively allow the reconstruction of an existing tower to a method of self-supporting construction.

(6) If an administrative approval is denied, the applicant shall file an application for a conditional use permit pursuant to Section [19.115.070](#) prior to filing any appeal that may be available under this title.

(B) *List of Administratively Approved Uses.* The zoning director may approve the following after conducting an administrative review:

(1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial zoning district.

(2) Locating antennas on existing structures or towers consistent with the terms of subsections [\(B\)\(2\)\(a\)](#) and [\(B\)\(2\)\(b\)](#) of this section.

(a) *Antennas on Existing Structures.* Any antenna which is not attached to a tower may be approved by the zoning director as an accessory use to any structure located in any commercial or industrial zoning district, provided:

- (i) The antenna and/or any supporting mechanism does not extend more than thirty (30) feet above the highest point of the structure;
- (ii) The antenna complies with all applicable FCC and FAA regulations; and
- (iii) The antenna complies with all applicable city codes.

(b) *Antennas on Existing Towers.* An antenna which is attached to an existing tower may be approved by the zoning director and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent to the following:

(i) A tower that is modified or reconstructed to accommodate the collocation of an additional antenna shall be of similar type as the existing tower, unless the zoning director allows reconstruction as a self-supporting pole.

(ii) The antenna complies with all applicable FCC and FAA regulations.

(iii) *Height.*

A. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.

B. The height change referred to in subsection [\(B\)\(2\)\(b\)\(iii\)\(A\)](#) of this section may only occur one (1) time per tower.

(iv) *On-Site Location.*

A. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within fifty (50) feet of its existing location, as long as the separation distances for residential units or residentially zoned lands set forth in Section [19.115.070\(B\)\(5\)](#) are met.

B. After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site.

C. A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section [19.115.070\(B\)\(5\)](#). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section [19.115.070\(B\)\(5\)](#).

(3) Installing a cable micro-cell network through the use of multiple low-powered transmitters and/or receivers attached to existing wire-line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(4) Installation of antennas on existing buildings or structures on publicly owned property, provided the antenna and/or any supporting mechanism does not extend more than thirty (30) feet above the highest point of the structure;

(5) Installation of a tower on commercially zoned property which meets setback requirements and is less than fifty (50) feet in total height.(Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(F))

19.115.070 Conditional use permits.

(A) *General.* The following provisions shall govern the issuance of conditional use permits for towers or antennas by the planning and zoning commission:

(1) If a tower or antenna is not a permitted use under Section [19.115.050](#) or permitted to be approved administratively pursuant to Section [19.115.060](#), then a conditional use permit shall be required for the construction of a tower or the placement of an antenna.

(2) Applications for conditional use permits under this section shall be subject to the procedures and requirements of Chapter [19.20](#), except as modified in this section.

(3) Each applicant for a conditional use permit shall provide the information set forth in this section and shall pay a nonrefundable fee as established by resolution of the city council to reimburse the city for the costs of reviewing the application. The city shall not collect this fee for consideration of a proposed amateur radio tower/antenna installation measuring greater than fifty (50) feet in height.

(4) Any information of an engineering nature submitted by the applicant, whether of a civil, mechanical, or electrical nature, shall be certified by a professional engineer licensed in the state of Arizona.

(5) Staff shall have a maximum of sixty (60) days to determine whether an application for a conditional use permit to allow for a tower or antenna is complete. The application shall be scheduled for consideration by the Planning and Zoning Commission at their next

regular meeting held a minimum of twenty-one (21) days after the application has been deemed complete by the planning and zoning director or designee.

(B) *Towers.*

(1) *Application Information Required.* The zoning director may waive certain of the following requirements in the case of commission consideration of any proposed amateur radio tower installation that does not fulfill the requirements of Section [19.115.030\(A\)\(1\)](#). This information may be required in addition to any information required for applications for conditional use permits pursuant to Chapter [19.20](#). Applicants for a conditional use permit for a tower shall submit the following information:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), general plan classification of the site and all properties within the applicable separation distances set forth in subsection [\(B\)\(5\)](#) of this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the zoning director to be necessary to assess compliance with this chapter.

(b) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(c) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section [19.115.040\(C\)](#) shall be shown on a plot plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(d) Legal description of the parent tract and leased parcel (if applicable).

(e) *Inventory of Existing Sites.* Each applicant for an antenna and/or tower shall provide to the zoning director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Show Low or within one (1) mile of the border thereof, including specific information about the location, height, and type of each tower. The zoning director may share such

information with other applicants applying for administrative approvals or conditional use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the city; provided, however, that the zoning director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(f) A landscape plan showing specific landscape materials and the type of security fencing.

(g) Finished color of the tower and, if applicable, the method of camouflage and illumination.

(h) A description of compliance with Sections [19.115.040\(C\)](#), [\(D\)](#), [\(E\)](#), [\(F\)](#), [\(G\)](#), [\(I\)](#), [\(K\)](#), [\(L\)](#), and [\(M\)](#), and subsections [\(B\)\(4\)](#) and [\(B\)\(5\)](#) of this section and all applicable federal, state or local laws.

(i) Certification by a structural engineer, licensed in the state of Arizona, of the carrying capacity of the tower.

(j) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(k) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(l) A description of the feasible location(s) of future towers or antennas within the City of Show Low based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(m) Evidence of the submittal of Form 7460 to the Federal Aviation Administration.

(2) *Factors Considered in Granting Conditional Use Permits for Towers.* In addition to any standards for consideration of conditional use permit applications pursuant to Chapter [19.20](#) the planning and zoning commission shall consider the following factors in determining whether to issue a conditional use permit:

(a) Height of the proposed tower;

- (b) Proximity of the tower to ~~residential structures and~~ residential district boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress; and
- (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection [\(B\)\(3\)](#) of this section.

(3) *Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.* An applicant shall submit information requested by the commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna should consist of any of the following:

- (a) No existing towers or structures are located within the geographic area meeting the applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs significantly exceeding new tower development are presumed to be unreasonable.

(f) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters and/or receivers attached to a wire line system, is unsuitable.

(4) *Setbacks.* The following setback requirements shall apply to all towers:

(a) Towers must be set back a distance equal to at least one hundred twenty-five (125) percent of the ~~height of the tower fall zone as certified by a licensed engineer~~ from any adjoining lot line, ~~but may be reduced by the commission if the goals of this chapter would be better served thereby.~~ In the case of amateur radio tower installations, these minimum setback requirements may be further reduced by the commission through the conditional use permit process, considering such factors as topography and height of surrounding vegetation.

(b) Accessory buildings and/or structures must satisfy the minimum zoning district setback requirements.

(5) *Separation.* The following separation requirements shall apply to all towers:

(a) Separation from all residentially zoned properties' areas shall be a minimum of ~~one hundred (100) feet or the fall zone as certified by an engineer, whichever is greater, two hundred (200) feet, but may be reduced by the commission if the goals of this chapter would be better served thereby.~~

(i) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas.

(b) *Separation Distances Between Towers.*

(i) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances for all zoning districts shall be ~~one thousand five hundred (1,500) feet, two thousand five hundred (2,500) feet.~~

(ii) The approving authority may reduce separation distances between towers if multiple towers are to be placed on a single lot or if it is deemed in the community's best interest (i.e., the creation of a "tower farm").

(6) *Security Fencing.* Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the commission may waive such requirements, as it deems appropriate. All fencing shall be properly maintained.

(7) *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the commission may waive such requirements if the goals of this chapter would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound. All plant materials shall be properly maintained.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural landforms on the site shall be preserved. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. (Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(G))

19.115.080 Buildings or other equipment storage.

(A) *Antennas Mounted on Structures or Rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following:

(1) The equipment cabinet or structure shall not contain more than ten (10) square feet of gross floor area or be more than four (4) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned

equipment structure, if over ten (10) square feet of gross floor area or four (4) feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(2) Equipment storage buildings or cabinets shall comply with applicable building codes.

(B) *Antennas Mounted on Utility Poles or Light Poles.* The equipment cabinet used in association with antennas shall be located in accordance with the following:

(1) In residential districts, the equipment cabinet or structure may be located:

(a) In a front or side yard provided the cabinet is no greater than four (4) feet in height or ten (10) square feet of gross floor area. The cabinet shall be suitably screened and/or camouflaged to blend with its surroundings.

(b) In a rear yard, provided the cabinet or structure is no greater than ten (10) feet in height or one hundred forty-four (144) square feet in gross floor area. The cabinet/structure shall be suitably screened.

(2) In commercial or industrial districts the equipment cabinet or structure shall be no greater than ten (10) feet in height, ~~or one hundred forty-four (144) square feet in gross floor area.~~ The structure or cabinet shall be suitably screened and/or camouflaged to blend with its surroundings.

(C) *Antennas Located on Towers.* The related unmanned equipment structure shall not ~~contain more than one hundred forty-four (144) square feet of gross floor area or~~ be more than fifteen (15) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located. In the event of multiple antenna installations on a single location the construction of only one (1) unmanned equipment storage building shall be permitted.

(D) *Modification of Building Size Requirements.* The requirements of subsections (A) through (C) of this section may be modified by the zoning director in the case of administratively approved uses or by the planning and zoning commission in the case of uses permitted by conditional use to encourage collocation. (Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(H))

19.115.090 Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. (Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(I))

19.115.100 Nonconforming uses.

(A) *Nonexpansion of Nonconforming Use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

(B) *Preexisting Towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter. (Ord. No. 493, 6-19-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-69(J))

Chapter 19.120

~~MEDICAL~~ MARIJUANA-RELATED FACILITIES

Sections:

- | | |
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| 19.120.010 | Purpose and intent. |
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- 19.120.060 Regulations pertaining to ~~medical~~ marijuana dispensaries and ~~medical~~ marijuana manufacturing facilities.**
- 19.120.070 Additional regulations for ~~medical~~ marijuana-related facilities.**
- 19.120.080 Conditional use permit application requirements.**
- 19.120.090 Injunction.**

19.120.010 Purpose and intent.

It is the purpose and intent of this chapter to regulate ~~medical~~ marijuana-related facilities to promote the health, safety, morals, and general welfare of the citizens of the City of Show Low and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of ~~medical~~ marijuana-related facilities within the city, thereby reducing or eliminating the adverse secondary effects from such ~~medical~~ marijuana-related facilities. (Ord. No. 2011-02, §§ 1, 2, 1-18-11. 1976 Code § 15-1-67(A))

19.120.020 Definitions.

(A) In this chapter, unless the context otherwise requires:

Employee: A person who performs any service on the premises of a ~~medical~~ marijuana-related facility on a full-time, part-time, volunteer, or contract basis, whether or not the person is denominated as an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of non-~~medical~~ marijuana-related goods to the premises.

Licensee: A person in whose name a license to operate a ~~medical~~ marijuana-related facility has been issued, as well as the individual listed as an applicant on the application for a license; and, in the case of an employee, a person in whose name a license has been issued authorizing employment in a ~~medical~~ marijuana-related facility.

~~Medical m~~Marijuana: Any or all parts of the genus Cannabis whether growing or not, and the seed of such plants. ~~that may be administered to treat or alleviate a qualifying patient's~~

~~debilitating medical condition or symptoms associated with the patient's debilitating medical condition.~~

~~Medical m~~*Marijuana cultivation*: The process by which a person grows a marijuana plant. A ~~medical~~-marijuana cultivation facility shall mean a building, structure, or premises used for the cultivation or storage of ~~medical~~-marijuana that is physically separate and off site from a ~~medical~~-marijuana dispensary or a ~~medical~~-marijuana manufacturing facility.

~~Medical m~~*Marijuana dispensary*: A nonprofit entity as defined in A.R.S. that sells, distributes, transmits, gives, dispenses, or otherwise provides ~~medical~~-marijuana ~~to qualifying patients~~. A dispensary may cultivate its own marijuana either on or off site.

~~Medical m~~*Marijuana facility*: Any building, structure, or premises used for the cultivation, storage, or dispersal of ~~medical~~-marijuana. A ~~medical~~-marijuana facility shall include a ~~medical~~-marijuana cultivation facility, a ~~medical~~-marijuana dispensary, and a ~~medical~~-marijuana manufacturing facility.

~~Medical m~~*Marijuana manufacturing facility*: A facility that produces ~~medical~~-marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable goods.

Medical marijuana qualifying patient: A person who has been diagnosed by a qualifying medical practitioner as having a debilitating medical condition as defined in A.R.S. Title [36](#), Chapter [28.1](#).

Person: An individual, proprietorship, corporation, association, or other legal entity.

Specified criminal activity: Any of the offenses listed in A.R.S. Title [36](#), Chapter [28.1](#) as an "excluded felony offense."

Transfer of ownership or control of a ~~medical~~-marijuana-related facility: Any of the following:

- (a) The sale, lease, or sublease of the business;
- (b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (c) The establishment of a trust, gift, or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(B) *Definitions Included.* All definitions listed in this title and Arizona Revised Statutes relating to ~~medical~~ marijuana-related facilities are applicable to this chapter. (Ord. No. 2011-02, §§ 1, 2, 1-18-11. 1976 Code § 15-1-67(B))

19.120.030 Classification.

~~Medical m~~In accordance with state statute, ~~m~~marijuana-related facilities are classified as follows:

- (A) ~~Medical m~~Marijuana cultivation facilities;
- (B) ~~Medical m~~Marijuana dispensaries;
- (C) ~~Medical m~~Marijuana manufacturing facilities. (Ord. No. 2011-02, §§ 1, 2, 1-18-11. 1976 Code § 15-1-67(C))

19.120.040 Location of ~~medical~~ marijuana-related facilities.

(A) No person shall operate or cause to be operated a ~~medical~~ marijuana dispensary or infusion facility in any zoning district other than C-2 (General Commercial) as defined and described in this chapter, nor shall any person operate or cause to be operated a ~~medical~~ marijuana cultivation facility in any zoning district other than I-1 (Light Industrial) or I-2 (Heavy Industrial), as defined and described in this chapter, without a conditional use permit which meets all of the requirements set forth in Chapter [19.20](#) and this section.

(B) No person shall operate or cause to be operated a ~~medical~~ marijuana-related facility within five hundred (500) feet of:

- (1) A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and

universities; "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

(3) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city's parks and recreation authorities;

(4) The property line of a lot devoted to a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility;

(5) An entertainment business which is oriented primarily toward children or family entertainment; or

(6) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the state.

(C) For purposes of the five hundred (500) foot restriction referenced in subsection (B) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a ~~medical~~-marijuana-related facility is located to the nearest property line of the premises of a use listed in subsection (B) of this section. Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section. (Ord. No. 2011-02, §§ 1, 2, 1-18-11. 1976 Code § 15-1-67(D))

19.120.050 Regulations pertaining to ~~medical~~-marijuana cultivation facilities.

(A) All cultivation of marijuana shall take place within a completely enclosed and secured building containing an off-site security alarm system registered with the Show Low police department.

(B) Sale of ~~medical~~-marijuana to anyone other than a properly registered and licensed ~~medical~~ marijuana dispensary or ~~medical~~-marijuana manufacturing facility is prohibited.

(C) A ~~medical~~-marijuana cultivation facility shall be associated with a ~~medical~~-marijuana dispensary or ~~medical~~-marijuana manufacturing facility. (Ord. No. 2011-02, §§ 1, 2, 1-18-11. 1976 Code § 15-1-67(E))

19.120.060 Regulations pertaining to ~~medical~~-marijuana dispensaries and ~~medical~~-marijuana manufacturing facilities.

(A) The applicant shall provide the name(s) and location(s) of the off-site ~~medical~~-marijuana cultivation facility(ies) associated with the dispensary.

(B) All ~~medical~~-marijuana dispensaries and ~~medical~~-marijuana manufacturing facilities shall be located within a permanent building containing an off-site security alarm system registered with the Show Low police department and may not locate in a trailer, cargo container, or motor vehicle.

~~(C) Sale of medical marijuana or medical marijuana-related materials to anyone other than a properly registered medical marijuana qualifying patient or caregiver is prohibited.~~

~~(D)(C)~~ Drive-through services are prohibited.

~~(E)(D)~~ On-site consumption is prohibited.

~~(F)(E)~~ All marijuana remnants or by-products shall be properly disposed of and shall not be stored or placed outside of the facility.

~~(G)(F)~~ There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.

~~(H)(G)~~ A maximum of seventy-five (75) percent up to one thousand (1,000) square feet of the building utilized as a dispensary may be used for cultivation of marijuana for use by the dispensary; provided, that the cultivation takes place completely within the building within which the dispensary is located.

~~(H)(H)~~ All sales shall take place on site; except by qualified caregivers, no off-site delivery of product(s) shall be permitted.

~~(H)(I)~~ No products or materials, other than ~~medical~~-marijuana-related goods or products, shall be sold or produced on site. All windows shall remain visually unobstructed.

~~(K)(L)~~ Security lighting and landscaping shall comply with nationally recognized crime-free standards.

~~(L)(K)~~ The maximum number of ~~medical-marijuana~~-dispensaries within the City of Show Low shall be limited to a maximum of two (2). Additional ~~medical-marijuana~~-dispensaries shall be permitted for each population increase of twenty thousand (20,000) over the population as determined by the 2010 Census. (Ord. No. 2011-02, §§ 1, 2, 1-18-11. 1976 Code § 15-1-67(F))

19.120.070 Additional regulations for ~~medical~~-marijuana-related facilities.

(A) No person shall knowingly allow a person under the age of eighteen (18) years on the premises of a ~~medical~~-marijuana-related facility unless he/she is in possession of a registry identification card issued by the Arizona Department of Health Services and accompanied by a parent or guardian.

(B) No ~~medical~~-marijuana-related products shall be served or consumed on the premises of any ~~medical~~-marijuana-related facility.

(C) ~~Medical-m~~Marijuana-related facilities are permitted to operate between the hours of 9:00 a.m. and ~~9:00~~8:00 p.m. only.

(D) All ~~medical~~-marijuana-related facilities shall clearly, conspicuously, and legibly post registration documents provided by the Arizona Department of Health Services and the City of Show Low so that they may be readily seen by all persons entering the facility.

(E) A notice shall be clearly, conspicuously, and legibly posted in all ~~medical~~-marijuana-related facilities indicating that ingesting or consuming marijuana within any public area within the city is prohibited and that ingesting or consuming marijuana on the premises is prohibited.

(F) A "No Loitering" sign shall be posted on the front exterior of the premises.

(G) No ~~medical~~-marijuana-related facility shall hold or maintain a license from the appropriate state agency that regulates the sale and/or consumption of alcoholic beverages for the sale of

alcoholic beverages or operate a business on the premises which sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises. (Ord. No. 2011-02, §§ 1, 2, 1-18-11. 1976 Code § 15-1-67(G))

19.120.080 Conditional use permit application requirements.

All applications for a ~~medical~~ marijuana-related facility conditional use permit shall meet the requirements listed in Chapter [19.20](#), Conditional Use Permits, as well as the requirements listed below:

- (A) Provide a notarized authorization executed by the property owner, acknowledging and consenting to the proposed use of the property as a ~~medical~~ marijuana-related facility;
- (B) Provide the legal name of the ~~medical~~ marijuana-related facility;
- (C) If the application is for a ~~medical~~ marijuana cultivation facility, state the name and the location of the ~~medical~~ marijuana dispensary(ies) with which it is associated;
- (D) Provide the name, address, and birth date of each officer and board member of the nonprofit ~~medical~~ marijuana dispensary;
- (E) Provide a copy of the operating procedures adopted in compliance with the Arizona Revised Statutes;
- (F) If an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is twenty-one (21) years of age;
- (G) If a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
- (H) If a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors, and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process;

- (I) If a limited liability company, the company shall state its complete name, and the names of all members who own a twenty (20) percent or greater interest in the capital or profits of the limited liability company. If the management of the limited liability company is vested in a manager or managers, the company shall also state the name of each person who is a manager of the limited liability company;
- (J) If the applicant intends to operate the ~~medical~~-marijuana-related facility under a name other than that of the applicant, he/she must state the ~~medical~~-marijuana-related facility's fictitious name and submit the required registration documents;
- (K) State whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this chapter, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each;
- (L) State whether the applicant, or a person residing with the applicant, has had a previous license under this chapter or other similar ~~medical~~-marijuana-related facility ordinances from another city or county denied, suspended, or revoked, including the name and location of the ~~medical~~-marijuana-related facility for which the permit was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is licensed under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the ~~medical~~-marijuana-related facility for which the permit was denied, suspended, or revoked as well as the date of denial, suspension, or revocation;
- (M) State whether the applicant or a person residing with the applicant holds any other licenses under this chapter or other similar ~~medical~~-marijuana-related facility ordinance from another city or county and, if so, the names and locations of such other licensed businesses;
- (N) Provide the classification of license for which the applicant is filing;
- (O) Provide the location of the proposed ~~medical~~-marijuana-related facility, including a legal description of the property, street address, and telephone number(s), if any;
- (P) Provide the applicant's mailing address and residential address;
- (Q) Provide a recent photograph of the applicant(s);

~~(R) Provide the applicant's driver's license number, Social Security number, and/or his/her state or federally issued tax identification number;~~

~~(S)(R)~~ Provide a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram shall be professionally prepared and must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches;

~~(T)(S)~~ Provide a current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing medical marijuana-related facility within two hundred (200) feet of the property to be certified and also depicting the property lines of any established use listed in Chapter [19.90](#) within five hundred (500) feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted;

~~(U) Provide a copy of all documentation provided to the state as a requirement for state licensing;~~

~~(V)(T)~~ Provide evidence that all requirements of this chapter, as well as all applicable building, fire, and health codes, have been or will be met and are in compliance with said adopted codes and regulations. (Ord. No. 2011-02, §§ 1, 2, 1-18-11. 1976 Code § 15-1-67(H))

19.120.090 Injunction.

A person who operates or causes to be operated a ~~medical~~ marijuana-related facility without a valid license or in violation of any part of this section is subject to suit for injunction and shall be guilty of a civil violation punishable as provided in Section [1.25.010\(A\)](#). (Ord. No. 2011-02, §§ 1, 2, 1-18-11. 1976 Code § 15-1-67(I))

Chapter 19.125

~~SEXUALLYADULT~~ ORIENTED BUSINESSES

Sections:

19.125.010	Purpose and intent.
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19.125.090	Additional regulations concerning public nudity.
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19.125.130	Exemptions.
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19.125.010 Purpose and intent.

It is the purpose and intent of this chapter to regulate ~~sexually~~adult oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City of Show Low and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of ~~sexually~~adult oriented businesses within the city, thereby reducing or eliminating the adverse secondary effects from such ~~sexually~~adult oriented businesses. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(A))

19.125.020 Definitions.

Adult arcade: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store or adult video store: A commercial establishment which offers for sale or rental, for any form of consideration, any one (1) or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities and which meet one (1) or more of the following criteria:
 - (a) A substantial or significant portion of its inventory, stock or merchandise on hand at any time is comprised of sexually explicit material; or
 - (b) A substantial or significant portion of its gross income for any one (1) month is derived from the sale or rental, in any form of consideration, of sexually explicit material; or
 - (c) A substantial or significant amount of sexually explicit material is displayed in its display area; or
 - (d) One (1) of its principal business purposes is the sale or rental of sexually explicit material; or
 - (e) Regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented or displayed therein.

Adult cabaret: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity or semi-nude; or
- (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult motel: A hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult motion picture theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult oriented business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Adult theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Employee: a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an

employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration.

Establishment. Any of the following:

- (1) The opening or commencement of any ~~sexually~~adult oriented business as a new business;
- (2) The conversion of an existing business, whether or not a ~~sexually~~adult oriented business, to any ~~sexually~~adult oriented business;
- (3) The addition of any ~~sexually~~adult oriented business to any other existing ~~sexually~~adult oriented business; or
- (4) The relocation of any ~~sexually~~adult oriented business.

Licensee: A person in whose name a license to operate an ~~sexually~~adult oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an ~~sexually~~adult oriented business.

Massage establishment: An establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance.

- (1) This definition does not apply to:
 - (a) Physicians licensed pursuant to A.R.S. Title [32](#), Chapter [7](#), [8](#), [13](#), [14](#), or [17](#), as amended.

- (b) Registered nurses, licensed practical nurses, physical therapists or technicians who are acting under the supervision of a physician licensed pursuant to A.R.S. Title [32](#), Chapter [13](#), [15](#), [17](#), or [19](#), as amended.
- (c) Persons who are employed or acting as trainees for a bona fide amateur or semiprofessional athlete or athletic team.
- (d) Persons who are licensed pursuant to A.R.S. Title [32](#), as amended, or if the activity is limited to the head, face, or neck.
- (e) Massage therapy which is a nonsexual massage offered by an individual who is licensed by a professionally recognized organization.

Nude model studio: Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a proprietary school licensed by the state of Arizona or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (2) Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
- (3) Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.

Nudity or a state of nudity: The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-nude or in a semi-nude condition: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sexual encounter center: A business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude.

Sexually explicit material: Any material which depicts or describes specified sexual activities or specified anatomical areas.

~~*Sexually oriented business:* An adult arcade, adult bookstore, adult novelty store, adult video-store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.~~

Specified Anatomical Areas.

- (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (2) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Specified Criminal Activity. Any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries, for which:

- (a) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - (b) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - (c) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any twenty-four (24) month period.
- (2) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

Specified Sexual Activities. Any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (3) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) and (2) of this definition.

Substantial enlargement of an-sexually adult oriented business: The increase in floor area occupied by the business by more than twenty-five (25) percent.

Transfer of Ownership or Control of an-Sexually Adult Oriented Business. Any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of

law upon the death of the person possessing the ownership or control. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(B))

19.125.030 Classification.

Sexually Adult oriented businesses are classified as follows:

- (A) Adult arcades;
- (B) Adult bookstores, adult novelty stores, or adult video stores;
- (C) Adult cabarets;
- (D) Adult motels;
- (E) Adult motion picture theaters;
- (F) Adult theaters;
- (G) Escort agencies;
- (H) Nude model studios; and
- (I) Sexual encounter centers. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(C))

19.125.040 Location of sexuallyadult oriented businesses.

- (A) No person shall operate or cause to be operated a n-sexually adult oriented business in any zoning district other than I-1 (Light Industrial) or I-2 (Heavy Industrial), as defined and described in this chapter, nor shall any person operate or cause to be operated a n-sexually adult oriented business without a conditional use permit which meets all of the requirements set forth in Chapter [19.20](#) and this chapter.
- (B) No person shall operate or cause to be operated a n-sexually adult oriented business within one thousand (1,000) feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- (3) A boundary of a residential zoning district as defined in this chapter;
- (4) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the city which is under the control, operation, or management of the city park and recreation authorities;
- (5) The property line of a lot devoted to a residential use;
- (6) An entertainment business which is oriented primarily towards children or family entertainment; or
- (7) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the state.

(C) No person shall cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a ~~n-sexually adult~~ oriented business within two hundred (200) feet of another ~~sexuallyadult~~ oriented business.

(D) No person shall cause or permit the operation, establishment, or maintenance of more than one (1) ~~sexuallyadult~~ oriented business in the same building, structure, or portion thereof, or the increase of floor area of any ~~sexuallyadult~~ oriented business in any building, structure, or portion thereof containing another ~~sexuallyadult~~ oriented business.

(E) For purposes of the one thousand (1,000) foot restriction referenced in subsection (B) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of

the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (B) of this section. Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(F) For purposes of the two hundred foot (200) requirement referenced in subsection (C) of this section, the distance between any two (2) ~~sexually~~adult oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(D))

19.125.050 Additional regulations for adult motels.

(A) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.

(B) It shall be unlawful for any person if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an ~~n-sexually~~adult oriented business license, he or she rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he or she rents or subrents the same sleeping room again.

(C) For purposes of subsection (B) of this section, the terms “rent” or “subrent” mean the act of permitting a room to be occupied for any form of consideration. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(E))

19.125.060 Regulations pertaining to exhibition of sexually explicit films, videos or live entertainment in viewing rooms.

(A) A person who operates or causes to be operated an ~~n-sexually~~adult oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other

video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) Upon application for a conditional use permit for a ~~n~~-sexually adult oriented business, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one (1) or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The city may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the city.
- (4) It is the duty of the licensee of the premises to ensure that at least one (1) licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this section must be by direct line of sight from the manager's station.

(6) It shall be the duty of the licensee to ensure that the view area specified in subsection [\(A\)\(5\)](#) of this section remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection [\(A\)\(1\)](#) of this section.

(7) No viewing room may be occupied by more than one (1) person at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot-candles as measured at the floor level.

(9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.

(11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(F))

19.125.070 Additional regulations for escort agencies.

(A) An escort agency shall not employ any person under the age of eighteen (18) years.

(B) No person shall act as an escort or agree to act as an escort for any person under the age of eighteen (18) years. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(G))

19.125.080 Additional regulations for nude model studios.

(A) A nude model studio shall not employ any person under the age of eighteen (18) years.

(B) No person under the age of eighteen (18) years shall appear semi-nude or in a state of nudity in or on the premises of a nude model studio. No employee shall allow a person under the age of eighteen (18) years to appear semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or visible to any other person.

(C) No person shall appear in a state of nudity, or knowingly allow another person to appear in a state of nudity, in an area of a nude model studio premises which can be viewed from the public right-of-way.

(D) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(H))

19.125.090 Additional regulations concerning public nudity.

(A) No person shall knowingly or intentionally, in a n-sexually adult oriented business, appear in a state of nudity or depict specified sexual activities.

(B) No person shall knowingly or intentionally, in a n-sexually adult oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two (2) feet from the floor.

(C) No employee shall, while in a semi-nude condition in a n-sexually adult oriented business, solicit any pay or gratuity from any patron or customer nor shall any patron or customer pay or give any gratuity to any employee, while said employee is in a semi-nude condition in a n-sexually adult oriented business.

(D) No employee of an ~~n~~-sexually adult oriented business shall, while in a semi-nude condition, touch a customer or the clothing of a customer. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(I))

19.125.100 Prohibition against children.

No person shall knowingly allow a person under the age of eighteen (18) years on the premises of an ~~n~~-sexually adult oriented business. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(J))

19.125.110 Prohibition against serving alcohol.

No alcoholic beverages shall be sold, served, or consumed on the premises of any sexually adult oriented business. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(K))

19.125.120 Hours of operation.

No ~~sexually~~adult oriented business, except for an adult motel, may remain open at any time between the hours of 12:00 a.m. and 8:00 a.m. on weekdays and Saturdays, or at any time on Sundays. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(L))

19.125.130 Exemptions.

(A) It is a defense to prosecution under this chapter that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school, licensed by the state of Arizona; a college, junior college, or university supported entirely or partly by taxation;

(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure:

- (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - (c) Where no more than one (1) nude model is on the premises at any one (1) time.
- (Ord. No. 494, § 2, 7-3-01; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(M))

19.125.140 Injunction.

A person who operates or causes to be operated a ~~n-sexuallyadult~~—oriented business without a valid license or in violation of any part of this section is subject to a suit for injunction and shall be guilty of a civil violation punishable as provided in Section [1.25.010\(A\)](#). Each day a ~~n-sexuallyadult~~ oriented business operates in violation of any part of this chapter is a separate offense or violation. (Ord. No. 494, § 2, 7-3-01; Ord. No. 2004-16, §§ 1, 2, 8-17-04; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-68(N))

Division IV. Amendments, Appeals, Modifications, and Variances

Chapter 19.130

ADMINISTRATIVE ADJUSTMENT¹

Sections:

- | | |
|-------------------|------------------------|
| 19.130.010 | Purpose. |
| 19.130.020 | Administration. |

19.130.030	Application process.
19.130.040	Findings.
19.130.050	Decision of director.

1 Prior legislation: Ord. No. [281](#).

19.130.010 Purpose.

The purpose of this chapter is to grant authority to the planning and zoning director to take action on requests for minor modifications or adjustments to certain requirements of this title when such requests constitute a reasonable use of property not permissible under a strict literal interpretation of the regulations. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-34(A))

19.130.020 Administration.

For the purpose of administering this section, an adjustment is any variance to the terms or requirements of this title, which, if granted, would allow the following:

- (A) A decrease of not more than ten (10) percent of the required building site area, width, or depth.
- (B) A decrease of not more than ten (10) percent of the required width of a side yard or the yard between buildings.
- (C) A decrease of not more than ten (10) percent of the required front or rear yard.
- (D) An increase of not more than ten (10) percent of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces into any required front, rear, side, or yard between buildings.
- (E) A decrease in the number of required parking spaces of not more than ten (10) percent.
- (F) An increase of not more than ten (10) percent in the maximum allowable lot coverage.

(G) An increase of not more than ten (10) percent in the permitted height of buildings. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-34(B))

19.130.030 Application process.

The applicant shall submit an application on a form provided by the planning and zoning department and shall include the following:

- (A) Name and address of the applicant.
- (B) Statement that the applicant is the owner or the authorized agent of the owner of the property on which the adjustment is being requested.
- (C) Address and legal description of the property.
- (D) Statement of the precise nature of the adjustment.
- (E) An accurate scale drawing of the site and any adjacent property affected, showing all existing and proposed property lines, locations of the structures, parking areas, driveways, other improvements or facilities and landscaped areas.
- (F) Other plans, drawings, or information which the director deems necessary to enable proper consideration of the application.
- (G) If the request is for a setback reduction, a letter approving the adjustment from all abutting property owners.
- (H) *Diminution of Fair Market Value Waiver Required.* An executed, notarized waiver by the owner of the subject property of any and all claims for diminution in fair market value as defined by A.R.S. § [12-1134](#) arising out of the subject application shall be submitted. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-34(C))

19.130.040 Findings.

In granting an adjustment, the director shall make findings of fact that establish that the circumstances necessary for granting a variance by the board of adjustment, as prescribed in

Section [19.135.050](#), do apply, and the director may impose conditions on such adjustment. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-34(D))

19.130.050 Decision of director.

If the director denies an application for an adjustment, or, if the applicant disagrees with the conditions imposed on the granting of an adjustment, if any, the applicant may file for a variance in accordance with Chapter [19.135](#). (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-34(E))

Chapter 19.135 APPEALS AND VARIANCES

Sections:

19.135.010	Purpose.
19.135.020	Application.
19.135.030	Public notice.
19.135.040	Findings for an appeal.
19.135.050	Findings for a variance.
19.135.060	Applicability and time limits.
19.135.070	Appealing board of adjustment decision.
19.135.080	Revocation and enforcement.
19.135.090	Re-application.

19.135.010 Purpose.

Appeals to the board of adjustment may be made by any aggrieved person or by any officer, department, or board of the city affected by any decision or interpretation made by the director while administering this title. A variance from the terms of this title may be requested by any person, or their authorized agent, having an interest in the real property affected by the

request. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 4, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-35(A))

19.135.020 Application.

(A) Appeals and variance requests shall be made on an application form provided by the planning and zoning department, with other required documentation as specified by the director, and the appropriate fee. An application for an appeal of any decision or interpretation made by the director shall be filed with the city clerk within fifteen (15) calendar days of the date of the decision or interpretation. After the city clerk has determined that an application is complete, a public hearing with the board of adjustment will be scheduled.

(B) Any variance or appeal application, unless otherwise provided by law, shall stay all proceedings in the matter appealed from, unless the director certifies that a stay would cause imminent peril to life or property. In such cases, proceedings will not be stayed except by a restraining order granted by the board of adjustment, or by a court of record on application and notice to the director.

(C) *Mandatory Applicant Attendance.* Applicants, or their representative with authority to speak for and bind the applicant, shall be present at all meetings and public hearings required under this section.

(D) *Representations of Applicant Binding.* All representations by the applicant, or by the applicant's authorized representative, made in writing, or during any city public meeting or public hearing, or by any submitted plan, plat, drawing or other graphic depiction in support of the application, and designated in the record by the board of adjustment, shall be deemed to be conditions of approval.

(E) *Diminution of Fair Market Value Waiver Required.* An executed, notarized waiver by the owner of the subject property of any and all claims for diminution in fair market value as defined by A.R.S § [12-1134](#) arising out of the subject application shall be submitted. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 4, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-35(B))

19.135.030 Public notice.

The board of adjustment shall hold at least one (1) public hearing on the application for a variance or an appeal within ~~thirty (30)~~forty-five (45) days after filing. Prior to the public hearing, notice shall be provided as follows:

- (A) A notice shall be placed in a newspaper of general circulation of the area, or as may be designated by the city council for legal public notices. The notice shall describe the type and nature of the request at least fifteen (15) days prior to the date of the scheduled hearing;
- (B) A notice shall be posted on or near the property in at least one (1) location on a form prescribed by the planning department for such public notice. The posted notice shall be placed on the property at least fifteen (15) days prior to the date of the scheduled hearing. It shall not be the responsibility of the city to maintain the posting once erected;
- (C) Additional notice may be provided when deemed necessary by the director;
- (D) Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 4, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-35(C))

19.135.040 Findings for an appeal.

(A) When considering an appeal of a decision or interpretation made by the director, the board of adjustment shall make its determination based on the following:

- (1) The director did or did not evaluate all relevant provisions of this zoning ordinance; or
- (2) The director did or did not consider all relevant information related to the decision or interpretation; or
- (3) The director's decision was in error.

(B) If the board of adjustment determines that the decision or interpretation made by the director was made in error, the resulting decision by the board shall not constitute an amendment to this title by permitting a use which is not otherwise allowed, or waive the

development standards of the zoning district in which the property is located. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 4, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-35(D))

19.135.050 Findings for a variance.

(A) The purpose of a variance is to restore equity when, due to special circumstances or conditions, this title restricts one (1) property more severely than other properties in the same zoning district. The circumstances or conditions must be beyond the control of the owner and relate to the property as opposed to the owner. Personal hardship or inconvenience does not justify a variance. The burden of proof is on the property owner.

(B) The board of adjustment shall make the following findings based on the evidence in the record prior to granting a variance:

- (1) There are special circumstances or conditions applicable to the property including its size, shape, topography, location, or surroundings which were not self-imposed by the owner;
- (2) Due to the special circumstances, the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other properties in the same classification in the same zoning district;
- (3) The variance is the minimum necessary to alleviate the property hardship;
- (4) Granting the variance will not have a detrimental effect on the property, adjoining property, the surrounding neighborhood, or the city in general; and
- (5) In granting a variance, the board shall impose such conditions and safeguards as are appropriate to ensure that the purpose and intent of this chapter will be fulfilled.

(C) The board of adjustment shall not grant a variance when:

- (1) The special circumstances applicable to the property are self-imposed by the owner. This includes:
 - (a) A hardship that has been intentionally, knowingly, or recklessly created.

(b) The failure of the owner to consider other reasonable alternatives which do not require a variance.

(2) The variance would constitute a change to the uses permitted in any zoning district.

(3) The variance would constitute a grant of special privileges inconsistent with the limitations on other properties in the zoning district.

(4) No nonconforming use or violations of this chapter with respect to neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts, shall be considered grounds for granting a variance. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 4, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-35(E))

19.135.060 Applicability and time limits.

(A) Every variance shall be personal to the applicant and shall be transferable and shall run with the land only after completion of any structure or structures authorized thereby.

(B) The construction of any improvements allowed by a variance shall commence within twelve (12) months or as otherwise stipulated by the board of adjustment and must be completed within eighteen (18) months or as otherwise stipulated by the board of adjustment in accordance with the development plan, unless extended by the board of adjustment; otherwise the variance shall become null and void. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 4, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-35(F))

19.135.070 Appealing board of adjustment decision.

The decision of the board of adjustment shall be final; provided, however, that any person aggrieved by a decision of the board of adjustment may, at any time within thirty (30) days after the board has rendered its decision, file a special action complaint with the Navajo County superior court for review of the board's decision. Filing the complaint shall not stay proceedings upon the decision appealed from, unless the court shall grant a restraining order. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 4, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-35(G))

19.135.080 Revocation and enforcement.

When provisions of this chapter related to the variance, or conditions or stipulations made a part of the variance approval, have not been satisfied, the variance may be revoked as follows:

(A) The board of adjustment shall, by certified mail, notify the holder of the variance of its intention to hold a hearing to consider revocation of the variance. The notice shall be made at least fifteen (15) days prior to the date of the scheduled hearing. At the hearing, the board of adjustment shall consider the evidence from all interested parties, and after deliberation, may revoke the variance or take any actions as may be necessary to ensure compliance with the regulations or conditions of the approved variance. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 4, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-35(H))

19.135.090 Re-application.

Where a variance or appeal has been denied no application for a variance or appeal for the same or substantially the same issue on the same or substantially the same site shall be filed within one (1) year from the date of denial. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 4, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-35(I))

The Show Low City Code is current through Ordinance 2023-03, passed June 6, 2023.

Disclaimer: The city clerk's office has the official version of the Show Low City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.showlowaz.gov](http://www.showlowaz.gov)

[Hosted by Code Publishing Company, A General Code Company.](#)

**City of Show Low
STAFF SUMMARY REPORT**

AGENDA TITLE: Consideration of extension of Conditional Use Permit 602-04-184 submitted by Eric Ritz of Hatch Construction and Paving to allow for excavation, grading and processing of rock related materials at 4701 E. Deuce of Clubs, that being A.P.N. 210-25-008B, 008C, 008D, and 006K. (Justen Tregaskes)

RECOMMENDATION

I **MOVE** to approve an additional two-year extension of Conditional Use Permit 602-04-184 submitted by Eric Ritz of Hatch Construction and Paving to allow for excavation, grading and processing of rock related materials at 4701 E. Deuce of Clubs, that being A.P.N. 210-25-008B, 008C, 008D, and 006K.

BACKGROUND

At its regular meeting of September 8, 2015, the Planning and Zoning Commission unanimously approved Conditional Use Permit 602-04-184 submitted by Eric Ritz of Hatch Construction and Paving to allow for excavation, grading, and processing of rock related materials at 4701 E. Deuce of Clubs, that being A.P.N. 210-25-008B, 008C, 008D, and 006K. The actual grading permit was issued on March 21, 2016. Condition number ten of this conditional use permit states, "This conditional use permit shall be valid for a period of five (5) years and is not transferable. The Planning and Zoning Commission may grant additional two (2) year extensions as requested by the applicant provided all conditions of approval are met."

The Planning and Zoning Commission approved extensions to this conditional use permit at its regular meeting of March 8, 2022. These extensions covered the time periods from September 15, 2020, to September 15, 2022, and from September 15, 2022, to September 15, 2024. Staff was recently contacted by Mr. Ritz with a request for an additional five (5) year extension. Per condition ten of CUP 602-04-184, the commission may grant additional two (2) year extensions. If approved by the commission, this extension would be valid until September 15, 2026. Additional extensions would be required to continue operations beyond this date.

No complaints from area property owners regarding this conditional use permit have been received. Staff recommends granting an additional two (2) year extension of CUP 602-04-184 for the time period from September 15, 2024, to September 15, 2026.

ATTACHMENTS

1. 602-04-184 2024 Extension Letter
2. 602-04-184 Original Conditions of Approval
3. 602-04-184 Subj. Prop

FISCAL IMPACT

N/A



April 15, 2024

Justen Tregaskes
City of Show Low
Planning and Zoning Director
RE: CUP File #602-04-184

Dear Mr. Tregaskes,

I am writing to you regarding the above-referenced conditional use permit and our upcoming renewal. The permit allows for excavation, grading and processing of rock related materials located at 4701 E Deuce of Clubs. The permit was extended on September 15, 2022 through September 2024. We have worked diligently to comply with all the conditions of the permit as well as conditions required by other environmental and safety regulations.

As you may recall, the racing community which uses the dirt racing track originally expressed concerns about our ownership of the parcel. I am pleased to report that we now have in place, a responsible operator; They are refurbishing the track facility, staying current on their obligations including insurances, and in general, are positively contributing to the community and are in full support of our application for continued operations.

We are requesting a five-year extension from September 15, 2024, through September 15, 2029.

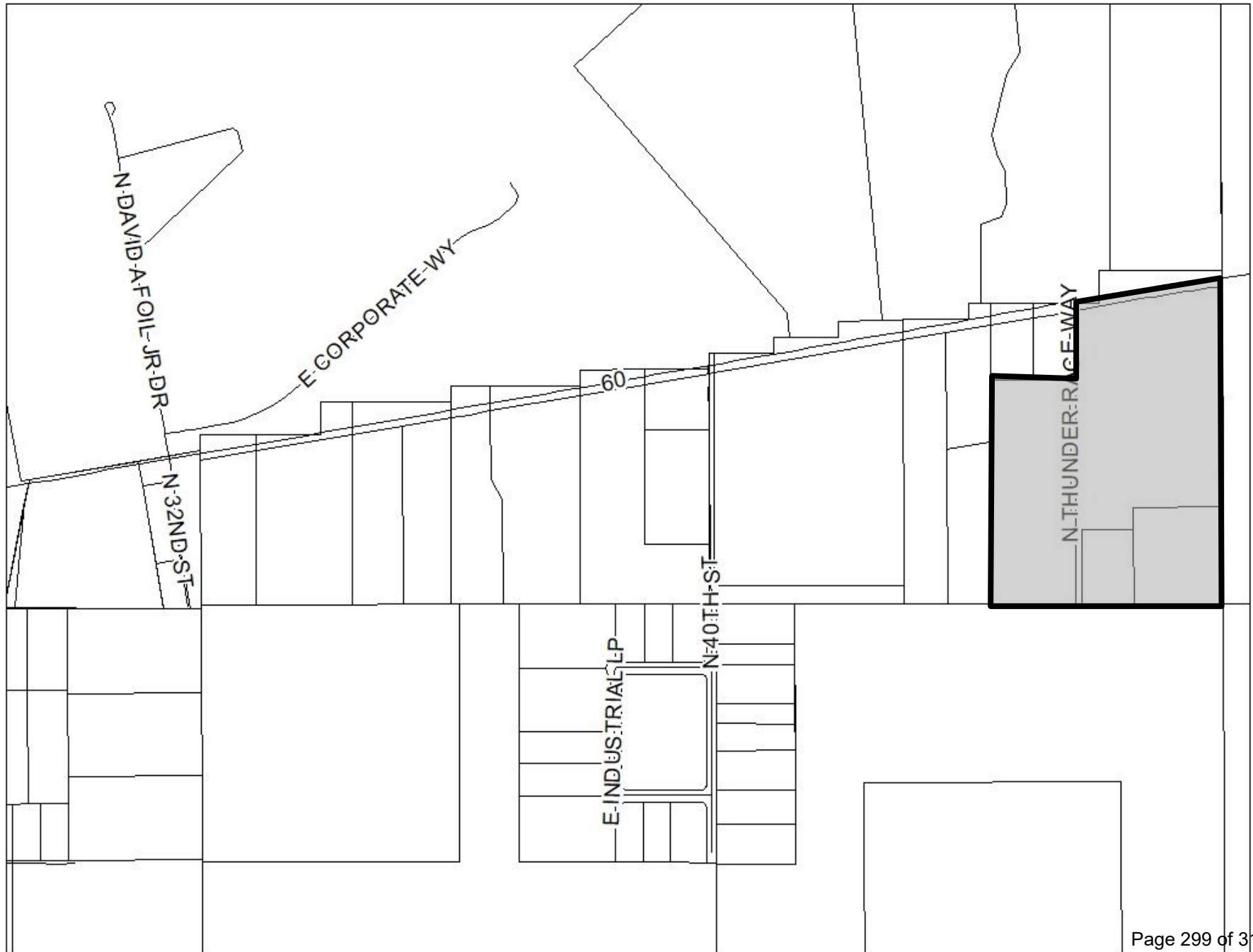
Thank you in advance for your help with this process and please feel free to reach out to me directly with any questions or further requirements.

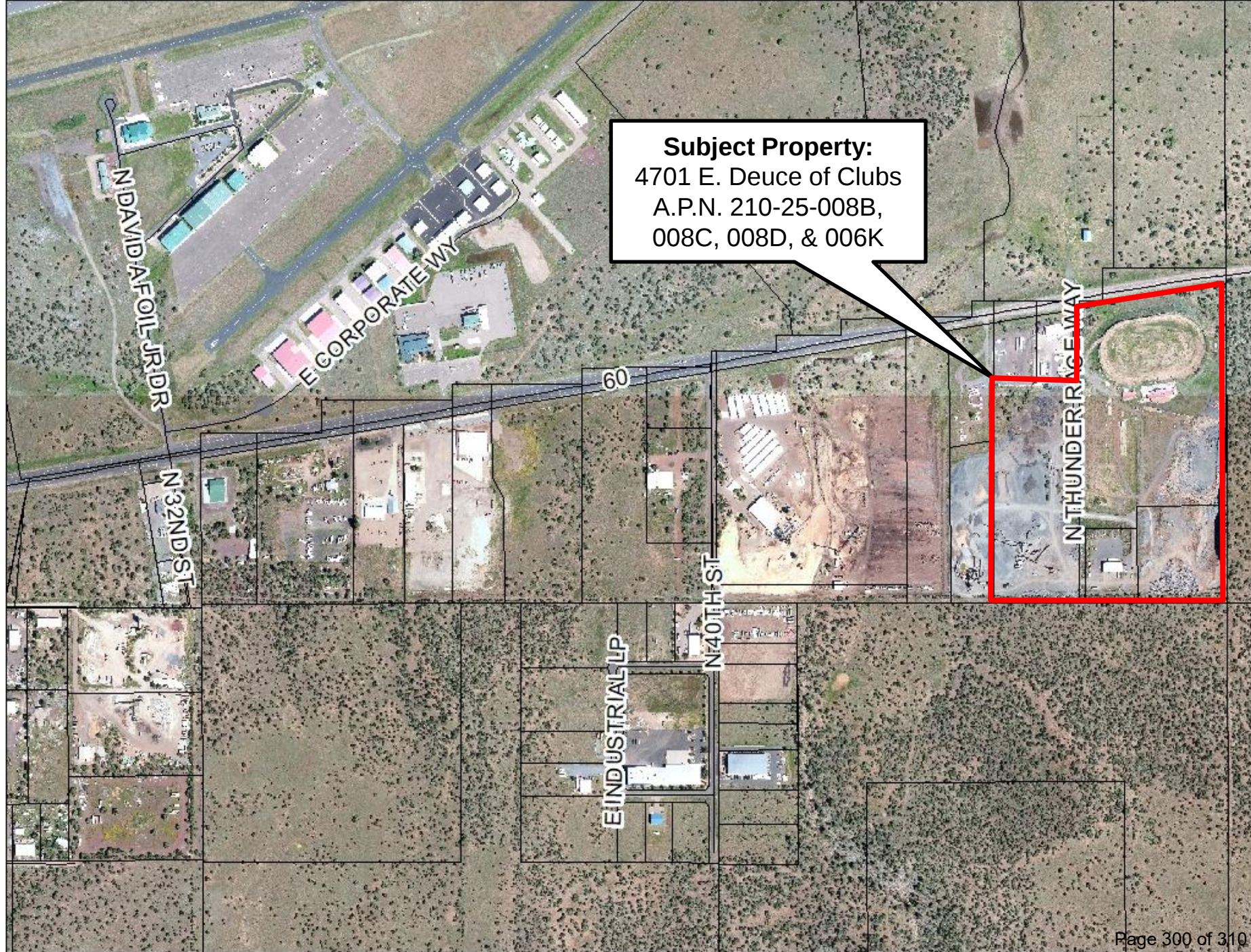
Sincerely,

Eric Ritz
Hatch Construction and Paving, Inc.
eric@hcp-inc.com

ORIGINAL CONDITIONS OF APPROVAL OF 602-04-184

1. All development shall comply with all applicable federal, state, and local requirements, including, but not limited to, Arizona Department of Environmental Quality (ADEQ), Arizona Pollutant Discharge Elimination System (AZPDES) requirements, Storm Water Pollution Prevention Plan and Permit (SWPPP) required, Sections 401 and 404 of the Clean Water Act, and all applicable Federal Aviation Administration (FAA) requirements.
2. All lighting shall comply with Division V of city code Chapter 15. Any nighttime illumination shall be shielded downward to help facilitate nighttime airport operations.
3. As indicated in the letter from the applicant dated August 19, 2015, hours of operation shall be limited to 7 a.m. to 4 p.m.
4. Dust and smoke from grading and processing operations shall comply with all air quality requirements and shall not adversely impact neighboring properties or airport operations. Dust control measures, including water trucks and spraying facilities, on equipment shall be utilized.
5. Prior to the commencement of grading and processing operations, a re-vegetation plan shall be submitted to staff for approval, with a bond sufficient to cover the scope of re-grading and re-vegetation conveyed to the city. This may be done in phases. Re-grading and re-vegetation shall be completed on each phase prior to commencement of operations on the next phase.
6. Existing trees shall not be removed until grading and processing commence. Only trees located within the affected areas or for racetrack operations shall be removed.
7. A drainage masterplan is required for the entire project. Storm water detention will be required. Updated drainage and grading plans shall be completed and submitted to the city while grading and processing operations are undergoing. At the cessation of grading and processing operations of each phase, all affected areas shall be regraded and re-vegetated in accordance with the approved vegetation plan.
8. Any blasting done shall be in accordance with Federal, State and City Codes and shall be coordinated through the City of Show Low Police Department with notice also given to the Show Low Regional Airport and Planning and Zoning Department. The applicant shall be responsible for ensuring that radio frequencies do not interfere with airport operations and that the existing airport data gathering station is not damaged due to any activity on the subject property. If blasting is utilized, a blasting schedule shall be provided to all adjacent property owners. A certificate of insurance acceptable to the city attorney naming the city as an additional insured shall be provided prior to any blasting taking place.
9. All development shall be done in substantial conformance to the submitted preliminary grading plan and the submitted letter dated August 19, 2015. The applicant shall not negatively impact any existing easements located on the subject property. Grading and processing operations shall be limited to that shown on the submitted preliminary grading plan and approved grading and drainage plans. Noise attenuation shall be accomplished through the use of berms or walls.
10. This conditional use permit shall be valid for a period of five (5) years and is not transferable. The Planning and Zoning Commission may grant additional two (2) year extensions as requested by the applicant provided all conditions of approval are met.





Subject Property:
4701 E. Deuce of Clubs
A.P.N. 210-25-008B,
008C, 008D, & 006K

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON TUESDAY, FEBRUARY 27, 2024, AT 7:00 PM IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. Call to Order.

Chairman Barlow called the meeting to order at 7:00 p.m.

2. Roll Call.

COMISSION MEMBERS PRESENT: Chairman Barlow, Commissioner Hatch, Commissioner Roberts, Commissioner Schnepf, Commissioner Whipple, Commissioner Wilson, Commissioner Adams.

STAFF MEMBERS PRESENT: Planning and Zoning Director; Justen Tregaskes, Planner; Katie Fechtelkotter, and City Attorney; Anna Atencio

GUESTS: Doug Brimhall, Curtis Fernau and guest.

3. Invocation.

Commissioner Whipple gave the invocation.

4. Pledge of Allegiance.

Commissioner Wilson led the Commission and audience in the pledge of allegiance.

5. ELECTION OF OFFICERS:

Chairman Barlow asked for nominations for the position of Chairman of the Planning and Zoning Commission.

COMMISSIONER ROBERTS MOVED TO NOMINATE CHAIRMAN BARLOW TO SERVE AS CHAIRMAN; SECONDED BY COMMISSIONER HATCH; PASSED 7 TO 0 WITH CHAIRMAN BARLOW, COMMISSIONER ROBERTS, COMMISSIONER ADAMS, COMMISSIONER WILSON, COMMISSIONER SCHNEPF, COMMISSIONER HATCH, AND COMMISSIONER WHIPPLE VOTING IN FAVOR.

Chairman Barlow asked for nominations for the position of Vice Chairman of the Planning and Zoning Commission.

COMMISSIONER WHIPPLE MOVED TO NOMINATE COMMISSIONER ROBERTS TO SERVE AS VICE CHAIRMAN; SECONDED BY COMMISSIONER WILSON; PASSED 7 TO 0 WITH CHAIRMAN BARLOW, COMMISSIONER ROBERTS, COMMISSIONER ADAMS, COMMISSIONER WILSON, COMMISSIONER SCHNEPF, COMMISSIONER HATCH, AND COMMISSIONER WHIPPLE VOTING IN FAVOR.

6. **OLD BUSINESS:**

- A. Consideration of a Preliminary Plat for Entrada, a forty (40) lot subdivision submitted by Gary Stapley of Dasia Equities & Fidelity Limited, located on A.P.N. 309-27-014E, 015B, and 999C. (Justen Tregaskes)

VICE CHAIRMAN ROBERTS MOVED REMOVE CONSIDERATION OF A PRELIMINARY PLAT FOR ENTRADA, A FORTY (40) LOT SUBDIVISION SUBMITTED BY GARY STAPLEY OF DASIA EQUITIES & FIDELITY LIMITED, LOCATED ON A.P.N. 309-27-014E, 015B, AND 999C, FROM THE TABLE.; SECONDED BY COMMISSIONER ADAMS; PASSED 7 TO 0 WITH CHAIRMAN BARLOW, VICE CHAIRMAN ROBERTS, COMMISSIONER ADAMS, COMMISSIONER WILSON, COMMISSIONER SCHNEPF, COMMISSIONER HATCH, AND COMMISSIONER WHIPPLE VOTING IN FAVOR.

Director Tregaskes said this item was tabled at the Planning and Zoning Commission Meeting of February 13, 2024, as the applicant was not present at the meeting.

Director Tregaskes said Gary Stapley of Dasia Equities & Fidelity Limited, has submitted a preliminary plat for a project to be called Entrada. This project is to be located on A.P.N. 309-27-014E, 015B, and 999C and is directly south of the Whispering Trails subdivision located on Smith Ranch Road. The subject property is approximately 16.97 acres in size and is zoned R1-7X (Single-family Residential, 7,000 Square Feet, Manufactured Homes Excluded).

The submitted plat indicates a total of forty (40) lots, with average, maximum and minimum lot sizes of .33 acres (14,374 square feet), .54 acres (23,522 square feet), and .23 acres (10,018 square feet) respectively. This project is located directly south of the existing Whispering Trails subdivision. Average, maximum and minimum, lot sizes in Whispering Trails are .27 acres (11,761 square feet), .37 acres (16,117 square feet), and .23 acres (10,018 square feet) respectively. The developer has indicated that they will utilize the same CC&R's as are utilized by Whispering Trails. Access will be from Smith Ranch Road, with an emergency access to 43rd Avenue. As indicated on the plat, a sidewalk is proposed on the south side of Smith Ranch Road adjacent to the subdivision. The existing block wall on SR 260 will be retained. The existing block wall on 43rd Avenue will also be retained and extended to the southern portion of the property along 43rd Avenue. A new, corrugated metal fence similar to the fence utilized at Eagle Mountain will be utilized on the north and south property lines.

This property was rezoned from P.U.D (Planned Unit Development) to R1-7X (Single-family Residential, 7,000 Square Feet, Manufactured Homes Excluded) through Ordinance 2006-17. All Conditions of this ordinance have been met.

FINDINGS OF FACT

1. Gary Stapley of Dasia Equities & Fidelity Limited, has submitted a preliminary plat for a project to be called Entrada. This project is to be located on A.P.N.

309-27-014E, 015B, and 999C and is directly south of the Whispering Trails subdivision located on Smith Ranch Road.

2. The subject property is approximately 16.97 acres in size and is zoned R1-7X (Single-family Residential, 7,000 Square Feet, Manufactured Homes Excluded).
3. The submitted plat indicates a total of forty (40) lots, with average, maximum and minimum lot sizes of .33 acres (14,374 square feet), .54 acres (23,522 square feet), and .23 acres (10,018 square feet) respectively. Average, maximum and minimum, lot sizes in Whispering Trails are .27 acres (11,761 square feet), .37 acres (16,117 square feet), and .23 acres (10,018 square feet) respectively.
4. The developer has indicated that they will utilize the same CC&R's as are utilized by Whispering Trails. Access will be from Smith Ranch Road, with an emergency access to 43rd Avenue. As indicated on the plat, a sidewalk is proposed on the south side of Smith Ranch Road adjacent to the subdivision. The existing block wall on SR 260 will be retained. The existing block wall on 43rd Avenue will also be retained and extended to the southern portion of the property along 43rd Avenue. A new, corrugated metal fence similar to the fence utilized at Eagle Mountain will be utilized on the north and south property lines.
5. This property was originally included in the application for Whispering Trails and is substantially similar to the originally approved preliminary plat. This plat was approved by the city council at their regular meeting of September 19, 2006. Due to the length of time from the original approval, this portion of the preliminary plat required a resubmittal. Smith Ranch Road improvements were approved based on the original conceptual layout for both phases of Whispering Trails.
6. The zoning of the surrounding properties includes:
 - North: R1-7X (Single-family Residential, 7,000 Square Feet, Manufactured Homes Excluded)
 - South: P.U.D. (Planned Unit Development)
 - East: P.U.D. (Planned Unit Development)
 - West: AR-43 (Agricultural-Residential, 43,000 square feet)
7. The land uses of the surrounding properties includes:
 - North: Whispering Trails Subdivision
 - South: Vacant Residential
 - East: Eagle Mountain Planned Unit Development
 - West: Forest Service, SR 260
8. Transmittal memos were sent to all affected agencies. Applicable comments were received from the Arizona Department of Transportation (ADOT). As received from ADOT, "ADOT would like a TGP 240-A (Traffic Impact Analysis

pre-submittal) completed to see if Smith Ranch Road can handle the additional lots." This comment has been forwarded to the applicant's engineer for response and action.

STAFF RECOMMENDATIONS

After reviewing the Zoning Ordinance, Standards for Review, Findings of Fact, discussions with the applicant, and because the request is consistent with the City of Show Low General Plan, staff recommends that the Planning and Zoning Commission approve the preliminary plat for Entrada, a 40 lot subdivision, subject to the following conditions:

1. All development shall comply with all applicable federal, state, and local requirements, including ADOT requirements.
2. A final plat shall be approved by the city council within twelve (12) months of approval of the preliminary plat.

Director Tregaskes said staff as well as the applicant were available for questions.

Commissioner Adams asked if staff could explain the traffic impact analysis requested by ADOT.

Director Tregaskes said it is a traffic type analysis ADOT has asked the applicant to review the additional impact of the 40 lots onto the intersection at Smith Ranch Road and State Route 260. Condition number one includes the language that states the applicant is responsible for complying with ADOT requirements and that would include the Traffic Impact Analysis that was requested by ADOT.

Vice Chairman Roberts asked if different traffic pattern may be needed based on the results of the traffic impact analysis.

Director Tregaskes said that State Route 260 is a five-lane highway at that location, so he is not sure what would be required. This intersection was reviewed by ADOT for the original George Trail/Whispering Trails subdivision. It is possible ADOT would have additional requirements, however they may not. He would let ADOT, and the applicant's engineer determine what is required.

Commissioner Wilson asked if a sidewalk is required, where it would be located and what it would look like and indicated she prefers the look of the path along 16th Avenue.

Director Tregaskes said that it would be a standard 10-foot-wide concrete sidewalk. Staff would be open to a detached style sidewalk. However, the design of the sidewalk would be addressed at the improvement plan stage of the development which is after the preliminary plat is approved.

Vice Chairman Roberts said he would prefer a meandering path and asked about the emergency access onto 43rd Avenue.

Director Tregaskes said that the intent of the emergency access is only to be utilized in an emergency. The portion of the existing block wall will need to be removed and replaced with a gate and all-weather surface onto 43rd Ave. It will not be used as everyday access.

Chairman Barlow said there is a large drainage easement along the east side of the project and wanted to know if the applicant had considered a different location for the drainage on the project because of how small the building envelopes for some lots may be.

The applicant Doug Brimhall said there is more area than needed for the drainage and they plan to narrow it as much as possible. Every lot will have a culvert where the drainage crosses. However, he said they want to save as many trees as possible. He said the lots with the drainage easements are deeper than other lots for that reason.

Chairman Barlow asked if the City keeps a record of the culvert sizes needed for each property on the final plat or the improvement plans.

Director Tregaskes said anytime there is a vacant lot that is developed there is a right of way permit that is forwarded to Public Works. Public Works will review each lot individually and determine what size culvert would be. He said the size is typically included with the drainage report at the time of the improvement plan review. Once there are several lots developed Public Works is able determine the culvert sizes depending on the size of the upstream culvert.

The applicant said they are following the same conditions covenants & restrictions (CC&Rs) as Whispering trials. He suggested that the culvert size requirements could also be included in the CC &Rs for the subdivision.

Chairman Barlow agreed, because he wants to make sure that the future owner of the lots and staff are aware of the culvert requirements.

The applicant said he would ask the developer if they would be willing to consider a meandering path instead of the sidewalk.

Chairman Barlow asked the applicant if they were planning on working in ADOT's right-of-way or would all the work be done within the City of Show Low right-of-way.

The applicant said he does not plan to work in ADOT's right-of-way at this time, but that could change as the project is developed.

COMMISSIONER WILSON MOVED TO RECOMMEND APPROVAL OF THE PRELIMINARY PLAT FOR ENTRADA, A FORTY (40) LOT SUBDIVISION SUBMITTED BY GARY STAPLEY OF DASIA EQUITIES & FIDELITY LIMITED, LOCATED ON A.P.N. 309-27-014E, 015B, AND 999C, SUBJECT TO THE CONDITIONS OF APPROVAL SPECIFIED BY STAFF AND FORWARD THIS RECOMMENDATION TO THE CITY COUNCIL.; SECONDED BY VICE

CHAIRMAN ROBERTS; PASSED 7 TO 0 WITH CHAIRMAN BARLOW, VICE CHAIRMAN ROBERTS, COMMISSIONER ADAMS, COMMISSIONER WILSON, COMMISSIONER SCHNEPF, COMMISSIONER HATCH, AND COMMISSIONER WHIPPLE VOTING IN FAVOR.

Director Tregaskes said that this item would be considered by the City Council at their next regularly scheduled meeting.

7. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that is within the jurisdiction of the Planning and Zoning Commission may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Planning and Zoning Commission as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Planning and Zoning Commission. Pursuant to the Arizona Open Meeting Law, the Planning and Zoning Commission cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual Planning and Zoning Commission members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

8. **APPROVAL OF MINUTES:**

- A. Planning and Zoning Commission Regular Meeting of December 12, 2023.
- B. Planning and Zoning Commission Study Session of December 12, 2023.
- C. Planning and Zoning Commission Regular Meeting of February 13, 2024.

COMMISSIONER ROBERTS MOVED TO APPROVE THE MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING OF DECEMBER 12, 2023, PLANNING AND ZONING COMMISSION STUDY SESSION OF DECEMBER 12, 2023, AND PLANNING AND ZONING COMMISSION REGULAR MEETING OF FEBRUARY 13, 2024; SECONDED BY COMMISSIONER ADAMS; PASSED 7 TO 0 WITH CHAIRMAN BARLOW, VICE CHAIRMAN ROBERTS, COMMISSIONER ADAMS, COMMISSIONER WILSON, COMMISSIONER SCHNEPF, COMMISSIONER HATCH, AND COMMISSIONER WHIPPLE VOTING IN FAVOR.

9. **SUMMARY OF CURRENT EVENTS:**

- A. Commission Members

Commissioner Whipple stated spring sports have started at the high school so there will be different sports to come and watch in the evenings.

Commissioner Hatch said it's a great day in Show Low.

Commissioner Wilson wanted to thank the people who watch the meetings online and in person.

Vice Chairman Roberts wanted to thank city staff for the work they do to prepare items for the Planning and Zoning Commission meetings.

Chairman Barlow welcomed Vice Chairman Roberts as the new Vice Chairman.

B. Planning and Zoning Director

Director Tregaskes said the Show Low High Schools men's basketball team made it to the second round of the play-offs and the Show Low High School women's basketball team made it to the final four of the play offs. He congratulated them on their success.

10. **ADJOURNMENT:**

There being no further business to be brought before the Commission, **CHAIRMAN BARLOW ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING & ZONING COMMISSION MEETING OF FEBRUARY 27, 2024, AT 7:26 P.M.**

ATTEST:

APPROVED:

Zach Barlow

Planning and Zoning Director

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Planning and Zoning Commission of Show Low held on February 27, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Katie Fechtelkotter

MINUTES OF THE STUDY SESSION OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON TUESDAY, APRIL 23, 2024, AT 7:00 PM IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. CALL TO ORDER:

Chairman Barlow called the meeting to order at 7:00 p.m.

2. ROLL CALL:

COMISSION MEMBERS PRESENT: Chairman Barlow, Commissioner Roberts, Commissioner Hatch, Commissioner Wilson, and Commissioner Adams

COMMISSION MEMBERS ABSENT: Commissioner Whipple and Commissioner Schnepf

STAFF MEMBERS PRESENT: Planning and Zoning Director; Justen Tregaskes, Planner; Katie Fechtelkotter, and City Attorney; Anna Atencio

GUESTS: Curtis Fernau

3. REVIEW AND DISCUSSION OF PROPOSED CHANGES TO TITLE 19, ZONING OF CITY CODE:

Director Tregaskes gave a brief overview of the changes to Title 19 of City Code this included:

- Added a definition of “aggrieved” person to replace “anyone”.
- Changed lot line front to street in all zoning districts, for clarity.
- Removed energy conservation from the Planning & Zoning Commission’s duty.
- A neighborhood meeting is now part of the pre-application requirement for zone changes.
- Appeals need to give a reason why and how they are an aggrieved person.
- Updated lot creation to how it legally existed prior to September 1, 1987.
- Updated regulation for sea containers.
- Changed the wall and fence height to match how sign height is calculated.
- In the noise ordinance added wording for any noise which is offensive to a reasonable person to make it easier to enforce.

Director Tregaskes said in commercial and industrial zones a fence up to eight-feet would be permitted in those zones but barbed or razor wire would now only be allowed through a conditional use permit (CUP). The Commission discussed if this should be a requirement in only the commercial zones or if they would like to review this for industrial zones as well. The Commission came to the consensus that they would prefer to see an eight-foot tall fence with no barbed wire. They liked the CUP requirement for barbed wire on fences in the commercial and industrial zones. Director Tregaskes also said staff can update the fence height to be a maximum of eight feet.

Director Tregaskes recommended to eliminate a CUP for clearing or grading. Once

grading takes place it is difficult to replace trees and return the property to the original condition. New grading would only be allowed with a valid building permit. The Commission agreed with this recommendation.

Chairman Barlow asked who has the ability to define forest health activity as he could see the potential for this to be misused. Director Tregaskes said generally is clearing out dead, diseased and dying trees. Chairman Barlow and the Commissioners felt a definition of "forest health activity" would be helpful. Director Tregaskes said it could be put in the definitions of 19.25.220, visual corridors and aesthetics.

Director Tregaskes said due to the Federal Fair Housing Act group homes for the handicapped should be a permitted use in all residential zones. Commissioner Adams asked how staff would be able to make sure group homes meet the requirements of city code. Director Tregaskes said operators of group homes should have a business permit, and the applicant would need to show proof of approval from the state. Commissioner Wilson asked if group homes need to be licensed if they are not providing services. Director Tregaskes said group home for the handicapped where there are a certain number of people and has a staff member must be licensed by the state.

Director Tregaskes said staff eliminated the non-rental requirement for all attached guest units and reduced the minimum lot size for detached guest houses in all residential zoning districts. The Commission discussed whether they would like to keep the proposed minimum lot sizes or whether they wanted to reduce them further. Chairman Barlow said he would prefer the detached guest unit be limited to a maximum of 75% of the main dwelling unit. The Commission decided they would like to further reduce the minimum lot sizes for attached guest units to 12,500 minimum lot area per dwelling unit and 15,000 minimum lot area per dwelling unit in the R1-20 and R1-10 zoning districts. The Commission also decided they would like to further reduce the minimum lot sizes for attached guest units to 10,000 minimum lot area per dwelling unit and 8,000 minimum lot area per dwelling unit in the R1-10, R1-7 and MH zoning districts. Director Tregaskes said staff would make those changes along with limiting the detached guest unit to be a maximum of 75% of the main residence in those zones as well.

Director Tregaskes continued to review the additional changes to Title 19 which included:

- Added wording to the noise ordinance for any noise which is offensive to a reasonable person to make it easier to enforce.
- To allow apartments with a CUP in the MH zone.
- Removed redundant or dated uses in permitted and conditional uses.
- In the Downtown Commercial (DC) zone there are zero front setbacks, recommend that six-foot tall fences not be permitted between the primary building façade and the street property line.
- A restaurant selling beer and wine only would be a permitted use, but liquor sales would require a CUP.
- Drive-through uses to be a permitted use unless they are adjacent to a

- residential zone, which would require a CUP.
- Second hand goods, such as consignment shops are allowed as permitted if they do not accept donations.
 - Added definition for LED lights and that they must be fully shielded.
 - Allow homeless shelters in the industrial zone as a permitted use.
 - A preliminary plat is only required in the PUD zone if it is a subdivision.
 - Combining the two different definitions for temporary signs into one and extending the timeframe from 45 to 60 days.

Director Tregaskes recommended mini-storage facilities to be limited to the industrial zones. The Commission also preferred that recreational vehicle (RV) and boat storage to be limited to the industrial zones. Director Tregaskes said staff could add RV and Boat Storage as a permitted use in the I-1 zone which would make it not permitted in commercial zones.

Director Tregaskes said staff added a definition for small wireless facilities and wording to allow antennas on existing towers. He also recommended to remove the wording that required the Commission to reduce the setback for towers and antennas and reducing the setbacks would be based on the Engineer's fall zone instead.

After reviewing the changes Director Tregaskes said that that staff will make the changes discussed by the Commission and schedule the meeting for a public hearing with the Commission and Council for a future date.

4. **ADJOURNMENT:**

There being no further business to be brought before the Commission, **CHAIRMAN BARLOW ADJOURNED THE STUDY SESSION OF THE SHOW LOW PLANNING & ZONING COMMISSION MEETING OF APRIL 23, 2024, AT 8:31 P.M.**

ATTEST:

APPROVED:

Zach Barlow

Planning and Zoning Director

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the Planning and Zoning Commission of Show Low held on April 23, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Katie Fechtelkotter