ARTICLE 5.

SCHEDULE OF DISTRICT REGULATIONS ADOPTED

SECTION 501. SFR-SINGLE FAMILY RESIDENCE

This district is comprised of single-family residential areas and certain areas where such development is desirable. Regulations are designated to stabilize and protect the single-family character of the district, to promote and encourage creation of a desirable environment for family life, and to prohibit all incompatible activities. Principal uses are single-family dwellings on individual lots.

Section 501.1 Approvals Required

No structure or building shall be built or remodeled upon land in a Single Family Residence (SFR) district until all required subdivision or site plan approvals have been obtained.

Section 501.2 Location

The following criteria shall be considered in establishing and maintaining a SFR district:

(a) Conforms to appropriate designation in the General Plan.

(b) Corresponds to an existing district or development in an area annexed into the City.

Section 501.3 Divisions of SFR District

The SFR district shall be further divided into the following density districts, as hereinafter described and regulated and to be so designated on the Official Zoning Map: SFR32; SFR16; SFR12; SFR8; SFR6.

Section 501.4 Permitted Principal Uses

One (1) single-family residence per lot as defined in 501.8.

Section 501.5 Permitted Conditional Uses

See Section 310. Permitted: D, E, F, G, H, I, J, N, O

Section 501.6 Permitted Accessory Uses

(a) Any use customarily incidental to a permitted principal use, such as;

(1) Private or carport for storage of vehicle;
(2) Garden house, tool house, Ramada, swimming pool;

(b) Accessory Dwelling Units; See Section 310.

(c) Home occupations; See Section 324.

(d) Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

(e) Recreational vehicles may be parked and/or stored in all residential zones provided that RV does not extend into the public right-of-way, does not create a sight distance problem at corner lots, and is not used as residence.

Section 501.7 Property Development Standards

DISTRICTS-COMPATIBLE					
REQUIREMENT	SFR32	SFR16 R-1-A	SFR12 R-1-B	SFR8 R-1-C	SFR6 R-1-D
Minimum Lot Area in Square Feet	32,000sf	16,000sf	12,000sf	8,000sf	6,000sf
Density in Dwelling Unit Per Acre (DU/Acre)	1	2	3	5	7
Minimum Lot Width in Feet	150	125	100	75	50
Maximum Building Height	25	25	25	25	25
Front Setback* in Feet	40	35	25	25	20
Rear Setback* in Feet	30	30	25	25	20
Least Side Setback* in Feet	20	12	10	7	5
Street Side Setback* in Feet	20	20	15	10	10

*Except non-residential uses, see 501.9 below.

Section 501.8 Corner Lot, Corner Lot Abutting Key Lot

On any corner lot that abuts a key lot or is separated there from by an alley, any structures exceeding three (3) feet in height shall be set back from the side lot line not less than the minimum front setback required for the key lot.

Section 501.9 Non-Residential Accessory Buildings

A non-residential structure, not including a detached garage, which is necessary to a dwelling may be erected on a parcel if it meets the following requirements:

(a) Maximum height: Fifteen (15) feet above grade.

(b) Location Restrictions. No accessory building shall be erected in any minimum required front or side yard, except as otherwise provided in this code.

(c) Setback Requirements. Accessory buildings shall be setback from the side and t he rear lot line a distance not less than three (3) feet, except:

(1) For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separate therefrom by an alley, any accessory building shall be set back from the width of the least required side yard applicable to the main building.

(3) For a corner lot, the street side setback shall be the same as for the main buildings.

(4) No stable, corral, barn, animal shed or shelter shall be erected or maintained closer than seventy-five (75) feet to any property line.

Section 501.10 Off-Street Parking and Loading.

In accordance with the provisions of Article 6.

Section 501.11 Sign Regulations.

In accordance with the provisions of Article 7.

Section 501.12 Landscaping Screening and Buffering.

Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission, or the Board of Adjustment, and the Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance specifically addressing the issue of landscaping.

SECTION 502.MFR-MULTI-FAMILY RESIDENCE

Section 502.1 Purpose

This district is comprised of medium-density residential areas representing a compatible mixture of single-family, two-family, multi-family, and attached single-family townhouse dwelling units. Regulations are designed to stabilize and protect the character of the district, to promote and encourage creation of a favorable environment for family-life, and to prohibit all incompatible activities. Principal uses are limited to single-family and two-family dwellings, apartments, and townhomes, which conform to the residential character of the district. (Amended by Ord. 817 § 1, 2002)

Section 502.2 Approvals Required

No structure or building shall be built or remodeled upon land in MFR district until all necessary site plan and/or subdivision plat approvals have been obtained.

Section 502.3 Location

The following criteria shall be considered in establishing and maintaining a MFR district:

(a) Conforms to appropriate designation in the General Plan.

(b) Corresponds to an existing district or development in an area annexed into the City.

Section 502.4 Permitted Principal Uses

(a) One (1) single-family residence per lot.

(b) Two-family dwellings or two (2) attached single-family dwellings on a single lot.

(c) Dwellings for three (3) or more families in one (1) building or in a group of buildings, including apartments, row house and town houses.

Section 502.5 Permitted Conditional Uses

See Section 310, items D, E, F, G, H, I, J, N, O

Section 502.6 Permitted Accessory Uses.

(a) Any use customarily incidental to a permitted principal use, such as:

(1) Private garage or carport for storage of vehicles;

(2) Garden house, tool house, Ramada, swimming pool;

(b) Accessory Dwelling Units. See Section 310.

(c) Home occupations per Section 324.

(d) Recreation and health facilities which are designed and clearly intended for the use of the residents of the project.

(e) Recreational vehicles may be parked and/or stored in all residential zones provided the vehicles are not situated in required yard set backs and are fully screened from adjoining lots and streets.

Section 502.7 Property Development Standards.

Special Requirements: Any multiple family project which exceeds twenty-five (25) dwelling units per acre may be processed as a planned area development under the provisions of Article 9.

(a) Area and Yards.

(1) Single-Family House. This dwelling type consists of a single-family residence located on a privately owned lot, which has private yards on all four (4) sides of the house. The following table specifies the minimum standards for single-family homes:

Minimum Size in Feet	
-Street (Front)	20 Feet
-Side	5 Feet
-Street (Side)	10 Feet
-Rear	20 Feet
Minimum Lot Length in Feet	100
Minimum Lot Width in Feet	50
Maximum Building Height	25
Off-street Parking Spaces	2

(2) Lot-Line House. This dwelling type consists of a single-family, fully detached residence located on an individual lot which is set on the lot line. Doors or windows are prohibited in that wall of the house on the lot line. Either five (5) foot maintenance easement shall be provided for the neighboring property, or the lot line house may be set back five (5) feet from the line and recreation, planting, and use easement may be granted to the adjacent lot owner if the adjacent house is located on the lot line. In addition, the following table specifies the minimum standards for a lot line house.

	2-BEDROOM	**3-BEDROOM**
Minimum Lot Area in Square Feet	6,000	7,400
Minimum Size in Feet:		
» Streets	20	20
» Side	28	30
» Rear	30	30
Minimum Building Spacing in Feet**	28	30
Minimum Lot Width in Feet	50	75
Maximum Building Height	25	25
Off-Street Parking Space	2	3

* This standard applies when units are located on the lot line.
**This standard applies when units are set back from the lot line and the easement described above is provided.

(3) Duplex. This dwelling type consists of a semi-detached dwelling for a single family. It has only one (1) dwelling unit from ground to roof and only one (1) wall in common with another dwelling unit. The following table specifies the minimum standards for a duplex.

	1-Car Garage			**2-Car Garage**		
Number of Bedrooms	**1**	**2**	**3**	**4**	**5**	**6**
Minimum Size in Feet:						
» Street	20	25	25	25	25	25
» Side	8	10	10	10	10	10
» Rear	20	20	20	20	20	20
Minimum Lot Width in Feet	50	50	50	50	50	75
Maximum Building Height	25	25	25	25	25	25
Off-Street Parking Spaces	2	2	2	2	2	2

(4) Multiplex. This dwelling type may be either a single family attached dwelling or a multiple family unit. Each unit may take direct access point, or units may share yards and access. The units may be arranged in a variety of configurations, including back to back, side to side, or vertically; however, not more than six (6) units shall be attached in any single building.

NUMBER OF BEDROOMS	**1-BR**	**2-BR**	**3-BR**	**4-BR**	**5-BR**
Minimum Lot Width in Feet	75	75	75	75	75

Front Minimum Size in Feet	25	25	25	25	25
Street Side	5	5	5	5	5
Rear Setback	25	25	25	25	25
Maximum Building Height	25	25	25	25	25
Off-Street Parking Spaces	2	2	2	2	2

(5) Apartment Building: Apartment buildings are buildings comprising multiple dwellings units, which share common access to individual units and yards. The yard required shall be the sum of the areas required for each unit within the structure. Apartment shall contain three (3) or more units in a single structure. The following table specifies the minimum for apartment buildings.

NUMBER OF STORIES	**1 OR 2**	**3**
Maximum Height in Feet	25	25
Maximum No. D.U.S/Building	48	48
Maximum Street Frontage of Lot in Feet	100	100
Minimum Spacing between Buildings in Feet		

NUMBER OF BEDROOMS	**EFFICIENCY**	**1**	**2**	**3**	**4**
Off-Street Parking Space	1.5	2	2	3	3

(6) Attached Single-Family Townhouse. This dwelling type consists of an attached single-family townhouse unit for a single family. It has only one (1) dwelling unit from ground to roof with individual outside access. Each dwelling unit is separated from each abutting dwelling unit by a party or lot line wall. The following table specifies the minimum standards for a townhouse. (Amended by Ord. 817 §, 2002)

Number of Bedrooms	**1**	**2**	**3**	**4**
Minimum Lot area in Square Feet	2750	2750	2750	3000
Minimum Lot Width in Feet	20	20	20	20
Minimum Front Setback in Feet	20	20	20	20
Min. Corner Side Setback in Feet	8*	8*	8*	8*
Minimum Rear Setback in Feet	20	20	20	20
Maximum Building Height in Feet	25	25	25	25
Number of Off-Street Parking	2	2	2	3

*** 8-foot setback may not impede the sight distance triangle for the adjacent intersection.**

Additional Placement Regulations for Attached Single-Family Townhouse Dwelling Units:

(1) Outside balconies on second floor. Minimum required yards and minimum required distances between buildings on the same lot shall be measured to the exterior line of all outside balconies on second floor.

(2) All townhouse dwelling units will provide screening of an unpicked masonry wall not less or more than six (6) feet in height in each rear yard.

(3) Approved front yard landscape will be required for each townhouse dwelling unit consisting of at least one (1) tree and two (2) shrubs and proper ground coverage over a minimum of 30% of the area within the front yard setback.

(4) If an enclosed garage or carport is used to meet the off-street parking requirement, the enclosed garage or carport cannot be converted into living space.

(b) Minimum Distance Between Buildings on the Same Lot. The minimum distance between the opposing exterior walls of detached buildings or part of attached or semi-detached buildings, on the same lot, shall be:

(1) If both walls are front walls or contain doors or living room windows: Forty (40) feet.

(2) If one wall is a front wall, or contains doors or living room windows and one wall is a side or rear wall containing no doors or windows: Twenty-four (24) feet.

(3) If either wall is a side or rear wall containing windows or doors: Twenty-four (24) feet.

(4) In one wall is a side or rear wall containing windows or doors and one wall contains no windows or doors: Eighteen (18) feet.

(5) If neither wall contains windows or doors: Ten (10) feet.

(c) Additional Placement Regulations for Multi-Family Dwellings.

(1) Two or more story buildings shall be set back not less than forty

(40) Feet from the boundary line of any adjoining single-family residential district.

(2) If the front of a building, or part thereof, faces on an interior side or rear lot line, the building, or that part thereof, shall be set back from such lot line not less than twenty (20) feet.

(3) Separation of Semi-Detached Dwellings or Row houses. When, for purposes of sale or separate ownership, a two-family or multi-family residence and the land in and upon which such dwellings are situated, is to be subdivided into separate lots having one dwelling unit per lot, such lots shall be exempt for all interior side yard requirements; provided, however, that such dwelling unit shall be separated from each abutting dwelling unit by a party or lot line wall extending the full height of the buildings through opening.

(4) Irregularly-Shaped Lots. On irregularly-shaped lots, the building setback from all lot lines shall comply at every point with the minimum yard requirement, whichever is applicable.

(5) Outside Halls or Balconies on Second and Third Floors. Minimum required yards and minimum required distances between buildings on the same lot shall be measured to the exterior line of all outside hall or balconies on second or higher floors of buildings.

(d) Buildings-Courts

(1) The depth of a court formed by walls on three (3) sides shall not exceed one and one-half (1½) times the width.

(2) When a court is partially enclosed by projections, the sum of the projections shall not exceed twenty-five (25%) percent of the greatest required distance between buildings as set forth in Sections 502.7, a, (6).

Section 502.8 Non-Residential Accessory Buildings.

A non-residential structure, not including a detached garage, which is necessary to a dwelling, may be erected on a parcel if it meets the following requirements:

(a) Maximum Height: Fifteen (15) feet above grade.

(b) Maximum Yard Coverage: Thirty-five (35%) percent of the required rear and side yards.

(c) Location Restrictions: No accessory buildings shall be set back from the side and the rear lot lines a distance no less than three (3) feet, excepts;

(1) For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

(3) For a Corner lot, the street side setback shall be the same as for the main building.

(4) No stable, barn, corral, animal shed or shelter shall be erected or maintained closer than seventy-five (75) feet to any property line, where permitted.

Section 502.9 Off-Street Parking and Loading.

In accordance with the provisions in Article 6.

Section 502.10 Sign Regulations.

In accordance with the provision of Article 7.

Section 502.11 Landscaping, Screening and Buffering.

Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or the Board of Adjustment and the Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance on landscaping.

Section 503. MHR-MOBILE HOME RESIDENCE

Section 503.1 Purpose

The district is comprised of areas developed or to be developed for mobile homes for residential purpose on individually owned lots or leased lot. Regulations are designed to stabilize and protect the residential character of the district to promote and encourage a suitable environment for families and to prohibit all incompatible activities.

Section 503.2 Approvals Required

No structure or use shall be built or remodeled in a MHR district until all necessary site plan and/or subdivision plat approvals have been obtained. Only mobile homes manufactured after June 15, 1976 will be approved. Pre-1976 mobile homes in place on or before November 27, 2005, will be allowed to remain as long as they meet Federal guidelines relating to safety. (Amended by Ord. 05-881 § 4, 2005)

Section 503.3 Location

The following criteria shall be considered in establishing and maintaining a Mobile Home Residence zoning district:

(1) Conforms to appropriate designation in the General Plan, or,

(2) Corresponds to an existing district or development in an area annexed into the City.

Section 503.4 Permitted Principal Uses

(a) Mobile Home Subdivision with one (1) single-family residence per lot.

(1) Permitted Conditional Uses:
See section 310, items d, e, f, g, h, i, j, n, o, p

(2) Permitted Accessory Uses

(a) Any use customarily incidental to a permitted principal use, such as;

(1) Private garage or carport for storage of vehicles;

(2) Garden house, tool house, Ramada, swimming pool;

(b) Accessory Dwelling Units: See Section 310.

(c) Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

(d) Home Occupations per Section 324.

(3) Property Development Standards

(a) Maximum Density: One (1) dwelling unit per lot.

(b) Minimum Lot Width: Fifty (50) feet.

(c) Required Yards:

(1) Minimum front yard-twenty-five (25) feet.

(2) Minimum rear yard-twenty-five (25) feet.

(3) Minimum side yard-ten (10) feet.

(4) Minimum side street yard-fifteen (15) feet.

(d) Minimum Distance Between Principal Buildings: Twenty (20) feet.

(e) Maximum Building Height: Twenty-five (25) feet.

(4) Non-Residential Accessory Building:

(a) Maximum Height: Fifteen (15) feet above grade

(b) Maximum Yard Coverage: Thirty-five (35) percent of rear yard.

(c) Location Restrictions: No accessory building shall be erected in any minimum required front or side yard.

(d) Setback Requirements: Accessory buildings shall be setback form the side lot line and the rear lot line a distance not less than three (3) feet, except:

-(1) For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

-(2) For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback from the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

-(3) For a corner lot, the street side setback shall be the same as the main building.

(b) Mobile Home Park.

(1) Permitted Conditional Uses:

See Section 310, items d, e, f, g, h, i, j, n, o, p

(2) Permitted Accessory Uses. The following accessory uses which are incidental and subordinate to a mobile home park are permitted in conjunction with the park.

(a) Single Family Residence. One (1) single-family residence for the owner or manager of the mobile home park. The yard requirements for this residence in the park shall be the same as provided in use in subsection 503 above. The residence may include office space for use in connection with the park operation.

(b) Social and Recreational Center with Competent Uses. Component uses will be permitted in a recreation or social center building provided:

(1) That there will be no wholesale activity;

(2) That no merchandise or supplies shall be stored or displayed outside the completely enclosed building;

(3) That there shall be no exterior advertising or sign except as permitted for accessory used only;

(4) That the mobile home park is large enough to accommodate at least twenty-five (25) mobile homes;

(5) That component uses shall not be in a building which is less than fifty (50) feet from any property line of the mobile home park or one hundred (100) feet from any public right-of-way bounding the park site;

(6) That the component uses shall not occupy more than twenty-five (25) percent of the floor area in the social and recreation center building.

The component uses permitted are:

-Tobacco store and news stand.

-Delicatessen, snack bar and food store.

-Day nurseries and child care.

(c) Private Recreation Uses. For the use of the occupants of the mobile home park and their guests, such as swimming pool, golf course, putting greens and shuffleboard courts.

(d) Model Mobile Home Sales. Mobile home models for sale, provided they do not occupy more than five percent (5%) of the total spaces in the mobile home park. Each mobile home shall be the same setback and spacing required for other mobile homes. They shall have the same setback and spacing required for other mobile home. There shall be no exterior displays or advertising other than one (1) non-illuminated sign, not to exceed six (6) square feet for each model and not over six (6) feet in height.

(e) Laundry. Coin-operated laundry and dry cleaning pickup, provided there shall be no dry cleaning pickup, provided there shall be no dry cleaning equipment.

(3) Property Development Standards:

(a) Minimum Area: Two (2) acres.

(b) Maximum Density: Ten (10) mobile homes per acre.

(c) Maximum building Height: Twenty-five (25) feet.

(d) Required Yards:

(1) Minimum, front yard-twenty-five (25) feet form public right-of-way or none from private roads.

(2) Minimum rear yard-Ten (10) feet from space line or twenty-five (25) feet from the exterior boundary of the park.

(3) Minimum side yard-Ten (10) feet from space line or twenty-five (25) feet from the exterior boundary of the park.

(e) Minimum Space Size. Each mobile home space shall have a minimum width of fifty (50) feet and a minimum depth of eighty (80) feet.

(f) Minimum Distance Between Mobile Homes. Twenty (20) feet, side to side, provided that any mobile home accessory structure, porch, patio cover, awning, carport or similar structure, open on at least two (2) sides, may project into the required area.

(4) Non-Residential Accessory Buildings.

A non-residential structure, but not including a detached garage, which is necessary to a dwelling, may be erected on a parcel if it meets the following requirements:

(a) Maximum Height: Fifteen (15) feet above grade.

(b) Maximum Yard Coverage: Thirty-five (35) percent of required rear yard.

(c) Location Restriction: No accessory building shall be erected in any minimum required front or side yard, except as otherwise provided in this code.

(d) Setback Requirements: Accessory buildings shall be setback form the side or the rear lot line a distance not less than three (3) feet, except:

(1) For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback from the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

(3) For a corner lot, the street side setback shall be the same as from the main building.

In no case shall the distance between such structures and a different mobile home, or between such structure belonging to different mobile homes be less than eight (8) feet. Any storage cabinet less than sixty (60) square feet, attached or detached, may be constructed in the required separation area. Any permanent enclosed addition to the living area of mobile home in excess of sixty (60) square feet shall be considered an extension of the mobile home for separation purposes.

(3) Minimum Private Street Standards

See Article 6.

Section 503.5 Off-Street Parking and Loading

In accordance with the provisions of Article 6.

Section 503.6 Sign Regulations

Section 503.7 Landscaping, Screening and Buffering

Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustment, and the Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance specifically addressing the issue of landscaping.

SECTION 504.NC-NEIGHBORHOOD CONVENIENCE

Section 504.1 Purpose

The purpose of the NC district is to provide locations for commercial uses within close proximity to residential area. It is to provide for opportunities to serve the needs of residents for convenience shopping and services. Such uses will be limited to professional offices, services, and retail trade that are oriented to the day-to-day commercial needs of the residential neighborhood. Neighborhood commercial uses are intended to be pedestrian oriented. The purpose is also to assure that such development is of a scale and design that is compatible with the residential environment and is an enhancement to neighborhood area.

Section 504.2 Approval Required

No structure or building shall be built or remodeled upon land in the NC District until all required site plan approvals have been obtained.

Section 504.3 Location

The following criteria shall be considered in establishing and maintaining a NC district:

(a) Conforms to appropriate designation in the General Plan.

(b) Corresponds to an existing district or development in an area annexed into the City.

(c) Shall be located at the intersection of two (2) collector streets or an arterial and collector street.

(d) Availability of pedestrian access form surrounding neighborhoods.
(e) Lack of LC or NC zoning district or use within one-forth (1/4) mile.

Section 504.4 Permitted Principal Uses

Building, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged for the following uses:

(a) Retail Sales. (Limited to 3,000 square feet of gross floor area).

(1) General merchandise or variety store.

(2) Food and beverage store; no drive-through window allowed if business sells alcoholic beverages. (Amended by Ord. 05-887, § 1, 2006)

(3) Drugs and pharmacy.

(b) Services (limited to 1,000 square feet of gross floor area per use and may be increased to 3,000 square feet if Retail Sales floor area is reduced on a square foot basis.

(1) Professional, administrative, clerical or sales service

(2) Day care centers

(a) The proposed facility shall comply with all requirements of the county and state health departments and other applicable regulations.

(b) A solid wall or fence, a minimum of six (6) feet high and a landscape buffer shall be provided around play areas abutting any residential zone.

(c) Parking shall be provided at a rate of one (1) parking space for each tow hundred (200) square feet of net floor area. A maximum of one-half of the area for required parking may be used as a portion of the outdoor play area. If the building changes uses, all required parking areas shall be utilized as parking.

(d) Provision for child drop-off with pedestrian access to the building entrance shall be incorporated into the plan.

(c) Other neighborhood commercial uses of similar character, found by the Community Development Director to meet the purpose of the district.

Section 504.5 Permitted Conditional Uses

See Section 310. PERMITTED: D, E, F, G, H, I, J, L, M, N, O

Section 504.6 Permitted Accessory Uses

(a) Any use customarily incidental to a permitted principal use, such as,

(1) Private garage or carport for storage of vehicles;

(2) Garden house, tool house, Ramada, swimming pool.

(b) Accessory dwelling unit, See Section 310.

(c) Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

(d) Home occupations, See Section 324.

Section 504.7 Property Development Standards

(a) Required Area:

Less than on (1) acre.

(b) Building Height:

No building shall exceed twenty-five (25) feet in height.

(c) Minimum Distance Between Main Buildings:

As prescribed by the Uniform Building Code.

(d) Required Yards:

(1) Front Yard.

(a) There shall be a front yard having a depth of not less than thirty (30) feet.
(b) Where a site is located at the intersection of two (2) or more streets, the required front yard of not less than thirty (30) feet shall be provided on one street and a yard having a depth of not less than twenty (20) feet shall be on the intersecting street.

(2) Side and Rear Yard. Ten (10) feet.

(e) Operations and Storage. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence.

Section 504.8 Non-Residential Accessory Building

(a) Maximum Height: Fifteen (15) feet above grade.

(b) Maximum Yard Coverage: Thirty (30) percent of rear yard.

(c) Location Restrictions: No accessory building shall be erected in any minimum required front or side yard.

(d) Setback Requirements: Accessory buildings shall be setback form the side lot line and the rear lot line a distance not less than three (3) feet, except:

(1) For a lot having its real lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

(3) For a corner lot, the street side setback shall be the same as for the main building.

Section 504.9 Off-Street Parking and Loading

In accordance with the provisions of Article 6.

Section 504.10 Sign Regulations

In accordance with the provisions of Article 7.

Section 504.11 Landscaping, Screening, and Buffering

Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustment, and Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance specifically addressing the issue of landscaping.

SECTION 505.LC-LIMITED COMMERCIAL

Section 505.1 Purpose

The district comprises area developed for establishments selling retail goods and providing personal services for residents of the immediate neighborhood. Buildings shall be grouped together in compact arrangements providing maximum shopping convenience and multiple use of off-street parking and minimal periphery conflicts with abutting residential properties. Development shall preserve the essential neighborhood character of the district, prevent encroachment by more intensive commercial uses, protect abutting residential properties and avoid any undue concentration of vehicular traffic on local streets.

Section 505.2 Approval Required

No structure or building shall be built or remodeled upon land in the LC District until site plan approval has been obtained.

Section 505.3 Location

The following criteria shall be considered in establishing and maintaining a LC District:

(a) Conforms to appropriate designation in the General Plan.

(b) Corresponds to an existing district or development in an area annexed into the City.

(c) Shall be at intersection of two (2) collector streets or an arterial and collector street.

(d) Availability of pedestrian access form surrounding neighborhoods.

(e) Lack of LC district within one mile.

Section 505.4 Permitted Principal Uses

(a) Enclosed retail sales of apparel and accessories; dry goods; foods; drugs; flowers; garden supplies; hardware; gifts and novelties; pet, but not livestock; hobby supplies; jewelry; liquor, by package only and no drive-through window allowed; music and records; household supplies; newspapers; magazines and books; paint, wallpaper and glass; shoes; sporting goods; stationary; tobacco; toys; variety store goods; and similar convenience goods; (Amended by Ord. 05-887, § 2, 2006).

(b) Personal appearance service establishments; collection and distributions of laundry and dry cleaning; self service laundry and dry cleaning establishments; shoe repair; and similar personal service establishments;

(c) Medical and dental offices and clinics, including veterinary clinics limited to small animal services;

(d) Bank, lending agency, postal station;

(e) Service stations, in accordance with the following regulations:

(1) Repair of motor vehicles shall not include painting, upholstering, body and fender work, dismantling and over-hauling.

(2) Accessory buildings are prohibited.

(3) The service station site shall comply with the following:

(a) The site shall have a minimum width and a minimum length of one hundred fifty (150) feet measured from the street property line.

(b) Pump islands shall be located at least thirty (30) feet from the street property line.

(c) Outside display, either permanent, or temporary, of tires, oil, and other auxiliary items for sale shall be permitted only if located on the pump islands or at least forty (40) feet form the street property line. No more than one (1) display rack for each type of item is permitted.

(d) All street perimeters of the site except for areas occupied by buildings and points of Ingress and egress shall be planted with a tem (10) foot minimum width of landscaping materials on site; interior perimeters shall be planted with six (6) foot minimum width of landscaping materials.

(4) Design of the station building and site shall be compatible with the type of development in or anticipated in the nearby areas. Refer to the Landscaping, Walls, and Screening Articles for compliance with additional regulations.

(5) Overhead bay doors shall not front on or be visible from any public street.

(6) Vehicles and other obstructions may not be parked on any corner lot within the triangular area formed by the curb lines and a line connecting them at points thirty-three (33) feet from the intersection of the street lines.

(7) Service station structures that cease to be used for that purpose for at least on (1) year, shall be considered abandoned. Such abandoned buildings shall be removed and the underground fuel tanks shall be removed or filled with inert material. SEE SECTION 404.2.

Section 505.5 Permitted Conditional Uses

See Section 310.

Section 505.6 Permitted Accessory Uses

(a) Any use customarily incidental to a permitted principal use, such as:

(1) Private garage or carport for storage of vehicles;

(2) Garden house, tool house, Ramada, swimming pool.

(b) Accessory dwelling units, See Section 310.

(c) Where the keeping or horses and other livestock is lawful, structures customarily accessory to such use.

Section 505.7 Property Development Standards

(a) Required Area: No minimum area requirement, but any development over three (3) contiguous acres in gross area shall be processed as a planned area development under the provisions of Article 9.

(b) Minimum Distance Between Main Buildings: as prescribed by the Uniform Building Code as adopted by the City.

(c) Building Height: No building shall exceed twenty-five (25) feet in height.

(d) Required Yards:

(1) Front Yard.

(a) There shall be a front yard having a depth of not less than forty (40) feet.

(b) Where a lot has double frontage on two (2) streets, the required front yard of not less than forty (40) feet shall be provided on both streets.

(c) Where a lot is located at the intersection of two (2) or more streets, the required front yards of not less than forty (40) feet shall be provided on one (1) street and a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.

(2) Side and Rear Yard. Ten (10) feet.

(e) All operations shall be conducted within completely enclosed building.

Section 505.8 Non-Residential Accessory Building.

(a) Maximum Height: Fifteen (15) feet above grade.

(b) Maximum Yard Coverage: Thirty-five (35%) percent of rear yard.

(c) Location Restrictions: No accessory building shall be erected in any minimum required front or side yard.

(d) Setback Requirements: Accessory building shall be setback from the side lot line and the rear lot line a distance not less than three (3) feet, except:

(1) For a lot having its real lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s),

(2) For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building,

(3) For a corner lot, the streets side setback shall be the same as for the main building.

Section 505.9 Off-Street Parking and Loading

In accordance with the provisions of Article 6.

Section 505.10 Sign Regulations

In accordance with the provisions of Article 7.

Section 505.11 Landscaping, Screening, and Buffering

Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustment, and Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance specifically addressing the issue of landscaping.

SECTION 506.OP-OFFICE PROFESSIONAL

Section 506.1 Purpose

The district is for the development of office and related uses adjacent to commercial uses. Certain other uses are permitted under conditions and standards which assure their compatibility with a general concentration of office use and/or medium and high density residential districts. This district will generally serve as a transition from commercial uses to residential districts.

Section 506.2 Approval Required

No structure or building shall be built or remodeled upon land in the OP District until subdivision plat and/or site plan approvals as been obtained.

Section 506.3 Location

The following criteria shall be considered in establishing and maintaining an OP District:

(a) Conforms to appropriate designation in the General Plan.

(b) Corresponds to an existing district or development in an area annexed into the City.

Section 506.4 Permitted Principal Uses

Buildings, structures, or premises shall be used and shall hereafter be erected, altered or enlarged only for the following uses:

(a) Business and Professional

(1) Business College, limited to the teaching of office and business practices and skills.

(2) Office Business: Any office in which chattels or goods, wares or merchandise are not commercially created, displayed, sold, exchanged, excepted commercial uses appurtenant thereto, such as a gift shop, news stand, smoke shop, barber shop, beauty parlor, and small retail, provided the entrance of such accessory uses shall be from the interior of the building, lobby or arcade, and there shall be no exterior advertising.

(3) Office professional for: accountant, architect, chiropodist, chiropractor, dentist, engineer, lawyer, minister, naturopath, osteopath, physician, planner, surgeon, surveyor, optometrist, small animal veterinarian.

(4) Office semi-professional for: Insurance broker, public stenographer, real estate broker, stock broker, and other persons who operate or conduct offices which do not require the stocking of goods for wholesale or retail, but shall no include barber, beauty operator, cosmetologist, embalmer, or mortician except as provided in sub-paragraph (b) hereof.

(5) Optician (limited to prescription work only).

(6) Laboratories: Medical, dental, blood bank.

(7) Physiotherapist.

(8) Studio: For professional work, or teaching of any form of commercial or fine arts, photography music, drama, dance, but not including sending or receiving tower.

(9) Broadcasting station and studio, radio or television, but not including sending or receiving tower.

(10) Nursing homes, retirement, or convalescent homes.

(b) Retail

(1) Art Gallery.

(2) Establishments primarily supplemental in character to other permitted principal uses, such as: pharmacy, apothecary shop, sale of correction garments, prosthetic devices, and optical goods.

(3) Blueprint, print, lithographs, or photo static copies not produced on the premises.

(c) Service

(1) Banks, finance offices, lending institutions, stock brokerage firms, saving and loan associations and credit unions (including drive-thru).

(2) Telephone answering service.

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

Section 506.5 Permitted Conditional Uses

See Section 310.

Section 506.6 Permitted Accessory Uses

(a) Any uses customarily incidental to a permitted principal use, such as,

(1) Private garage or carport for storage of vehicles;

(2) Garden house, tool house, Ramada, swimming pool.

(b) Accessory dwelling units, See Section 310.

(c) Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

Section 506.7 Property Development Standard.

(a) Required Area: No minimum area requirement, but any development over three (3) acres in gross area shall be processed as a planned area development under the provisions of Article 9.

(b) Maximum Building Height: No building shall exceed thirty-five (35) feet in height except that within one hundred (100) feet of any UR, SFR, MFR, MHR, or RV district, no building shall exceed twenty-five (25) feet in height.

(c) Required Yards:

(1) Front Yards-forty (40) feet.

(2) Where a lot has doubled frontage on two (2) streets, the required front yard shall be provided on both streets.

(3) Where a lot is located at the intersection of two (2) or more streets, the required front yard shall be provided on one (1) street and a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.

(4) Side and Rear Yard. Ten (10) feet.

(d) Operations and Storage. All operations and storage shall be conducted within a completely enclosed building.

Section 506.8 Non-Residential Accessory Buildings

(a) Maximum Height: Fifteen (15) feet above grade.

(b) Maximum yard Coverage: Thirty-five (35%) percent of the required side and rear yards.

(c) Location Restrictions: No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.

(d) Setback Requirements: Accessory buildings shall be setback from the side lot line and the rear lot line a distance not less than three (3) feet, except:

(1) For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

(3) For a corner lot, the street side setback shall be the same as for the main building.

Section 506.9 Off-Street Parking and Loading

In accordance with the provisions of Article 6.

Section 506.10 Sign Regulations

In accordance with the provisions of Article 7.

Section 506.11 Landscaping, Screening, and Buffering

Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustments, and Building Inspector. All landscaping shall meet the requirements set forth in any subsequent ordinance specifically addressing the issue of landscaping.

SECTION 507.GC-GENERAL COMMERCIAL

Section 507.1 Purpose

A. Purpose- This district is designed for the central retail marketing function of the Douglas trade area. Office building activities, personal and business services, and minor repair services are compatible with the primary purpose of the district. Regulations are designed to encourage a concentrated development limited by standards to prevent traffic congestion and to protect the district form incompatible uses.

B. Definitions-The following Medical Marijuana definitions of land use groups shall have the following meaning where applicable in Sections 507, 508, 509, and 510 of these zoning regulations and business license code.

C. Medical Marijuana Designated Caregiver Cultivation Location. A Medical Marijuana Designated Caregiver Cultivation Location or Cultivation by a Designated Caregiver refers to cultivation of Medical Marijuana by a Designated Caregiver and Cardholder whose registration card indicates that the cardholder has been authorized to cultivate marijuana plants for a qualifying patient(s)' medical use pursuant to The Arizona Medical Marijuana Act A.R.S. § 36-2804.A.7.

D. Medical Marijuana Dispensary. A Medical Marijuana Dispensary shall have meaning as "Nonprofit Medical Marijuana Dispensary" set forth in The Arizona Medical Marijuana Act A.R.S. § 36-2801.11.

E. Medical Marijuana Dispensary Off-Site Cultivation Location. A Medical Marijuana Dispensary Off-Site Cultivation Location means the additional location, if any, where marijuana may be cultivated for the use of a Medical Marijuana Dispensary as disclosed pursuant to The Arizona Medical Marijuana Act A,R.S. § 36-2804.B.1.b.ii.

F. Medical Marijuana Qualifying Patient Cultivation Location. A Medical Marijuana Qualifying Patient Cultivation Location shall mean cultivation of medical marijuana by a qualifying patient pursuant to The Arizona Medical Marijuana Act A.R.S. § 36-2801.1.a.ii, but shall only include a Qualifying Patient who is also a Cardholder, authorized to cultivate marijuana plants pursuant to the provisions of A.R.S. § 36-2804.02A.3.f. (Amended by Ord. 11-997 §2, 2011)

Section 507.2 Approval Required

No structure or building shall be built or remodeled upon land in the General Commercial district until all required subdivision plat and/or site plan approvals have been obtained.

Section 507.3 Location

The following criteria shall be considered in establishing and maintaining a GC district.

(a) Conforms to appropriate designation in the General Plan.

(b) Corresponds to an existing district or development in an area annexed into the City.

Section 507.4 Permitted Principal Uses

Buildings, structure, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses including:

(a) Building and Professional Services

(1) Business and professional offices including any permitted in Neighborhood Commercial, Limited Commercial or Office Professional.

(2) Business schools.

(3) Medical or dental offices including laboratory.

(4) Museum

(5) Optician

(6) School, private, operated as a commercial enterprise.

(7) Studio for professional work or teaching of any form of commercial or fine arts.

(8) Small Animal Veterinary Hospital

(b) Retail Sales

(1) Antique store.

(2) Appliance store.

(3) Art gallery.

(4) Automobile parts store.

(5) Bakery.

(6) Bars and cocktail lounges.

(7) Bicycle store.

(8) Bookstore

(9) Camera Store.

(10) Candy store.

(11) Carpet and floor covering store.

(12) Clothing store.

(13) Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.

(14) Department store.

(15) Drug store.

(16) Electronic equipment store.

(17) Fabric store.

(18) Florist.

(19) Furniture store.

(20) Gift shop.

(21) Grocery store or supermarket.

(22) Gun shop.

(23) Hardware store.

(24) Hobby or toy store.

(25) Home improvement store.

(26) Ice cream store.

(27) Import store.

(28) Liquor store, no drive-through window allowed. (Amended by Ord. 05-887, § 3, 2006)

(29) Music store.

(30) Pawn shop.

(31) Pet shop.

(32) Restaurants, including drive-in or drive through types.

(33) Sporting goods store.

(34) Stationary store.

(35) Swimming pool supply store.

(36) Variety store.

(37) Second hand stores as long as all items are contained within the building.

(38). Medical Marijuana Designated Caregiver Cultivation Location, subject to: Sec. 5.07.7(e).

(39). Medical Marijuana Dispensary, subject to: Sec. 5.07.7 (e).

(40). Medical Marijuana Dispensary Off-site Cultivation Location, subject to: Sec. 5.07.7 (e).

(41). Medical Marijuana Qualifying Patient Cultivation Location, subject to: Sec. 5.07.7 (e). (Amended by Ord. 11-997 §3, 2011)

(c) Services

(1) Appliance repair.

(2) Bank. (including drive-thru)

(3) Barber or beauty shop.

(4) Bowling alley.

(5) Broadcasting station and studio, radio or television, but not including transmitting or receiving towers.

(6) Clothes cleaning agencies and Laundromats excluding industrial cleaning and dying plants.

(7) Hotel or motel.

(8) Movie theater.

(9) Pool hall.

(10) Printing, lithography, publishing or photo stating establishment.

(11) Shoe repair.

(12) Taxidermist.

(13) Telephone answering service.

(14) Theater for the performing arts.

(15) Amusement park.

(16) Automated car wash.

(17) Automobile rental or leasing.

(18) Automobile sales, new.

(19) Automobile sales, used.

(20) Automotive repair, body and paint shops.

(21) Bars and cocktail lounges.

(22) Boat sales.

(23) Bus station, excluding overnight parking and storage of buses.

(24) Commercial parking lot.

(25) Day nursery or pre-school.

(26) Equipment sales rental and storage yard.

(27) Funeral home and chapel.

(28) Gasoline service station.

(29) Health studio.

(30) Miniature golf course.

(31) Motorcycle sales.

(32) Recreational vehicle and camper sales and or repair.

(33) Residential health care facility.

(34) Sports arena.

(35) Tire store excluding retreading.

(36) Multi-unit storage facilities.

Section 507.5 Permitted Conditional Uses

See Section 310

Section 507.6 Permitted Accessory Uses

(a) Any use customarily incidental to a permitted principal use, such as:

(1) Private garage or carport for storage of vehicles;

(2) Garden house, tool house, Ramada, swimming pool.

(b) Accessory dwelling units, See Section 310.

(c) Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

(d) Home occupations, See Section 324.

Section 507.7 Property Development Standards

(a) Required Area: No minimum area requirement, but any development over three (3) contiguous acres in gross area shall be processed as a planned area development under the provisions of Article 9.

(b) Maximum Building Height: No building shall exceed thirty-five (35) feet in height, except that within one hundred (100) feet of any SFR, MFR, or MHR district, no building shall exceed twenty-five (25) feet in height.

(c) Minimum Distance Between Main Buildings: As prescribed by the Uniform Building Code.

(d) Required Yards:

(1) Front Yard:

(a) There shall be a front yard having a depth of not less than forty (40) feet.

(b) Where a lot has double frontage on two (2) streets, the required front yard of not less than forty (40) feet shall be provided on both streets.

(c) Where a lot is located at the intersection of two (2) or more streets, the required front yard of not less than forty (40) feet shall be provided on one (1) street and

(d) a yard having a depth of not less than twenty (20) feet shall be provided on the intersecting street.

(2) Side and Rear Yard. Ten (10) feet.

5.07.7 (e) shall be established and shall read in its entirety as follow:

The following property development standards shall have the following specifications where applicable in Article 5 of these zoning regulations, and shall apply across the board as to all Districts (GC, IP, LI & HI), as listed in the zoning regulations.

1. Medical Marijuana Dispensary.

A. The total maximum floor area of a medical marijuana dispensary shall not exceed 2,500 square feet.

B. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet of the total 2500 square foot maximum floor area of a medical marijuana dispensary.

C. A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

D. The permitted hours of operation of a medical marijuana dispensary shall be from 9:00 am to 5:00 pm.

E. A medical marijuana dispensary shall have an interior customer waiting area equal to a minimum of twenty-five (25) percent of the gross floor area.

F. A medical marijuana dispensary shall not have a drive-through service.

G. A medical marijuana dispensary shall not have outdoor seating areas.

H. A medical marijuana dispensary shall not offer a service that provides off-site delivery of the medical marijuana.

I. A medical marijuana dispensary shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries measured in a straight and direct horizontal line between the two closest exterior walls of the medical marijuana dispensaries.

J. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a public, private or charter school or a licensed childcare center, measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana dispensary to the closest property line of a school or childcare center.

K. A medical marijuana dispensary shall be setback a minimum of 1,000 feet from a church, library or public park and a minimum of 2,000 feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest wall of a medical marijuana dispensary to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility. A “church” means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.

L. A medical marijuana dispensary shall comply with lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

2. Medical Marijuana Dispensary Off-site Cultivation Location.

A. The total maximum floor area of a medical marijuana dispensary off-site cultivation location shall not exceed 3,000 square feet.

B. The secure storage area for the medical marijuana stored at the medical marijuana dispensary off-site cultivation location shall not exceed 1,000 square feet total maximum floor area of a medical marijuana dispensary off-site cultivation location.

C. A medical marijuana dispensary off-site cultivation location must be located in a permanent building and shall not be located in a trailer, cargo container mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

D. A medical marijuana dispensary off-site cultivation location shall be setback a minimum of 2,000 feet from any other medical marijuana dispensaries or medical marijuana dispensary off-site cultivation locations measured in a straight and direct horizontal line between the two closest exterior walls of the medical marijuana dispensaries' cultivation location.

E. A medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a public, private or charter school or a licensed childcare center measured in a straight and direct horizontal line from the closest exterior wall of the medical marijuana off-site cultivation location to the nearest property line of a school or childcare center.

F. A medical marijuana dispensary off-site cultivation location shall be setback a minimum of 1,000 feet from a church, library or public park and a minimum of 2,000 feet from a licensed residential substances abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility measured in a straight and direct horizontal line from the closest wall of the medical marijuana dispensary off-site cultivation location to the closest property line of a church, library, public park, licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility. A "church" means a building which is erected or converted for use as a church, where services are regularly convened which is used primarily for religious worship and schooling and which a reasonable person would conclude is a church by reason of design, signs or other architectural features.

G. Medical marijuana off-site cultivation location shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

3. Medical Marijuana Designated Caregiver Cultivation Location.

A. All conditions and restrictions for a medical marijuana dispensary off-site cultivation locations apply except that the designated caregiver cultivation location cultivation area is limited to a total 250 square feet maximum, including any storage areas.

B. A designated caregiver may cultivate at their residence for a single qualifying patient subject to compliance with § A.R.S. 36-2806.01.

C. More than one designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed 250 square feet maximum, including storage areas.

D. A designated caregiver shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.

4. Medical Marijuana Qualifying Patient Cultivation Location.

A. A qualifying patient may cultivate at their place of residence subject to compliance with A.R.S. § 36-2806.01.

B. A qualifying patient, cultivating marijuana, shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency. (Amended by Ord. 11-997 §7, 2011)

Section 507.8 Non-Residential Accessory Buildings.

(a) Maximum Height: Fifteen (15) feet above grade.

(b) Maximum Yard Coverage: Thirty-five (35) percent of rear yard.

(c) Location Restrictions: No accessory building shall be erected in any minimum required front or side yard, except as otherwise provided in this code.

(d) Setback Requirements: Accessory buildings shall be setback front eh side lot line and the rear lot line a distance no less than three (3) feet, except;

(1) For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separated there form an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

Section 507.9 Off-Street Parking and Loading

In accordance with the provisions of Article 6.

Section 507.8 Sign Regulations

In accordance with the provisions of Article 7.

Section 507.11 Landscaping, Screening, and Buffering

Landscaping, screening, and buffering shall be provided as deemed adequate by the Planning and Zoning Commission or Board of Adjustment, and Building Inspector. All landscaping shall meet the specifications set forth in any subsequent ordinance specifically addressing the issue of landscaping.

SECTION 508.IP-INDUSTRIAL PARK

Purpose. This district is intended to provide for administrative, professional, research and specialized manufacturing activities at a low intensity. All uses shall be of non-nuisance type and residential scale having low silhouette, a variety of separate building masses and landscaped areas. This district is to provide employment near residential areas and the development standards are intended to be compatible with adjacent residential and commercial uses and provide a park-like setting for employment.

Section 508.1 Approvals Required

No structure or building shall be built or remodeled upon land in the IP district until all required subdivision plat and/or site plan approvals have been obtained.

Section 508.2 Location

The following criteria shall be considered in establishing and maintaining an IP district:

(a) Conforms to appropriate designation in the General Plan.

(b) Corresponds to an existing district or development in an area annexed into the City.

Section 508.3 Permitted Principal Uses

(a) Industrial, scientific, or business research, development testing laboratories and offices.

(b) Electronic instruments and devices, assembling and manufacturing.

(c) Computer center.

(d) Motion picture studios.

(e) General office buildings.

(f) Medical and dental office building and clinics.

(g) Temporary construction offices and sheds, appurtenant signs and storage incidental to a construction project only for the duration of such project, not to exceed eighteen (18) months.

(H). Medical Marijuana Designated Caregiver Cultivation Location, subject to: Sec. 5.07.7. (e).

(I). Medical Marijuana Dispensary Off-site Cultivation Location, subject to: Sec. 5.07.7. (e).

(J). Medical Marijuana Qualifying Patient Cultivation Location subject to: Sec. 5.07.7. (e). (Amended by Ord. 11-997 §4, 2011)

Section 508.4 Permitted Conditional Uses

See Section 310.

Section 508.5 Permitted Accessory Uses

(a) Any use customarily incidental to a permitted principal use, such as:

(1) Private garage r carport for storage of vehicles;

(2) Garden house, tool house, Ramada, swimming pool.

(b) Accessory dwelling units, See Section 310.

(c) Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

Section 508.6 Property Development Standards

(a) Minimum Area: No minimum area requirement, but any development over ten (10) acres in gross area shall be processed as a planned area development under the provisions of Article 9.

(b) Building Height: No building shall exceed 25 feet in height.

(c) Required Yards.

(1) Side and Rear Yard. Twenty five (25) feet.

(2) Front Yard. There shall be a front yard having a depth of not less than forty (40) feet.

(d) Minimum Distance Between Main Buildings. As prescribed b the Uniform Building Code.

Section 508.7 Non-Residential Accessory Buildings

(a) Maximum Height. Fifteen (15) feet above grade.

(b) Maximum Yard Coverage: Thirty-five (35%) percent of the required side and rear yards.

(c) Location Restrictions. No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.

(d) Setback Requirements. Accessory building shall be set back form the side lot line and the rear lot line a distance not less than three (3) feet, except;

(1) For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

(3) For a corner lot, the street side setback shall be the same as for the main building.

Section 508.8 Off-Street Parking and Loading

In accordance with the provisions of Article 6.

Section 508.9 Sign Regulations

In accordance with the provisions of Article 7.

Section 508.10 Landscaping, Screening, and Buffering

See Section 507.11

SECTION 509. LI-LIGHT INDUSTRY

Section 509.1 Purpose

This district if for industrial development, but not located where development and operational characteristics of the industries will negatively effect nearby residential or commercial uses. Regulations are intended to encourage development of such manufacturing, fabricating, processing, packaging and other industries as can be operated in a relatively clean, quiet and safe manner.

Section 509.2 Approvals Required

No structure or building shall be built or remodeled upon land in the Light Industrial district until all required subdivision plat and/or site plan approvals have been obtained.

Section 509.3 Location

The following criteria shall be considered in establishing and maintaining a LI district:

(a) Conform to appropriate designation in the General Plan for industrial land use.

(b) Corresponds to an existing district or development in an area annexed into the City.

Section 509.4 Permitted Principal Uses

(a) Manufacture, compounding, processing, packaging, bottling, or treatment of such products as bakery goods, candy, cosmetic, dairy products, drugs, perfumes, pharmaceutical, soap, toiletries, beverage, and food products, and other personal articles and household goods.

(b) Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, rubber, leather, paper, plastics, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, wool, yard; except as hereinafter specified.

(c) Manufacture of instruments, toys, novelties, rubber and metal stamps, cameras, photographic equipment, business and household machines and appliances.

(d) Farming, landscaping and agricultural supplies and equipment, wholesaling and storage.

(e) Manufacturing, processing and assembly of malleable metals, signs, monuments, industrial machinery and carbonic ice.

(f) Public utility plants and storage.

(g) Spraying supplies and equipment, wholesaling and storage.

(h) Towed or motor vehicle assembling, repairing including body and fender shops.

(i) Truck, bus, and heavy equipment garages, dispatching and weighing stations.

(k) Mini-warehouses, for storage purpose only. No retailing is permitted form these facilities.

(l) Retail commercial operations directly related to the primary industrial use, may be permitted, provided they do not exceed fifteen (15%) percent of the gross floor area in the LI district.

(m) Blacksmith or welding shop.

(n) Contractors storage yard.

(o) Kennels.

(p) Veterinary Hospital.

(Q). Medical Marijuana Designated Caregiver Cultivation Location, subject to: Sec. 5.07.7 (e).

(R). Medical Marijuana Dispensary Off-site Cultivation Location, subject to: Sec. 5.07.7 (e).

(S). Medical Marijuana Qualifying Patient Cultivation Location, subject to: Sec. 5.07.7 (e). (Amended by Ord. 11-997 §5, 2011)

Section 509.5 Permitted Conditional Uses

See Section 310.

Section 509.6 Permitted Accessory Uses

(a) Any use customarily incidental to a permitted principal use, such as:

(1) Private garage or carport for storage of vehicles;

(2) Garden house, tool house, Ramada, swimming pool.

(b) Accessory dwelling unit. See Section 310.

(c) Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

Section 509.7 Property Development Standards

(a) Minimum Area: No minimum size required for industrial use.

(b) Building Height: No building shall, exceed thirty-five (35) feet in height.

(c) Required Yards:

(1) Front yard Setback: 40 feet

(2) Side Yard Setback: Minimum of twenty-five (25) feet

(3) Rear Yard Setback: Same as Side Yard Setback

(d) Minimum Distance Between Main Buildings

As prescribed by the Uniform Building Code.

Section 509.8 Non-Residential Accessory Buildings:

(a) Maximum Height: Fifteen (15) feet above grade.

(b) Maximum Yard Coverage: Thirty-five (35%) percent of the required side and rear yard.

(c) Location Restrictions: No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.

(d) Setback Requirements: Accessory buildings shall be setback form the side lot line and rear lot line a distance not less than three (3), feet except:

(1) For a lot having its rear lot line contiguous with any alley line, not rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separated there form by an alley, any accessory building shall be set back from the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

(3) For a corner lot, the side street setback shall be the same as for the main building.

Section 509.9 Off-Street Parking and Loading

In accordance with the provisions of Article 6.

Section 509.10 Sign Regulations

In accordance with the provisions of Article 7.

Section 509.11 Landscaping, Screening, and Buffering

See Section 507.11

SECTION 510. HI-HEAVY INDUSTRY

Section 510.1 Purpose

This district is comprised of certain industrial structures and uses having physical and operational characteristics which are offensive or hazardous or which otherwise adversely affect the economic welfare of nearby residential and commercial uses.

Section 510.2 Approvals Required

No structure or building shall be built or remodeled upon land in the Heavy Industry district until all required subdivision plat and/or site plan approvals have been obtained.

Section 510.3 Location

The following criteria shall be considered in establishing and maintaining a HI zoning district:

(a) Conforms to appropriate designation in the general plan.

(b) Corresponds to an existing district or development in an area annexed into the City.

Section 510.4 Permitted Principal Uses

(al). Medical Marijuana Designated Caregiver Cultivation Location, subject to: Sec. 5.07.7 (e).

(am). Medical Marijuana Dispensary Off-Site Cultivation Location, subject to: sec. 5.07.7 (e).

(am). Medical Marijuana Qualifying Off-site Cultivation Location "35", subject to: Sec. 5.07.7 (e). (Amended by Ord. 11-997 §6, 2011)

Section 510.5 Permitted Conditional Uses

In accordance with Section 310, the following uses may be approved:

(a) Ball bearing manufacturing.

(b) Boxes or cabinets, manufacturing.

(c) Chocolate and cocoa products manufacturing.

(d) Feed (grains) manufacturing and processing.

(e) Flour and grain mills, storage and elevators.

(f) Fuel distributing station, gasoline (bulk plant).

(g) Ice manufacturing and storage.

(h) Paint and varnish manufacturing.

(i) Septic tank, cesspool servicing or cleaning-equipment yard.

(j) Wood products, manufacturing, bulk.

(k) Meat packing and smoking; slaughtering prohibited.

(l) Petroleum products, packaging and storage, including butane distributors, subject to the provisions of the Uniform Fire Code.

(m) Automobile parts, supplies, salvage, or wrecking.

(n) Cement and paving material mixing plant.

(o) Manufacture, fabrication, or assembly, including contractor's facilities, of building materials and construction equipment: acoustical materials, air conditioners, heating and ventilating equipment, bolts, cement and concrete products, ceramics, decorative metals and wrought iron, doors, drills, fences, fire escapes, hardware and machine and road building equipment, plaster, plastics, plumbing supplies and sewer pipes, pumps scaffolds, screens, screws, tile welding equipment, windows; or other similar items.

(p) Exterminator and insect poison, manufacturing.

(q) Foundry for casting lightweight, nonferrous metal, not causing noxious odors or fumes.

(r) Gasoline and petroleum bulk storage tanks.

(s) House movers, equipment, storage or wrecking yards.

(t) Junk yards.

(u) Metals crushing for salvage.

(v) Millwork (woodworking, manufacturing).

(w) Planning mills.

(x) Plating works, bulk (galvanizing).

(y) Manufacture of brick and all clay, cinder, concrete, synthetic, cast stone, plastic and pumice stone products.

(z) Rock crushing.

(aa) Sand blasting yard.

(ab) Seed treatment, processing, extraction of oil.

(ac) Steel fabrication (plate, structural, misc. iron, reinforcing).

(ad) Storage yards, bulk material.

(ae) Tanks, fabrication.

(af) Retail commercial operations directly related to the primary industrial use may be permitted, provided they do not exceed twenty (20%) percent of the gross floor area.

(ag) Extraction of sand, gravel, and other natural resources.

(ah) Wastewater treatment plants and sewage facilities.

(ai) Utility structures.

(aj) Correctional facilities and detention centers.

(ak) Public solid waste landfill or transfer station.

Section 510.6 Permitted Accessory Uses

(a) Any use customarily incidental to a permitted principal use, such as:

(1) Private garage or carport for storage of vehicles;

(2) Garden house, tool house, Ramada, swimming pool.

(b) Accessory dwelling units, see Section 310.

(c) Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

Section 510.7 Property Development Standards

(a) Minimum Area:
Five (5) acres.

(b) Building Height:
No building shall exceed thirty-five (35) feet in height.

(c) Required Yards:
(1) Front Yard Setback: 40 Feet

(2) Side Yard Setback: 30 Feet

(3) Rear Yard Setback: 30 Feet

(d) Minimum Distance Between Main Buildings:

As prescribed by the Uniform Building Code.

Section 510.8 Non-Residential Accessory Buildings

(a) Maximum Height:

Fifteen (15) feet above grade.

(b) Maximum Yard Coverage:

Thirty-five (35%) percent of the required side or rear yard.

(c) Location Restrictions:

No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.

(d) Setback Requirements:

Accessory buildings shall be setback form the side lot line and the rear lot line a distance not less than three (3) feet, except;

(1) For a lot having its rear lot line contiguous with an alley line, no rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

(3) For a corner lot, the street side setback shall be the same as for the main building.

Section 510.9 Off-Street Parking and Loading

In accordance with the provisions of Article 6.

Section 510.10 Sign Regulations

In accordance with the provisions of Article 7.

Section 510.11 Landscaping, Screening, and Buffering

See section 507.11

SECTION 511. OS-OPEN SPACE ZONE

Section 511.1 Purpose

This district in intended to provide for land uses in areas which have been set aside to serve recreational functions or to provide open space areas.

Section 511.12 Approvals Required

No structure or building shall be build or remodeled upon land in the Open Space district until all required subdivision plat and/or site plan approvals have been obtained.

Section 511.13 Location

The following criteria shall be considered in establishing and maintaining an OS zoning district:

(a) Conforms to appropriate designation in the General Plan.

(b) Corresponds to location of existing park or open space use.

(c) Corresponds to an existing district or development in an area annexed into the City.

Section 511.14 Permitted Principal Uses

(a) Parks, parkways, cemeteries, and related facilities.

(b) Golf course, playground, playfield and related facilities.

(c) Airports.
(d) Open space areas.

Section 511.5 Permitted Conditional Uses

(a) Amusement Parks

(b) Public Zoo

(c) Racetracks and Raceways

(d) Fairgrounds

Section 511.6 Permitted Accessory Uses

(a) Any use customarily incidental to a permitted principal use, such as,

(1) Private garage or carport for storage for vehicles;

(2) Garden house, tool house, Ramada, swimming pool.

(3) Accessory dwelling units, see Section 310.

(4) Where the keeping of horses and other livestock is lawful, structures customarily accessory to such use.

Section 511.7 Property Development Standard

(a) Minimum Area: One (1) acre.

(b) Building Height: No building height shall exceed twenty-five (25) feet in height.

(c) Required Setbacks:

(1) A landscape buffer of not less than thirty (30) feet shall be maintained between all building sand all adjacent residential districts.

(2) All buildings shall maintain a setback of not less than twenty-five (25) feet from all streets.

Section 511.8 Non-Residential Accessory Buildings

(a) Maximum Height: Fifteen (15) feet above grade.

(b) Maximum Yard Coverage: Thirty-five (35%) percent of the required side and rear yards.

(c) Location Restrictions: No accessory building shall be erected in any minimum required front yard, except as otherwise provided in this code.

(d) Setback Requirements: Accessory buildings shall be setback form the side lot line and the rear lot line a distance not less than three (3) feet, except;

(1) For a lot having its rear lot line contiguous with alley line, no rear setback shall be required for the accessory building(s).

(2) For a corner lot abutting a key lot and not separated therefrom by an alley, any accessory building shall be setback form the rear lot line a distance not less than the width of the least required side yard applicable to the main building.

(3) For any accessory building used for sleeping or living purposes, the setback form the interior side lot lines and the rear lot line shall be a distance not less than the width of the least required side yard applicable to the main building.

(4) For a corner lot, the street side setback shall be the same as for the main building.

Section 511.9 Off-Street Parking and Loading

In accordance with the provisions of Article 6.

Section 511.10 Sign Regulations

In accordance with the provisions of Article 7.

Section 511.11 Landscaping, Screening and Buffering

By definition, open space shall have natural landscaping or will have large areas of vegetation that require maintenance. Wherever possible, open spaces shall be devoted to the promotion of the natural environment of our area.

SECTION 512.AA-AIRPORT AIRSPACE OVERLAY DISTRICT

Section 512.1 Purpose

An Airport Airspace (AA) area, to be superimposed over existing zoning districts. It is established for the purposes of regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of public airports and heliports designated on the Official Zoning Map by creating airport approach, transitional, horizontal and conical zones, and establishing the boundaries thereof.

Section 512.2 Establishment of zones and Height Limitations

(a) Airport Zones. In order to carry out the provisions of this article, there are hereby established certain zones which include all of the area under the approach transitional, horizontal, and conical surfaces defined thereinafter and shown on the Official Zoning Map. An area located in more than one (1) of the following zones with the more restrictive height limitation. The various zones are defined as follows:

(1) Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand- two hundred fifty (1,250) feet to a horizontal distance of five thousand (5,000) feet form the primary surface. Its centerline of the runway.

(2) Utility Runway Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to width of two thousand (2,000) feet at a horizontal distance five thousand (5,000) feet form the primary surface. Its centerline is the continuation of the runway.

(3) Runway Other Than Utility Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand-five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(4) Runway Other Than Utility with a Visibility Minimum Greater Than Three-Fourths Mile Non-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand-five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(5) Runway other Than Utility with a Visibility Minimum as Low as Three- Fourths Mile None-Precision Instrument Approach Zone. The inner edge of this approach zone coincides with the width for the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(6) Precision Instruments Runway Approach Zone and Military Runway Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(7) Heliport Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands outward uniformly to a width of five hundred (500) feet at a horizontal distance of four thousand (4,000) feet form the primary surface.

(8) Transitional Zones. The transitional zones are the area beneath the transitional surface.

(9) Heliport Transitional Zones. These zones extend outward form the sides of the primary surface and the heliport approach zones a horizontal distance of two hundred fifty (250) feet from the primary surface centerline and the heliport approach zone centerline.

(10) Horizontal Zone. The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual, or arcs of ten thousand (10,000) feet radii for all other runways form the center of each end of the runway and shall be the longest determined for either end. The horizontal zone does not include the approach and transitional zones.

(11) Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward a horizontal distance of four thousand (4,000) feet.

Section 512.3 Height Limitations

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. The height limitations for each zone are as follows:

(1) Utility Runway Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five (5,000) feet along the extended runway centerline.

(2) Utility Runway Non-Precision Instrument Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

(3) Runway Other Than Utility Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to be a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

(4) Runway Other Than Utility with a Visibility Minimum Greater Than Three-Fourths Mile Non-Precision Instrument Approach Zone. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

(5) Precision Instrument Runway Approach Zone and Military Runway Approach Zone. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; then slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.

(6) Heliport Approach Zone. Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of four thousand (4,000) feet along the heliport approach zone centerline.

(7) Transitional Zones. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevations the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to the extended runway centerline.

(8) Heliport Transitional Zones. Slope two (2) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of two hundred fifty (250) feet measured horizontally form and at ninety (90) degree angles to the primary surface centerline and heliport approach zones centerline.

(9) Horizontal Zone. Established at one hundred fifty (150) feet above the airport elevation.

(10) Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

Section 512.4 Use Regulations

The provisions and regulations of the zoning district over which Airport Airspace (AA) Districts are superimposed, if more restrictive, shall prevail. No use shall be made of land underlying the surface boundaries of any zone created by this article in such a manner as to create electrical interference with radio communications of the airport or aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of the flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

Section 512.5 Hazard Marking

Any use permit that is granted for property underlying the surface boundaries of any zone created by this article, may be so conditioned as to require the owner of the property for which said permit is desired, at the owner's expense, to install, operate, and maintain such marking sand lights as may be necessary to indicate to flyers the presence of an airport hazard in order to effectuate the intent of this article.

SECTION 513.HISTORIC PRESERVATION OVERLAY ZONE

Section 513.1 Purpose

The Historical Preservation Overlay Zone is intended to protect and enhance the distinctive character and historical significance of various sections of the City, to protect and preserve buildings of unique, characteristic architecture and to protect and preserve groups of buildings and street facades of historical significance or unique architectural character. Preservation of

historical areas and buildings will be a significant factor contributing to the social and economic welfare of inhabitants. The creation of this district is therefore considered to be in furtherance of the health, safety and general welfare of the City.

The (H-P) Historic Preservations Overlay Zone is a supplemental special district which, when superimposes over other zoning district, requires that the plans for all sites, buildings, structures, or appurtenances thereto, to be erected, constructed, converted, established, altered or enlarged within the district to be reviewed and approved by the Building Inspector prior to any construction, removal or site work. Where the work to be done is patently in keeping with the intent and purpose of the historical preservation district no further review or approval other than that of the Building Inspector disapproves of said plans, then the applicant may appeal his decision to the design review board.

In instances involving major reconstruction or additions to buildings or other structures within the historical preservation district which will affect the character of the structure or building or when new construction is involved, the Building Inspector shall call meeting of the design review board for the purpose of reviewing and approving such plans. The Building Inspectors shall also call a meeting of the siding review board whenever he has reason to believe that the work anticipated will be controversial in nature.

The Overlay Zoning will also allow the Design Review Board to override parts of this ordinance when it would be impossible to maintain the historic qualities y enforcing all requirements supplemental to the district's primary zoning. This is particularly the case in the downtown district where setbacks and off-street parking requirement cannot be met and keep the historic and unique character of the district.

Section 513.2

A. Prior to the preparation of final architectural or engineering drawings for any building within an area containing the supplemental (H-P) Historical Preservation Overlay Zoning, the property owner or his representative shall submit the following consideration:

    1. Rendered elevations of the front, sides and rear of the building, to scale, adequately illustrating the building's character and treatment.

    2. A list of exterior materials, colors, and their application.

If the applicant is required by this ordinance to appear before the Design Review Board for approval of his plans, the following additional information shall be submitted:

    1. An application for Design Review approval. Said application to be furnished by the Building Inspection Department and to include applicant's name, mailing address, location of property, legal description and such other information as deemed necessary by the Design Review Board.

    2. A site plan, to scale, showing area covered by building, parking areas and landscaping treatment.

B. Prior to the issuance of a building permit within any area containing the supplemental H-P zoning, the Building Inspector shall ascertain that the Design Review Board has approved plans which are in substantial conformance to those presented with the Building

permit application and that the time limitations imposed by this ordinance or the Design Review Board have not elapsed. If the Building Inspector has nay questions as to whether the plans are in substantial conformance with the plans approved by the Design Review Board, he shall refer the plans to the Design Review Board for their consideration.

C. Prior to the change of any building's exterior character, by remodeling or alteration, the property owner or his designated agent shall secure that approval of the Design Review board, or the Building Inspector, as the circumstances require.

D. The Design Review Board shall impose such conditions as it may deem necessary in order to carry out fully the provisions and intent of this Ordinance. A notation of the Design Review Board's action shall be indelibly imprinted on each sheet of two sets of plans. One set shall be retained in the Building Inspections file and one set shall be returned to the owner or his representative.

E. The Building Inspector of the City shall insure that all matters approved by the Design Review Board are undertaken and completed according to the approval of the Design Review Board and is hereby authorized and required to cause the stoppage of any work attempted to be done without or contrary to the approval of the Design Review Board and shall cause any violator to be prosecuted.

F. Any citizen of the City of Douglas shall also have the right, within thirty (30) days, to appeal a decision of the Building Inspector to the Design Review Board.

G. The decisions made by the Building Inspector under Section 513 Paragraph 2 shall be published as a legal notice in a newspaper of record within fourteen (14) days after said decision.

Section 513.3 <u>Criteria</u>

In considering any application for Design Review approval the Design Review Board shall be guided by the following criteria:

A. The architectural character of the proposed structure shall be in harmony with and compatible to those structures in the Historical Preservation Overlay Zone.

B. The architectural character of the proposed structure shall be in harmony with and compatible to the architectural character hereinafter adopted for any given area.

Section 513.4 <u>Demolition of Historic Buildings</u>

No permit shall be issued by the Building Inspector for demolition of all or any significant part of any residential, commercial or industrial building, which is in the designated historic district before approval by the Design Review board.

In making the decision, the Design Review Board shall determine if the applicant has shown that the preservation of the building is physically and/or economically infeasible.

A. If preservation is found to be physically and/or economically infeasible, they shall notify the Building Inspector that the issuance of the demolition permit is approved by the Design Review Board.

B. If the preservation of the building is found to be feasible, the Design Review Board shall notify persons or groups interested in historic preservation who may either attempt to convince the owner to preserve the building for at least five (5) years in accordance with the provisions of this article, or if he does not so agree, to attempt to have the property purchased by someone who will agree to preserve the building for five (5) years in accordance with the provisions of this article.

C. If the owner is not convinced to retain the building and does not make an agreement to that effect and no one has agreed to purchase it from him within 90 days after public notification of his application for demolition permit, the Design Review Board shall notify the Building Inspector that the issuance of a permit to demolish the building is approved.

D. Approval by the Design Review Board of the issuance of a permit does not mandate the granting of the permit by the Building Inspector if he should find reasons to deny it under other provisions of the Douglas City Code.

SECTION 514.(D-R) DESIGN REVIEW OVERLAY ZONE

Section 514.1 Purpose

The Design Review District is intended to protect and enhance the distinctive character and natural attractiveness of the City of Douglas in areas that may not otherwise be deemed to be historic.

It is also the intent of this district to enhance the aesthetic and visual environment, to assurance appropriate architectural design and to protect the unique architecture and items of historical significance from the effects of inharmonious, bizarre, and out-of-scale development. Enrichment of civic beauty is also a significant factor contribution to the social welfare of its inhabitants, and the creation of this district is therefore considered to be in furtherance of health, safety, and general welfare.

The (DR) Design Review Overlay Zone is a supplemental special district which, when superimposed over any other zoning district, requires the review of the exterior design and site plans for all buildings, structures, or appurtenances thereto, to be erected, constructed, converted, established, altered or enlarged within the district.

Section 514.2 Review Requirements and Procedure

A. Prior to the preparation of final architectural or engineering drawings for any buildings within and area containing the supplemental (DR) Design Review Zoning, the property owner or his representative shall submit the following for the Design Review Board; consideration;

1. An application for Design Review approval. Said application to be furnished by the City Community Development Office and to include applicant's name, mailing address,

location of property, legal description of property and such other information as deemed necessary by the Building Inspector and the Design Review Board.

2. Rendered evaluations of the front, sides, and rear of the building, to scale, adequately illustrating the building's character and treatment.

3. A site plan, to scale, showing area covered by building, parking areas and landscaping treatment.

2. A list of exterior materials, colors and their application.

B. Prior to the issuance of a building permit within any area containing the supplemental (DR) zoning, the Building Inspector shall ascertain that the Design Review board as approved plans which are in substantial conformance to those presented with the Building Permit application and that the time limitations imposed by this ordinance or the Design Review Board have not elapsed. If the Inspector of Building has any questions as to whether the plans are in substantial conformance with the plans approved by the Design Review Board for the consideration.

C. Prior to the change of any building's exterior character, by remodeling or alteration, the property owner, or his designated agent, shall secure the approval of the Design Review Board.

D. The Design Review Board shall impose such conditions as it may deem necessary in order to fully carry out the provisions and intent of this ordinance. A notation of the Design Review Board's action shall be indelibly imprinted on each sheet of two set plans. One set shall be retained in the Building Inspection file and one set shall be returned to the owner or his representative.

E. The Building Inspector of the City shall insure that all matters approved by the Design Review Board are undertaken and completed according to the approval of the Design Review Board and shall cause any violator to be prosecuted.

Section 514.3 <u>Criteria</u>

See section 513.3