

# TOWN OF FLORENCE PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA

Chairman Gary Pranzo  
Vice-Chair Lonnie Frost  
Commissioner Robert Smidt  
Commissioner Andrew Simmonds  
Commissioner Duane Proulx



Florence Town Hall  
775 N. Main Street  
Florence, AZ 85132  
(520) 868-7575  
[www.florenceaz.gov](http://www.florenceaz.gov)  
Meets 1<sup>st</sup> and 3<sup>rd</sup> Thursdays

**Thursday May 16, 2019**

**6:00 PM**

---

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Town of Florence Planning and Zoning Commission and to the general public that a Regular Meeting of the Florence Planning and Zoning Commission will be held on Thursday, May 16, 2019, at 6:00 p.m., in the Florence Town Council Chambers, located at 775 N. Main Street, Florence, Arizona.

**1. CALL TO ORDER**

**2. ROLL CALL:** Chairman Pranzo\_\_\_, Vice-Chair Frost \_\_\_\_, Commissioner Smidt\_\_\_, Commissioner Simmonds\_\_\_, Commissioner Proulx.

**3. PLEDGE OF ALLEGIANCE**

**4. DISCUSSION/APPROVAL/DISAPPROVAL** of the minutes of the Joint Meeting with the Parks and Recreation Advisory Board meeting conducted on April 16, 2019.

**5. NEW BUSINESS**

**A. Presentation and Discussion of the Development Code Reorganization and Schedule**

**6. PUBLIC HEARINGS**

**No New Items**

**7. PRESENTATIONS**

**A. Redevelopment Plan Update and Planning and Zoning Commissions Role**

**B. Future Agenda Items/Information Only**

## **8. CALL TO THE PUBLIC/COMMISSION RESPONSE:**

Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission. Individual Commission members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Commission shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

## **9. CALL TO THE COMMISSION- CURRENT EVENTS ONLY.**

## **10. ADJOURNMENT**

**POSTED ON May 10, 2019 BY MARIA HERNANDEZ, DEPUTY TOWN CLERK, AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA, AND AT WWW.FLORENCEAZ.GOV.**

**\*\*\* PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING TOWN OF FLORENCE ADA COORDINATOR, AT (520) 868-7574 OR (520) 868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.**

**\*\*\***

**TOWN OF FLORENCE  
PLANNING AND ZONING COMMISSION  
PARKS AND RECREATION ADVISORY BOARD**

**JOINT WORK SESSION MINUTES**

**MINUTES OF THE PLANNING AND ZONING COMMISSION AND PARKS AND RECREATION ADVISORY BOARD OF THE TOWN OF FLORENCE JOINT WORK SESSION HELD ON THURSDAY, APRIL 18, 2019, AT 6:00 P.M., IN THE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

**1. CALL TO ORDER**

Chairman Pranzo called the meeting to order at 6:00 pm

**2. ROLL CALL:**

**Planning and Zoning:**

<b>Chairman Pranzo</b>	<b>Present</b>
<b>Vice-Chair Frost</b>	<b>Absent</b>
<b>Commissioner Smidt</b>	<b>Present</b>
<b>Commissioner Simmonds</b>	<b>Present</b>
<b>Commissioner Proulx</b>	<b>Present</b>

**Parks and Recreation Advisory Board:**

<b>Chairman Smith</b>	<b>Present</b>
<b>Vice-Chair Stinson</b>	<b>Present</b>
<b>Board Member Hild</b>	<b>Present</b>
<b>Board Member Williams</b>	<b>Absent</b>
<b>Board Member Woolridge</b>	<b>Present</b>

**Council Liaison Hawkins and Council Liaison Hughes were absent.**

**3. PLEDGE OF ALLEGIANCE**

**4. PRESENTATIONS**

- A.** The Planning and Zoning Commission and the Parks and Recreation Advisory Board will receive a presentation on the Active Transportation Plan, including existing conditions, summary of survey findings and preliminary bike and pedestrian facility recommendations. There will be an opportunity to offer comments and ask questions.

Parks and Recreation Director Bryan Hughes introduced the Active Transportation Plan and commented on the information and the involved grants. A Consultant of Michael

Baker International, Kevin Kugler, prepared an update on the process. Community Development Director Larry Harmer stated that Commissioner Frost's comments and questions were forwarded to the consultant before the meeting.

Mr. Kugler stated the update was mostly about establishing goals and presenting the main areas of concern. Some of the major goals were trail connectivity, multi-modal mobility, and a survey on Town priorities. He discussed the current pedestrian and bicycle situation and what areas had the most access to bicycle and pedestrian amenities. Mr. Kugler mentioned that bike fatalities increased over the years and Arizona has one of the highest bike fatalities. Commissioner Proulx asked if Pinal County had a similar average to the State. Mr. Kugler said yes and displayed a map of bike accidents in Florence. He mentioned a recent ten percent decrease in bike fatalities.

Mr. Kugler stated the public survey was available at the Community Center and on the Town's website. Chairman Pranzo asked how many took the survey. Mr. Kugler said thirty-six people took the survey. Chairman Pranzo requested further outreach to the public, possibly through the water bill. Mr. Hughes responded that Staff can place ads in the newspaper, send the link to a subscriber list, and send the link in a social media blast. He would look into sending the survey link in the water bills.

Mr. Kugler cited that the survey found different modes of transportation were preferred based on the place. People enjoyed walking and bike riding to parks and the Community Center but preferred to drive to work and school. He said the main hardship facing bike riders was the lack of facilities and traffic. He showed images of possible street designs for a principal arterial and major collector roads with bike lanes, mixed-use paths, and buffers.

He discussed the existing plan and went over a hierarchy of trail types. Mr. Kugler summarized the various trails crisscrossing the Town. Mr. Kugler recommended proposals for off-street trails and paths. A question was asked about the trail that led to the rodeo grounds near Highway 79. Mr. Kugler said they have identified the path on the map. It was pointed out that most of the trail passed inside the highway right of way and Mr. Kugler confirmed the trail was in the right of way. Chairman Pranzo asked if the trail was equestrian. Mr. Kugler said yes.

Mr. Kugler said the current interconnectivity allowed some great opportunities. If they put a trail along the Gila River or the railroad tracks, this sets up walking loops, or a marathon trail. Chairman Pranzo asked that the maps be posted on the Town website. He said this would be beneficial to the public. Mr. Kugler said they plan to post the presentation on the website after the meeting. Mr. Harmer mentioned he will send the presentation electronically to the Commission members.

Chairman Smith asked what plans were there to connect Florence Gardens to the Downtown area. A Commissioner pointed out a person could come out the backside of the community by the sewer plant and walk towards Poston Butte. Chairman Smith asked

about the plan for parking lots and trails for Poston Butte and the ability to place a trail across Highway 79. Mr. Hughes stated that the Parks and Recreation department had a drafted design document for the Poston Butte trail. They wanted to add that plan into the Active Transportation Plan and expand the trail system to Florence Gardens, the 79, and other areas.

Mr. Harmer asked if some of the equestrian trails will have places to tie up horses or park trailers. Mr. Hughes said some of the parking area in Poston Butte is set aside for trucks, trailers, and horses. Depending on the design, there are several locations that could have places for trucks and trailers. Chairman Pranzo said this was a great opportunity for the trail system and asked if signage for the trails is part of the grant. Mr. Hughes said signage would be considered separate from the plan. Mr. Harmer said Community Development is researching wayfinding signage for the downtown, but it can also be used on the trails. Chairman Pranzo inquired if the plan will interfere with the General Plan update. Mr. Harmer noted these plans provide information for the General Plan.

Commissioner Proulx asked how the trail system connected to Anthem. Mr. Kugler described that recent public meetings in different parts of the Town gave them a better idea of community needs and wants. Mr. Kugler said the next steps are to expand the survey and receive more comments from interest groups. They hope to take the final draft to Council on June 17<sup>th</sup>.

## **5. CALL TO THE PUBLIC/COMMISSION/BOARD RESPONSE:**

Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission and the Parks and Recreation Advisory Board. Individual Commission or Board members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Commission and Board shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

Christian Collins, Project Manager for the Town of Florence Public Works Department, clarified that the current iteration of ADOT's bridge widening plans on Highway 79 are planned to occur sometime in 2021. He said the road will include two twelve-foot traffic lanes, two eight-foot shoulders, and a six-foot pedestrian/bike path.

## **6. ADJOURNMENT**

**On motion by Chairman Pranzo, seconded by Commissioner Smidt, and carried by a 4-0 vote, to adjourn the meeting at 7:02 pm.**

---

Gary Pranzo, Chairman

---

Date



**Planning and Zoning Commission  
Staff Report**

May 16, 2019  
Agenda Item (5A)

**Project Name:** Draft Development Code Reorganization  
**Prepared By:** Dana Burkhardt  
Planning Consultant  
**Reviewed By:** Larry Harmer  
Community Development Director

---

**APPLICANT:**

Town of Florence  
Community Development Department  
224 W. 20<sup>th</sup> Street  
Florence, AZ 85132

**OVERVIEW:**

This agenda item kicks-off the comprehensive Development Code reorganization. Over the years, the Town's Development Code has been incrementally updated and, in some instances, piecemeal. The purpose of this code amendment is to "clean-up" the Town's Development Code by reorganizing the document to be more user friendly, easier to navigate, remove obvious inconsistencies and conflicts within the code, and to make no regulatory changes unless necessary to comply with statute.

The Development Code will be reorganized and presented to the Planning & Zoning Commission, Town Council, HDAC, and the citizens and stakeholders of Florence in the following format:

Module 1 – Administration and Procedures & Draft Table of Contents (TOC)

Module 2 - Zoning Districts and Use Regulations

Module 3 - Development Standards & Subdivision Ordinance

Module 4 – Final TOC & Definitions

The above list of modules are tentatively scheduled for introduction, review, and discussion as follows:

1. P&Z Kickoff – Process Overview; Introduce Mod 1 & TOC 5/16/19

Development Code Reorganization TOC & Mod 1

May 16, 2019

- |   |                 |
|---|-----------------|
| 2. Town Council Briefing – Process Overview; Intro to TOC | 6/3/19          |
| 3. P&Z – TOC & Mod 1 Comments; Introduce Mod 2            | 6/20/19         |
| 4. P&Z – Mod 2 Comments; Introduce Mod 3                  | 7/18/19         |
| 5. P&Z – Mod 3 Comments; Introduce Mod 4                  | 8/15/19         |
| 6. P&Z – Mod 4 Comments                                   | 9/5/19          |
| 7. Neighborhood Meeting/Open House (All Modules)          | week of 9/23/19 |
| 8. Joint P&Z and Town Council Work session                | 10/7/20         |
| 9. Final Draft Issued for Review - week of October 28     |                 |

Staff will present this process in greater detail and discuss the anticipated public outreach plan at the May 16 Planning and Zoning Commission Meeting.

**ATTACHMENTS:**

Table of Contents Proposed Restructure  
 Module 1 Administrative Procedures

# 2019 Development Code Reorganization Schedule

- 1) Initial Module Draft Delivery Schedule:**

TOC & Module 1 – Administration and Procedures	5/3/19
Module 2 - Zoning Districts and Use Regulations	5/24/19
Module 3 - Development Standards	6/14/19
Module 4 - TOC & Definitions	7/5/19
  
- 2) TAC Draft Mod Review & Revision Schedule (2 weeks ea.)**
- 3) P&Z Kickoff – Process Overview, TOC & Mod 1** 5/16/19
- 4) Town Council Briefing – Process Overview, TOC & Mod 1** 6/3/19
- 5) P&Z – TOC & Mod 1 Comments; Introduce Mod 2** 6/20/19
- 6) P&Z – Mod 2 Comments; Introduce Mod 3** 7/18/19
- 7) P&Z – Mod 3 Comments; Introduce Mod 4** 8/15/19
- 8) P&Z – Mod 4 Comments** 9/5/19
- 9) Neighborhood Meeting/Open House – week of September 23 (All Modules)**  
(Consider display boards throughout week at Community Center and rotating to different venues on other weeks with ability to manually submit comments at venues)
- 10) Joint P&Z and Town Council Work session** 10/7/20
- 11) Final Draft Issued for Review - week of October 28**

Depending on depth of changes and input in above reviews, may repeat steps for final draft.

## Public Outreach Plan:

- Build Stakeholder email distribution list (Larry Johnson/ chamber, Pinal County Planning Manager; )
- Public Notices Posting on Website
- Start with Article in Florence Blade/Reminder explaining scope of revisions and tentative schedule
- TBD

## Media Outlets:

\*All listed steps after TAC Review Comments will be electronically communicated to stakeholders along with respective module drafts and review materials at least 15 days in advance of scheduled meetings

- Com Dev Website drop down tabs
- E-newsletter
- Facebook / Instagram
- Water bill newsletter
- Chamber member e-newsletter
- Chamber mixer presentation
- Florence Blade/Reminder
- Public Posting locations
- Venues for ads and displays: Community Center, Post Office, City Hall, Development Services, fitness Center, Chamber of Commerce...

# Recommended Development Code Restructuring

*Proposed Section Headings:*

## **TITLE XV: LAND USAGE**

### **Chapter 150: Development Code**

Section 150.000 Administration and Procedures (0 Series)

Section 150.100 Definitions (100 Series)

Section 150.200 Zoning Districts (200 Series)

Section 150.300 District Use Regulations (300 Series)

Section 150.400 Site Improvement Standards (400 Series)

Section 150.500 Sign Regulations (500 Series)

Section 150.600 Subdivision Regulations (600 Series)

Section 150.700 Development Impact Fees<sup>[DB1]</sup> (700 Series)

Section 150.800 Technical Codes<sup>[DB2]</sup>

### **Chapter 151: Floodplain Regulations**

Chapter 152: Medical Marijuana<sup>[DB3]</sup>

---

*Alphanumeric Format (based on Parking Code update format):*

Section 150.000 (Section Series Heading)

150.001 (Subsection Heading)

I. (Roman Numeral)

(A) (Capital Alpha )

(1) (Numeral)

a.

i.

---

*Full Table of Contents:*

## **TITLE XV: LAND USAGE**

### **Chapter 150: Development Code**

Section 150.000 Administration and Procedures (0 Series)

150.001 Title

- 150.002 Purpose
- 150.003 Effective date, repeal and severability
- 150.004 Enforcement, interpretation and conflict
- 150.005 Compliance
- 150.006 Injunction
- 150.007 Planning and Zoning Commission
- 150.008 Board of Adjustment; appeals
- 150.009 Variances
- 150.010 Administrative staff
- 150.011 Technical Advisory Committee
- 150.012 Pre-Application Conference
- [DB4] 150.013 Design review [DB5]
- 150.014 Zone changes; amendments [DB6]
- 150.015 Conditional Use Permits
- 150.016 Exceptions and modifications
- [DB7]
- 150.017 Building permits and Certificates of Occupancy
- 150.018 Nonconforming use
- 150.019 Enlargement of building or land; destruction [DB8]
- 150.020 Citizen review process
- 150.021 Applications and fees

Section 150.100 Definitions (100 Series)

- 150.101 Terms and words
- 150.102 Defined words

Section 150.200 Zoning Districts (200 Series)

- 150.201 Districts
- 150.202 District boundaries

S[DB9]

- 150.203 Rural Agricultural (RA-10)
- 150.204 Rural Agricultural (RA-4)
- 150.205 Single-Residential Ranchette (R1-R)
- 150.206 Rural Residential Equestrian Subdivision (RRES)
- 150.207 Single-Family Residential (R1-18)
- 150.208 Single-Family Residential (R1-6)[DB10]
- 150.209 Neighborhood Multi-Family (R-2)
- 150.210 Multiple-Family Residential (MFR)
- 150.211 Manufactured Home Subdivision (MHS)
- 150.212 Neighborhood Business (B-1)
- 150.213 Neighborhood Office (NO)
- 150.214 Downtown Commercial (DC)
- 150.215 Highway Business Commercial (B-2)
- 150.216 Tourist Commercial (TRC)
- 150.217 Professional Office (PO)
- 150.218 Public/Institutional (P/I)
- 150.219 Light Industrial (LI)
- 150.220 Heavy Industrial (HI)
- 150.221 Overlay Districts; Historic District
- 150.222 Parking Overlay District (P-1)
- 150.223 Recreational Vehicle Parks and/or Subdivisions
- 150.224 Planned Unit Development (PUD)
- 150.225 Territory Square (TS)

#### Section 150.300 District Use Regulations (300 Series)

- 150.301 District Use Regulations Tables[DB11]
- 150.302-330 Conditional Uses – to -Temporary Uses
- 150.331? Wireless Communications Facilities

150.332? Medical Marijuana

Section 150.400 Site Improvement Standards (400 Series)

150.401 Additional Height and Area Regulations and Expectations[DB12]

150.402 Landscape Standards

150.403 Walls and Fences

150.404 Swimming Pools

150.405 Parking; Loading and Unloading

150.406 Outdoor Lighting Control

Section 150.500 Sign Regulations (500 Series)

150.501 Purpose, Scope and Authority

150.502 Applicability

150.503 Signage Definitions

150.504 Exemptions

150.505 Prohibited Commercial Signs

150.506 Prohibited Sign Locations

150.507 Standards, Limitation and Requirements for All Signs

150.508 Signs for Employment/Commercial and Mixed Use Districts

150.509 Signs for Residential Districts

150.510 Comprehensive Sign Plan Required

150.511 Submittal and Permit Requirements

150.512 Exceptions; Permits Not Required

150.513 Legal Nonconforming Signs

150.514 Signs Rendered Nonconforming

150.515 Abandoned Signs

150.516 Unsafe Signs

150.517 Enforcement and Penalties

Section 150.600 Subdivision Regulations (600 Series)

150.601 Stage I. Pre-Application

150.602 Stage II. Preliminary Plat

150.603 Stage III. Technical Review

150.604 Stage IV. Final Plat

150.605 Subdivision Design Standards

150.606 Required Improvements

Section 150.700 Development Impact Fees (700 Series)[DB13]

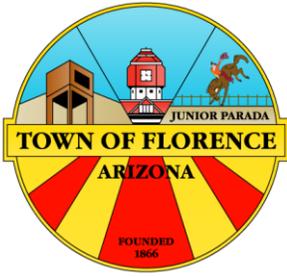
Section 150.800 Technical Codes[DB14]

**Chapter 151: Floodplain Regulations**

151.01 National Flood Insurance Program

151.99 Penalty

Chapter 152: Medical Marijuana[DB15]



# Town of Florence Development Code

## Comprehensive Reorganization Text Amendment

Module 1

Administration and Procedures

1<sup>st</sup> Draft: May 3, 2019

**Section 150.000** (Section Series Heading)

**150.001** (Subsection Heading)

- I. (Roman Numeral)
  - (A) (Capital Alpha)
    - (1) (Numeral)
      - a.
        - i.

---

**TITLE XV: LAND USAGE**

**Chapter 150: Development Code**

*Table of Contents:*

Section 150.000 Administration and Procedures (0 Series)

- 150.001 Title
- 150.002 Purpose
- 150.003 Effective date, repeal and severability
- 150.004 Enforcement, interpretation and conflict
- 150.005 Compliance
- 150.006 Injunction
- 150.007 Planning and Zoning Commission
- 150.008 Historic District Advisory Commission
- 150.009 Board of Adjustment; appeals
- 150.010 Variances
- 150.011 Administrative staff
- 150.012 Technical Advisory Committee
- 150.013 Pre-Application Conference<sup>[DB1]</sup>
- <sup>[DB2]</sup> 150.014 Design Review
- 150.015 Zone changes; amendments
- 150.016 Conditional Use Permits
- 150.017 Exceptions and modifications

<sup>[DB3]</sup>

150.018 Building permits and Certificates of Occupancy

150.019 Nonconforming use

150.020 Enlargement of building or land; destruction<sup>[DB4]</sup>

150.021 Citizen review process

150.022 Applications and fees

---

## Section 150.000 Administration and Procedures (0 Series)

### 150.001 Title

These regulations shall be known and cited as “The Development Code of the Town of Florence” (hereinafter known as the “Development Code”).

(Prior Code, Ch. 4, Art. I, § 4-1) (Ord. 432-06, passed 6-19-2006)

### 150.002 Purpose

This Development Code of the Town of Florence, Arizona, (hereinafter “town”) is hereby adopted for the following purposes:

- I. To promote and protect the health, safety and welfare of the residents of the town and to establish land use classifications, dividing the town into districts, imposing regulations, prohibitions and restrictions for the promotion of health, safety, convenience, aesthetics and welfare, governing the use of land for residential and nonresidential purposes, regulating and limiting the height and bulk of buildings and other structures, limiting lot occupancy and the size of yards and other open spaces, establishing standards of performance and design, adopting a map of the districts, prescribing penalties for violations of the Code and repealing all codes in conflict therewith.
- II. Furthermore, these regulations are deemed necessary to ensure orderly growth and harmonious development of the municipality to ensure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities, achieve individual property lots of reasonable utility and livability, secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements, ensure consideration for adequate sites for schools, recreation areas and other public facilities, promote the conveyance of land by accurate legal description and to provide logical procedures for the achievement of this purpose. In its interpretation and application, the provisions of this Development Code are intended to provide a common ground of understanding and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land.

- III. This Development Code shall be considered the minimum requirements necessary for the promotion of the general plan as amended from time to time, for the protection of the citizens of the town.

(Prior Code, Ch. 4, Art. I, § 4-2) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

#### **150.003 Effective date, repeal and severability**

This chapter shall be in full force and effect from and after July 19, 2006.

(Prior Code, Ch. 4, Art. I, § 4-3) (Ord. 432-06, passed 6-19-2006)

#### **150.004 Enforcement, interpretation and conflict**

- I. *Enforcement.* The Office of Community Development Director shall have the responsibility for enforcement of this Development Code.
- II. *Interpretation.* When the provisions of this Development Code are interpreted or applied, they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.
- III. *Conflict.* The provisions of this Development Code are not intended to interfere with, abrogate or annul any code, rule, regulation or permit previously adopted or issued, and not in conflict with any provision of this Development Code, or which shall be adopted or issued pursuant to law relating to the use of building or Code not in conflict with this Development Code; nor is it intended by this Development Code to interfere with, abrogate or annul any easement, covenant or other agreement between parties, except when this Development Code imposes a greater restriction, this Development Code shall control.

(Prior Code, Ch. 4, Art. I, § 4-4) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

#### **150.005 Compliance**

No building or land shall be devoted to any use other than a use permitted in the zoning district in which the building or land shall be located, with the exception of the following:

- I. Uses lawfully established as of the effective date of this comprehensive amendment, see § 150.019 and 150.020;
- II. Analogous uses;
- III. Accessory uses customarily incidental to the permitted uses; and
- IV. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but the temporary buildings shall be removed upon completion or abandonment of the construction work.

(Prior Code, Ch. 4, Art. I, § 4-5(b)) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

#### **150.006 Injunction**

- I. *Injunction.* If any building or maintained structure is constructed, reconstructed, altered, repaired, converted or any building, structure or land is used in violation of this Development Code, the town, any owner or tenant of real property affected by the building

or structure in question, in addition to other remedies, may institute any appropriate action or proceedings:

- (A) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use;
  - (B) To prevent the illegal act, conduct, business or use in or about the premises;
  - (C) To prevent occupancy of the building, structure or land whether improved or otherwise; and
  - (D) To restrain, correct or abate the violation.
- II. When any action is instituted by an owner or tenant, notice of the action shall be served upon the municipality at the time suit is begun by serving a copy of the complaint on the Manager or designee thereof.
  - III. In any action or proceeding, the court with jurisdiction thereof has the power and, in its discretion, may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon the terms and under the conditions as will do justice and enforce the purpose of this Development Code.

(Prior Code, Ch. 4, Art. I, § 4-6) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

#### **150.007 Planning and Zoning Commission**

See § [32.105](#) and [32.106](#).

(Prior Code, Ch. 4, Art. I, § 4-7) (Ord. 432-06, passed 6-19-2006)

#### **150.008 Historic District Advisory Commission**

See § 32.070.

(Ord. XXX-XX, passed X-X-201X)

#### **150.009 Board of Adjustment; appeals**

- I. *Creation.* There is hereby created a Board of Adjustment, the membership of which shall consist of the Mayor and Town Council of the town and, the word BOARD when used in this Development Code, shall mean the Mayor and Council when sitting as the Board of Adjustment.
- II. *Meetings, oaths and witnesses.* All meetings of the Board shall be held at the call of the Chairperson and at the other times as the Board may determine. All meetings of the Board shall be open to the public. The Chairperson, or in the Chairperson's absence, the acting Chairperson may administer oaths and compel the attendance of witnesses in accordance with the laws of the state.
- III. *Procedure.* The Board shall make and publish rules and regulations to govern its proceedings. The presence of four members shall constitute a quorum. The concurring vote of a majority of the Board shall be necessary to reverse an order or decision of an administrative official, or to effect any variations from the terms and conditions of this Development Code. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk. The Board may call on the administrative staff of the municipality for assistance in the performance of its duties, and it shall be the

duty of the departments to render the assistance to the Board as may be reasonably required.

- IV. *Powers and duties.* The Board of Adjustment shall have the power and jurisdiction to hear those matters set forth in this Development Code.
- V. *Appeals of administrative decisions.*
  - (A) Appeals may be taken to the Board of Adjustment by persons aggrieved or by any officer, department, board or bureau of the municipality affected by a decision of an administrative official within 30 days by filing with the officer from whom the appeal is taken and with the Town Clerk, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
  - (B) An appeal shall stay all proceedings in the matter appealed from, unless the officer from whom the appeal is taken certified to the Board that, by reason of the fact stated in the certificate, the stay would in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the officer from whom the appeal is taken. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties in interest and the public.

(Prior Code, Ch. 4, Art. I, § 4-8) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

***Cross-reference:***

*For other town boards and commissions, see [Ch. 32](#)*

**150.010 Variances**

- I. *Application.* Application for a variance to property development standards shall be made to the Board of Adjustment in the form of a written application. The application shall be filed with the Town Clerk upon a form provided by the Town Clerk, and shall be accompanied by:
  - (A) Plans. Plans and description sufficient to indicate the nature of the project involved and the proposed use with ground plans and elevation of all proposed buildings, together with an estimate of cost.
  - (B) Period of approval. Evidence satisfactory to the Board of Adjustment of the ability and intention of the applicant to proceed with actual construction work in accordance with the plans within six months after issuance of the variance.
- II. *Fee.* A filing fee pursuant to the town fee schedule shall accompany each application. If the Board of Adjustment finds that it has no jurisdiction to hear the matter, the filing fee shall not be refunded to the applicant. From the time of filing the application until the time of the hearing, the application and all maps, plans and other accompanying data shall be available for public inspection during office hours at the office of the Town Clerk.
- III. *Hearing and notice.* Upon receipt in proper form of any application, the Board of Adjustment shall proceed to hold a public hearing upon the application within 45 days after the filing at which time all persons shall be given an opportunity to be heard. The Board of Adjustment shall cause one notice of the hearing to be published in a newspaper of general circulation in the area of the municipality and shall cause to be posted three notices of hearing, one of which shall be on the subject property and the other two within 300 feet

thereof, giving at least ten-days' notice of the hearing, and the time and place where the hearing will be held. The notice, both as published and posted, shall also show the nature of the variance or exception requested and state that anyone wanting to be heard may appear in person or by writing.

- IV. *Findings.* A variance from the provisions of this Development Code shall not be authorized unless the Board shall find upon sufficient evidence:
  - (A) There are special circumstances or conditions applying to the land, building or use referred to in the application which do not apply to other properties in the district;
  - (B) The special circumstances were not created by the owner or applicant;
  - (C) The condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation for the conditions or situations (if, in the Board's opinion, the formulation of a general regulation is more appropriate than a variance, the Board shall table its consideration of the application and communicate to the Council its recommendation for a general regulation; should the Council not act upon the recommendation within 30 days, the Board shall reconsider the application);
  - (D) The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
  - (E) The authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, the neighborhood or the public welfare in general.
- V. *Action.* The Board shall prescribe in connection with any variance the conditions, as the Board may deem necessary in order to fully carry out the provisions and intent of this Development Code. The conditions may include, among other things, a limitation of the time for which the variance shall be valid. Violation of any condition shall be a violation of this Development Code, and the violation shall render the variance null and void.
- VI. *Review.* Any person aggrieved by a decision of the Board may, within 30 days after the decision of the Board, and not thereafter, petition the Superior Court to review the Board's decision pursuant to A.R.S. § 9-462.06, as amended, and the Superior Court Rules for Special Actions.

(Prior Code, Ch. 4, Art. I, § 4-9) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

#### **150.011 Administrative staff**

- I. *Creation.* There is hereby created the position of Community Development Director who shall be hired by the town. The Community Development Director shall be responsible with enforcement of this Development Code. As used in this Development Code, Community Development Director shall include staff authorized by the Community Development Director.
- II. *Powers and duties.* The Community Development Director shall perform the following functions:
  - (A) Enforce this Development Code by ensuring that all activities, construction and development within the town are in conformance with the town zoning regulations;
  - (B) Accomplish all administrative tasks required by this Development Code including informing and processing applications for all persons requesting a re-zoning, use permit,

plan review, variance, appeal or other action of the Planning and Zoning Commission, Board of Adjustment or Town Council; and

- (C) Subject to the policies of the Planning and Zoning Commission and Town Council, interpret this Development Code to members of the public, town departments and other branches of government. Serve as planning staff to the Town Council and Planning and Zoning Commission, and, as necessary, attend meetings of these and other organizations and agencies.

(Prior Code, Ch. 4, Art. I, § 4-10) (Ord. 432-06, passed 6-19-2006) (Ord. ~~XXX-XX~~, passed ~~X-X-201X~~)

#### **150.012 Technical Advisory Committee**

- I. *Creation and composition.* The Technical Advisory Committee (hereinafter “Committee”) is created which shall consist of a maximum of nine members, which may include the Town Manager, Community Development Director, Building Official, Town Engineer, Senior Planner, Economic Development Director, Fire Chief, Police Chief and the Public Works Director or designees.
- II. *Conflict.* When any Committee member has direct pecuniary or proprietary interest in any matter before the Committee, the member shall be excused and refrain from participating in voting on any matters over which the conflict occurs while being considered by the Committee.
- III. *Meetings.* Meetings shall be at the call of the Community Development Director, or designee, or on an as-needed basis. Minutes showing the actions of the Committee shall be compiled, distributed to Committee members and a copy shall be kept in the Planning and Zoning Department. The Community Development Director, or designee, shall serve as Chairperson to the Committee and a person designated by the Community Development Director shall serve as Secretary.
- IV. *Intent.* The Committee review of development plans and proposals is intended to provide guidance and direction to a prospective applicant, developer or builder in order to achieve site development that conforms with the town's general plan, Town Code and regulations and its goals for quality development in the community. Technical review is intended to promote safe, attractive, harmonious and compatible development within the town and is, therefore, considered to be in the interest of the public health, safety and general welfare. Complete submittal requirements for technical review are outlined for the various applications and procedures referenced throughout this Development Code. Additional information and exhibits may be required to explain the full scope and impacts of a proposal. Additional information and exceptions to the minimum submittal requirements are subject to the discretion of the Community Development Director.
- V. *Powers, duties and jurisdiction.* The Committee shall have power to recommend, conditionally recommend or deny any application, not in compliance with this Development Code. The applicant shall be responsible for proving that the intent and purpose of this Development Code and other applicable provisions of the Town Code will be satisfied.
  - (A) The Committee, upon hearing an application, may impose reasonable conditions to carry out the intent of this Development Code. Violation of any of these conditions shall be considered a violation of this Development Code, and shall render any permit null and void.

(B) Prior to development, construction, remodel, change or alteration of any project subject to technical review, the property owner or designated agent shall secure written approval from the Community Development Director or designee. Technical review is required for design review applications, multi-family projects, manufactured home subdivisions, recreational vehicle parks, commercial and industrial developments, public facilities, public and private utilities and other uses identified in zoning districts as required by this Development Code

VI. *Review.* The Committee shall review and comment on all residential, commercial or industrial developments which contain four or more dwelling units, businesses or buildings but which do not constitute a subdivision.

[DB5](Prior Code, Ch. 4, Art. I, § 4-11) (Ord. 432-06, passed 6-19-2006) |

**150.013 [DB6] Pre-Application Conference [DB7]**

The pre-application conference stage of the planning approval process is an exploratory period preceding actual preparation of detailed development plans by the applicant. During this time, applicants, developers and builders make their intentions known informally to the town, are advised of specific public objectives related to the proposed development and are given detailed information regarding approval procedures and requirements. At a minimum, the applicant shall submit a site plan (or floor plan for tenant improvements), building elevations, and proposed uses to sufficiently convey the scope of the applicant's intentions for the subject property. |

(A) [DB8][DB9]

(B) . [DB10] |

(C) [DB11] |

(D) [DB12] |

(E) [DB13]

(Prior Code, Ch. 4, Art. I, § 4-12) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

**150.014 Design Review [DB14]**

- I. The purpose of design review is to:
  - (A) Promote development consistent with the town's codes, policies, guidelines, zoning regulations and overall goals and vision per the town's general plan;
  - (B) Ensure that development is compatible and in character with the surrounding area;
  - (C) Provide an opportunity to address site plan, architectural, engineering and other development issues at a preliminary level, as requested by the Technical Advisory Committee, to facilitate the subsequent preparation of construction plans, and to assist in expediting permitting and development activities; and
  - (D) Allow an opportunity to review the aesthetic and functional aspects of a proposed development or project.
- II. Projects within planned unit developments, including single-family homes; multiple-family developments, including condominiums and townhomes; office; commercial; mixed-use; institutional; and industrial projects, are subject to the design review process if any one of the following requirements is met:

- (A) Project or development includes new or modified vertical (above grade) development or construction components, including permanent signs, that require a building permit, except as noted in divisions (C) and (D) below; and/or
- (B) Project includes new or modified horizontal project components, such as parking areas, driveways, circulation areas, landscape areas, outdoor storage areas, retention basins, parks and/or similar site elements, except as noted in divisions (C) and (D) below.
- III. Grading plans, civil improvement plans, underground utility installations and similar projects, as may be determined by the Community Development Director, are exempt from the design review process.
- IV. Interior remodels or tenant improvements that do not alter the exterior dimensions or physical appearance [DB15] of a structure and/or the historical integrity of a structure within the town's historic district, are exempt from the design review process.
- V. Applications for design review shall be submitted to the Planning Department and shall contain, where applicable:
  - (A) Completed design review application forms and fee;
  - (B) An accurate site plan on a minimum 18-inch by 24-inch sheet (or other as determined by the Community Development Director) drawn at an appropriate scale showing the boundaries and dimensions of the site, acreage of the site, a north arrow, existing zoning of the site and contiguous property, dimensions and center-lines of all streets, dimensions of all alleys and easements bounding or touching the site, dimensions from all street center lines to existing curb, gutter, sidewalk, water lines, sewer lines and irrigation lines, location, dimensions, direction and bearing of any major physical features such as railroads or drainage ways and existing topographic contours at intervals of not more than two feet [DB16];
  - (C) Parcel data, including parcel number and/or legal description; lot dimensions; setbacks; floor area ratio; building heights; lot coverage; and other relevant data as applicable to the proposed development. Calculations shall be tabulated on the map for storm water retention, parking spaces, number of dwelling units, compute density of dwelling units as provided in the town general plan, area of open space, building floor area by category of use and percentage and area of coverage of the site.; [DB17]
  - (D) Building elevations;
  - (E) Proposed location of open space and recreational facilities on the site, location and type of landscaping, location and height of screen walls and, location and specifications for any other proposed features of development contributing to the use of the site and to the compatibility of the proposed development with the surrounding area; [DB18]
  - (F) Preliminary grading and drainage plan for site and development context showing all proposed public dedications, if any, within the site. Site plan shall also include the proposed location, proposed grading and drainag, dimensions and use of all buildings, structures and signs to be located on the site [DB19];
  - (G) Materials and colors exhibits;
  - (H) Signage plan;
  - (I) Location, quantity and typical stall dimensions of off-street parking and loading facilities, points of ingress to and egress from the site, including width of curb cuts, water, sewer, electric, gas and other public and private utility line sizes and locations, internal

circulation, refuse collection areas, fire lanes and fire hydrants, off-site improvements and street lighting<sup>[DB20]</sup>; and

- (J) Other ancillary documentation required to complete the review as supported by applicable town code and guidelines.
- VI. Town staff shall review the design review application for the following:
- (A) The proposed development complies with all provisions of this Development Code and all other ordinances, master plans, general plans, guidelines, goals, objectives and standards of the town;
  - (B) Building heights, building locations, access points and parking areas of the proposed development will not negatively impact adjacent properties or the surrounding neighborhood;
  - (C) The proposed development promotes a functional relationship of structures to one another, to open spaces and to topography, both on the site and in the surrounding neighborhood;
  - (D) The height, location, materials, color, texture, area, setbacks and mass, as well as parts of any structure (buildings, walls, signs and lighting) and landscaping is appropriate to the development, the neighborhood and the community;
  - (E) Ingress, egress, internal and external traffic circulation, off-street parking facilities, loading and service areas, and pedestrian ways are designed as to promote safety and convenience;
  - (F) The architectural character of the proposed structure is in harmony with, and compatible to, structures in the neighboring environment and the architectural character desired for the town; avoiding excessive variety or monotonous repetition; and
  - (G) All mechanical equipment, appurtenances and utility lines are concealed from view and integral to the building and site design.
- VII. Town staff will review the design review application materials and will determine whether the design review application shall be reviewed by town staff or forwarded to the Planning and Zoning Commission.
- VIII. Design review applications reviewed by town staff shall include applications for:
- (A) Standard architectural plans for single-family, two family, and three-family attached production homes, attached signs, except where required by the planned unit development or comprehensive sign plan or within the historic district;
  - (B) Landscaping, parks and recreational fields, except for commercial recreational facilities; and/or
  - (C) Projects on less than one acre and/or involving less than 10,000 square feet of floor/building area, except for projects within the historic district.
- IX. Design review applications can be approved, approved with conditions, or denied. Design review decisions rendered by town staff can be appealed within 15 days to the Planning and Zoning Commission.
- X. Design review applications that are ineligible for staff review or staff reviewed design review decisions subject to appeal shall be forwarded for consideration and recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission shall hear the application at a scheduled meeting, shall review the findings of staff, and shall either:

- (A) Approve the application;
  - (B) Deny the application; or
  - (C) Approve the application with conditions.
- XI. If the application is found to be lacking, or in noncompliance with any of the items of this Development Code, and adequate resolution cannot be ensured by the applicant, the application shall be denied, and the applicant shall be provided a written response by the Planning Department, stating the reasons for denial. The applicant may appeal the Planning and Zoning Commission's decision to the Council within 15 days of the decision. The appeal letter shall describe the unresolved issues and describe what design solutions are proposed by the applicant. The applicant shall be notified of the date of the Town Council meeting to consider the appeal a minimum of 15 days prior to the public meeting. The decision of the Town Council shall be final.

(Prior Code, Ch. 4, Art. V, § 4-461) (Ord. 432-06, passed 6-19-2006; Ord. 605-13, passed 2-3-2014)  
(Ord. XXX-XX, passed X-X-201X)

**150.015 Zone changes; amendments**

- I. *Intent.* Regulations set forth in this Development Code and boundaries of zoning districts established by the town may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the town.
- II. *Review.* Upon receipt of an application for an amendment, including requests for use permits and special use permits, the Community Development Director or designee, shall review the application for completeness and applicability to this Development Code and the general plan, comment on the proposal and shall adhere to the posting and publication requirements required by state law, including compliance with the citizen review process provided in § 150.021, prior to the public hearing before the Planning and Zoning Commission. Requests for amendments shall be considered by the Planning and Zoning Commission for the purpose of making a written recommendation, which shall, after holding a public hearing at which parties of interest and citizens have been heard, include the reasons for the recommendations to the Mayor and Council.
  - (A) The Town Council may adopt the recommendation of the Commission without holding a second public hearing if there is no objection, request for public hearing or other protest.
  - (B) The Town Council shall hold a public hearing if requested in writing by the applicant, or by any person appearing in opposition at the Commission hearing, or by any person who has filed a written protest, in accordance with state law.
  - (C) If an application for amendment is denied by Council, or the application is withdrawn after Commission hearing, the Commission shall not consider an application for the same amendment within one year from the date of the original hearing.
- III. *Adoption.* Adoption of an amendment may be subject to the conditions as the Council deems applicable to enforce this Development Code. If one condition is a schedule for development of specific uses for which zoning is requested, and at expiration of that period the property has not been developed according to the schedule, it may be reverted to its former zoning classification by the Town Council.

- IV. *Application.* An application for an amendment shall be filed and signed by:
- (A) The owner of the property;
  - (B) One or more of several joint owners of property whose ownership constitutes a majority interest in the property;
  - (C) Seventy-five percent or more of the owners of property in the area to be affected, when the application affects more than one property; or
  - (D) An agent of any property owner(s) authorized to sign as above, when the authority of the agent is in writing and filed with the application.
- V. *Protests.* [DB21] If the owners of 20% or more of the property by area and number of lots, tracts and condominium units within the Zoning Area of the affected property file a protest in writing against a proposed ordinance amendment, the amendment shall not become effective except by favorable vote of three-fourths of the Council. If any member of the Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council). For the purposes of this subsection, the vote shall be rounded to the nearest whole number.
- VI. *Annexation.* Areas, when annexed to the town, shall, until officially zoned by the Council, be considered to be zoned to densities and uses no greater than those permitted by the county immediately prior to the annexation.

(Prior Code, Ch. 4, Art. I, § 4-13) (Ord. 432-06, passed 6-19-2006) |

**150.016** [DB22] **Conditional Use Permits**

- I. *Purpose.* Because there are some uses, which may be beneficial to have within certain zones, and because these uses may not be completely compatible with adjoining or nearby permitted uses if not specifically controlled, this division permits these uses after certain conditions have been met. The process outlined here will allow the Planning and Zoning Commission and Council to review and approve or disapprove applications for these uses. It will also allow for the modification of an application, if desired, to make it more harmonious and compatible with adjoining and/or nearby uses.
- II. *Permitted uses.* Only those uses listed in the conditional use section of each zone, or as otherwise specified in this Development Code, shall be permitted under the process provided for by this division.
- III. *Application.* Application for a conditional use permit shall be made by a property owner or authorized agent upon forms provided by the municipality. All information requested on the application form must be completed before the application will be processed.
- IV. *Public hearing.* After receipt of a completed application form under this division, including filing fee and list of property owners within 300 feet of the property, items shall be placed on the Planning and Zoning Commission's agenda for public hearing within 60 days after receipt of the application.
- V. *Notice.* Notice of the public hearing before the Planning and Zoning Commission shall be given in the manner established in § 150.015. In proceedings that are not initiated by the property owner, notice of the public hearing shall also be mailed to the owners of property within 300 feet of the subject property. This mailing shall occur at least 15 days prior to the public hearing.

- VI. *Action by Commission.* Within 35 days of the public hearing under this division, the Planning and Zoning Commission shall recommend approval, approval with conditions or disapproval of the application. Notice of the recommendation shall be sent to the Council and the applicant.
- VII. *Review.* In reviewing an application for a conditional use permit, the Planning and Zoning Commission shall consider:
- (A) The site of the proposed use and the surrounding land uses;
  - (B) Access to the site; and
  - (C) The impact on adjoining and surrounding property if the application is approved.
- VIII. *Conditions.* In making its recommendation, the Planning and Zoning Commission may include conditions which are deemed necessary to protect the public health, safety and general welfare. These conditions may include, but are not limited to:
- (A) Regulation of use;
  - (B) Special yard requirements;
  - (C) Special buffers, fences or walls;
  - (D) Special parking areas;
  - (E) Street dedications and/or improvements or appropriate bonds;
  - (F) Regulation of access points;
  - (G) Sign restrictions;
  - (H) Required maintenance of yard;
  - (I) Regulations of odors, noise, light or other special environmental factors;
  - (J) Restrictions of hours of activity;
  - (K) Duration of use;
  - (L) Completion of development; and
  - (M) Other conditions which will make the proposed use more compatible and harmonious with the surrounding land uses. In no case, however, shall these conditions be less restrictive than those found in the existing zoning classification.
- IX. *General requirements.* In addition to any of the above special conditions, the Planning and Zoning Commission and Council shall impose the following general requirements on every conditional use permit which is granted:
- (A) No conditional use approval shall be final until all conditions imposed have been met;
  - (B) All of the special conditions shall constitute restrictions which run with the land and which shall be binding upon the owner of the land, successors or assigns;
  - (C) The special conditions imposed by the Planning and Zoning Commission and/or Council shall be consented to in writing by the applicant prior to issuance of a conditional use permit; and
  - (D) The resolution of the Council granting the application together with all consent forms shall be recorded by the Recorder of the county.
- X. *Action by Council.* Upon receipt of a recommendation under this division from the Planning and Zoning Commission, the Council shall approve, approve with conditions or deny the application. Before acting on the application, the Council may hold a public hearing on the application. If it does, notice of the hearing will be in compliance with § 150.015. If it does or does not hold a public hearing, the Council will approve, approve with conditions or

disapprove the application within 30 days of receiving a recommendation from the Planning and Zoning Commission.

- XI. *Protests.* If written protests are received to an application filed under this Development Code, the regulations of § 150.015(V.) shall apply.
- XII. *Revocation.* The Council, acting on the recommendation of the Planning and Zoning Commission or on its own, may revoke any conditional use permit for noncompliance with any of the conditions set forth in the resolution granting the permit. This revocation shall occur by resolution of the Council after a public hearing, notice for which shall be in accordance with § 150.015. Written notice of the possibility of revocation shall be mailed to the applicant or successor not less than 30 days prior to the Council meeting at which the issue will be discussed. The revocation of a conditional use permit shall have the effect of denying all rights and privileges granted by the approval of the conditional use permit.
- XIII. *Time limit.* If an established time limit for development expires or if a time limit for the duration of the carrying on of the conditional use has been established as a of the condition of approval, the permission for the use shall be considered to be revoked upon the date of expiration without any notification to the applicant or successor.
- XIV. *Alteration of structures.* Any proposed changes, either additions, enlargements or modifications of the structures approved in any conditional use permit or any proposed extension of the uses into areas approved in any permit shall follow the same process as outlined in this division. No building permit for any change shall be issued unless the Council has approved the change.

(Prior Code, Ch. 4, Art. I, § 4-14) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

#### **150.017 Exceptions and modifications**

Regulations specified in this Development Code shall be subject to the following exceptions, modifications and interpretations:

- I. *Extension of time.* Under special conditions, the Council may grant extensions of time unless otherwise set forth in this Development Code.
- II. *Use of existing lots of record.* In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record that existed on the effective date of this Development Code, which does not meet area and/or width requirements of this Development Code.
- III. *Structures permitted above the height limit.* Building height limitations of this Development Code may be modified as follows: public, semi-public or public service buildings, sanitariums, schools, churches and temples, when permitted in a district, may have the applicable height limit waived by the Town Council, provided that each setback is increased one foot for each foot of additional building height above the height limit otherwise provided in that district.
- IV. *Area requirements.* In any residential district where neither the public water supply nor public sanitary sewer is accessible, lot area and frontage requirements shall be consistent with county or state health requirements and meet the minimum requirements of the zone district in which it is located.

- V. *Other exceptions to yard requirements.* Every part of a required yard shall be open to the sky, unobstructed by any structure, except for permitted accessory buildings, and except for ordinary projections of sills, bay windows, cornices and other features permitted elsewhere in this Development Code.
- VI. *Mixed-use yard requirements.* When buildings are erected containing two or more uses housed vertically, required side yards for the first floor use shall control.

(Prior Code, Ch. 4, Art. I, § 4-15) (Ord. 432-06, passed 6-19-2006)

**150.018 Building Permits and Certificates of Occupancy**

Neither building permits nor certificates of occupancy may be issued until the use of building(s) and land conforms with this Development Code and all other applicable codes and ordinances.

(Prior Code, Ch. 4, Art. I, § 4-17) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

**150.019 [DB23] Nonconforming use [DB24]**

**150.020 Enlargement of building or land; destruction [DB25]**

- I. Enlargement, extension, reconstruction or structural alteration of building or land. No existing building or land designed, arranged or intended for or devoted to a use not permitted under the regulations of this Development Code for the district in which the building or land is located shall be enlarged, extended, reconstructed or structurally altered unless the building and the enlargement, extension, reconstruction and structural alterations, and further use hereof, conform in every respect with the regulations specified by this Development Code for the district in which the building or land is located, provided nothing herein shall prohibit any reasonable repairs or alterations in a building or land used for the existing purposes.
- II. Destruction of building or land. If at any time any building or land in existence or maintained on July 19, 2006, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, during modification, remodeling, renovation or acts of God or acts of the public enemy to the extent of 50% of its value as determined by three competent appraisers, then and without further action by the Council, the building and the land on which the building was located or maintained shall from and after the date of the destruction be subject to all the regulations specified by this Development Code for the district in which the land and building are located.

(Prior Code, Ch. 4, Art. IV, § 4-92) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

[DB26] (Prior Code, Ch. 4, Art. I, § 4-18) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

**150.021 Citizen Review Process [DB27]**

- I. *Neighborhood meeting.* Prior to any public hearing, as required under § 150.015 [DB28], on any application for any zoning ordinance that changes any property from one zoning district to another, a use or conditional [DB29] special-use permit application that imposes any regulation not previously imposed, or that removes or modifies any regulation previously imposed, the Community Development Director or designee, shall require the applicant to conduct a

- neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be mailed to all adjacent landowners of the property that is subject to a re-zoning, use or special use permit application and to the other persons as the Community Development Director or designee reasonably determines to be other potentially affected citizens. In determining the number of potentially affected citizens, the Community Development Director or designee, shall review the density and intensity of residential development in the general vicinity, the existing street system and other factors that may be related to the zoning or use permit's impact on the character of the neighborhood.
- II. *Written notice.* The written notice shall also include a general explanation of the substance of the proposed re-zoning, use permit or special use permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning or use permit application.
  - III. *Publication.* At the discretion of the Community Development Director, written notice shall be given at least 15 days before the neighborhood meeting in at least one of the following methods:
    - (A) The notice shall be published once in a newspaper of general circulation published or circulated in the town.
    - (B) The notice shall be posted upon the sign required in § 150.015 [DB30] unless waived by the Community Development Director or designee.
    - (C) The notice shall be mailed in accordance with the same procedures, and delivered in accordance with the provisions of § 150.015 [DB31].
  - IV. *Time, date and location.* The Community Development Director, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or re-zoning ordinance and use permit proposed by the application. The Community Development Director or designee shall attend the meeting, but is not required to conduct the meeting. The Community Development Director or designee shall report the results of the neighborhood meeting to the Planning and Zoning Commission and Mayor and Town Council at the time as they take action on the application.

(Prior Code, Ch. 4, Art. I, § 4-18) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

#### **150.022 Applications and fees [DB32]**

- I. *Applications.* Applications for use permits, appeals, variances, amendments and design review shall be made in the Office of the Community Development Director on forms provided. Applications shall contain the following information supplied by the applicant:
  - (A) *Vicinity ownership map.* Drawn to scale, at least eight and one-half inches by 11 inches, showing all parcels adjacent to and surrounding the property within a radius of 150 feet from exterior boundaries.

- (B) *Ownership lists.* Typed in the form of mailing labels, containing complete names and mailing addresses of owners and parcel designations within a radius of 300 feet of the boundaries of the property.
  - (C) *Plot plan.* Drawn to scale, at least ~~eight and one-half~~ **eighteen** inches by 11 inches by ~~17~~ **24**<sup>[DB33]</sup> inches, or as otherwise required by this Development Code, showing dimensions of the property, name and width of the internal and abutting streets, roads or alleys and existing buildings, fences and easements (with distances to property lines).
  - (D) *Legal description of property.* Either lot or tract of a recorded subdivision, or metes and bounds description prepared by a registered Engineer and licensed land surveyor and map of the same.
  - (E) *Letter of explanation.* Explaining the nature and intent of the proposed development, reasons justifying the request and expected effects upon surrounding neighborhoods and the town at- large.
  - (F) *Additional materials.* Development plans, elevations, maps and other materials may be required (in accordance with other stipulations of this Development Code).
- II. *Fees.* Fees for all matters pertinent to the administration of this Development Code will be set from time to time by resolution of the Town Council, including but not limited to the following:
- (A) General plan amendment;
  - (B) Request for re-zoning or special use;
  - (C) Code text amendment;
  - (D) Design review;
  - (E) Appeal of site plan decision to Town Council;
  - (F) Amendment to an approved site plan;
  - (G) Use permit;
  - (H) Variance;
  - (I) Code interpretation;
  - (J) Extension of re-zoning, special use, use permit or variance;
  - (K) Continuance of application hearing at applicant's request;
  - (L) Landscape plans review;
  - (M) Landscape inspection fee;
  - (N) Right-of-way and easement abandonment fee; and
  - (O) Annexation initiated by land owner.
- III. *Refunds.* Application fees shall not be refundable.

(Prior Code, Ch. 4, Art. I, § 4-16) (Ord. 432-06, passed 6-19-2006) (Ord. **XXX-XX**, passed **X-X-201X**)