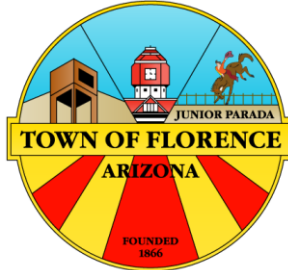


# **TOWN OF FLORENCE PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA**

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 September 5, 2019**

**6:00 PM**

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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, September 5, 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 regular meetings conducted on July 22, 2019.

**5. OLD BUSINESS**

**A. Reintroduction and Discussion of the Development Code Reorganization and Schedule and Draft Temporary Use Permit Code**

**6. PRESENTATIONS**

**A. Redevelopment Plan Update**

**B. General Plan Update**

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

- i. Design Review for new Pinal County Attorney Building
- ii. Design Review for new Pinal County Community Development Building
- iii. Conditional Use Permit for Desert Rock Church
- iv. Preliminary Plats for Merrill Ranch
- v. Preliminary Plat for Mesquite Trails

Planning and Zoning Commission  
Regular Meeting Agenda  
September 5, 2019  
Page 1 of 2

## **7. 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.

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

## **9. ADJOURNMENT**

**POSTED ON AUGUST 30, 2019 BY MARIA HERNANDEZ, DEPUTY TOWN CLERK, AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA, AND AT [WWW.FLORENCEAZ.GOV](http://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**

**REGULAR MEETING MINUTES**

**MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF FLORENCE  
REGULAR MEETING HELD ON THURSDAY, JULY 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:**

Chairman Pranzo	Present
Vice-Chair Frost	Absent
Commissioner Smidt	Present
Commissioner Simmonds	Present
Commissioner Proulx	Absent

**3. PLEDGE OF ALLEGIANCE**

**4. DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the regular meetings  
conducted on June 6, 2019 and June 20, 2019.**

On a motion by Commissioner Smidt, seconded by Commissioner Simmonds, and carried by a 3-0 vote, to approve the regular meeting minutes from June 6, 2019.

On a motion by Chairman Pranzo, seconded by Commissioner Smidt, and carried by a 3-0 vote, to approve the regular meeting minutes of June 20, 2019.

**5. PUBLIC HEARINGS**

**A. PZ-19-18 / Development Code §150.071: Florence Gardens Units A-F Overlay**

Florence Gardens Manufactured Home Association (FGMHA) has requested to increase the front yard fence height from three feet to four feet and to allow up to 18-foot-high for golf course screen/protection fences to protect property from golf balls from the Three Parks Fairways golf course. The Planning and Zoning Commission may recommend Approval/Approval with Conditions/Denial of the request.

Community Development Director Harmer introduced Emily Webster representing Florence Gardens Manufactured Home Association (FGMHA). Ms. Webster presented a Power Point that described the history of FGMHA, and the situation related to the front yard and golf ball protection fence heights for individual properties. Ms. Webster explained that Florence Gardens was founded 48 years ago and has 1300 lots with 830 homes with more homes expected in the future.

The typical 3' front yard decorative walls/fences are found throughout Florence Gardens. Over time, several 4' tall fences were installed by owners to contain their dogs on their property. The current Town code allows for only a 3' fence. The overlay would allow the existing 4' fence to remain.

Ms. Webster continued by describing the situation regarding the taller golf course screen fences. She was surprised to learn that the Town's codes did not allow for this type of screen fence to protect private homes from errant golf balls. She clarified that the golf course is owned by a separate entity from Florence Gardens. In 2017, the FGMHA required that a Town permit be acquired before any additional fences were erected. That is when it became evident that the existing fences had no permits and, therefore, no engineering design. The FGMHA and the Town entered into discussions to rectify this situation. She concluded by stating that the FGMHA supports the proposed only as presented.

Mr. Harmer continued the presentation by stating that the Town was contacted in 2018 and was pleased with the opportunity to work with FHMHA to find a mutually beneficial solution to their issues. An overlay specifically for Florence Gardens was deemed the simplest solution without having to amend the entire Manufactured Home Subdivision section of the Development Code. Mr. Harmer proceeded to describe the details of the proposed overlay. He also noted that appropriate notifications and public meetings have been held.

Commissioner Smidt and Chairman Pranzo posed several questions that were addressed by Ms. Webster and Mr. Harmer. These centered around the responsibility for the fence heights. Ms. Webster responded that the FGMHA wished to 'grandfather' the existing 4' fences and retain the ability to approve/deny any future ones. Regarding the golf course protection fences, the location would be on the private lots unless the owners of the golf course were to install, or give permission for the private home to install, on the golf course property. Chairman Pranzo expressed concern that a golf course was allowed to build without providing protection to the adjacent homeowners. Ms. Webster indicated the golf course was probably built in the 1980's and that there was not oversight as to private property protection. Chairman Pranzo stated that in the future, the Town should be aware of a golf course development's responsibility to protect the private homeowner.

**On motion by Commissioner Smidt, seconded by Commissioner Simmonds and carried by a 3-0 vote, to recommend approval of PZ-19-18 to the Town Council.**

## **6. PRESENTATIONS**

### **A. Future Agenda Items/Information Only**

Mr. Harmer stated there were no pending items for the Commission to review at this time for the August 1, 2019 agenda. Staff will wait until the end next week before cancelling.

## **7. CALL TO THE PUBLIC/COMMISSION RESPONSE**

There were no comments.

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

There were no comments.

## **9. ADJOURNMENT**

**On motion by Commissioner Smidt, seconded by Commissioner Simmonds, and carried by a 3-0 vote, to adjourn the meeting at approximately 6:28 pm.**

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Gary Pranzo, Chairman

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Date



## Planning and Zoning Commission Staff Report

September 5, 2019  
Agenda Item (5A)

**Project Name:** Draft Development Code Reorganization

**Prepared By:** Dana Burkhardt  
Planning Consultant

**Reviewed By:** Larry Harmer  
Community Development Director

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### **APPLICANT:**

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

### **OVERVIEW:**

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 minimal regulatory changes unless necessary to comply with statute.

Earlier this year, the Planning and Zoning Commission kicked-off the Development Code reorganization project with the introduction of Module 1 draft – Administration and Procedures and the draft Table of Contents (TOC). Since that time, staff has reevaluated this process and determined the best method to move forward is to draft, review, and process each of the four proposed modules independently.

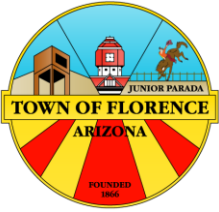
The current draft of Module 1 – Administration and Procedures & TOC (attached) was introduced to the Planning and Zoning Commission on May 16, 2019. This first draft has been available for public review on the Town's Community Development webpage. Upon further discussion with city staff, it was determined that a Temporary Use Permit (TUP) procedure should be included in Module 1. Therefore, a draft TUP process is attached as a separate exhibit for the Commission's review and consideration. This first draft of Module 1 and TUP will be presented to the Planning & Zoning Commission, Town Council, HDAC, and the citizens and stakeholders of Florence as part of this code revision process. Module 1, TOC, and TUP drafts are tentatively scheduled for introduction, review, and discussion as follows:

- |  |          |
|--|----------|
| 1. P&Z Follow up – Process Overview; Reintroduce Mod 1 & TOC | 9/05/19  |
| 2. P&Z – TOC, TUP & Mod 1 Comments                           | 9/19/19  |
| 3. HDAC – TOC, TUP & Mod. 1 Comments                         | 9/25/19  |
| 4. Neighborhood Meeting/Open House (Module 1)                | 9/26/19  |
| 5. Town Council Briefing – Process Overview; Intro to TOC    | 10/07/19 |
| 6. Joint P&Z and Town Council Work session                   | 10/21/19 |
| 7. 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 September 5 Planning and Zoning Commission Meeting.

#### **ATTACHMENTS:**

Table of Contents Proposed Restructure v1  
 Module 1 Administrative Procedures v1  
 Temporary Use Permit Process v1 (New)



# Town of Florence Development Code

## Reorganization

Table of Contents

Proposed Restructuring

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





## 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 ~~Regulations~~-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 (700 Series)

Section 150.800 Technical Codes

**Commented [DB1]:** Move to Town Code

**Commented [DB2]:** Move to Town Code

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

~~Chapter 152: Medical Marijuana~~

**Commented [DB3]:** Move to Series 300 – District Use Regulations

*New Alphanumeric 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 Historic District Advisory Commission
- 150.009 Board of Adjustment; appeals
- 150.~~009~~–010 Variances
- 150.~~010~~–011 Administrative staff
- 150.~~011~~–012 Technical Advisory Committee
- 150.013 Pre-Application Conference
- 150.012 Site plan: Application, content and review
- 150.~~013~~–014 Design review
- 150.~~014~~–015 Zone changes; amendments
- 150.~~015~~–016 Conditional Use Permits
- 150.~~016~~–017 Exceptions and modifications
- ~~150.017 Applications and fees~~
- 150.018 Building permits and Certificates of Occupancy
- 150.019 Nonconforming use
- 150.020 Enlargement of building or land; destruction
- 150.~~019~~–021 Citizen review process
- 150.017~~22~~ Applications and fees

Definitions

**Commented [DB4]:** Codifying this procedure as practiced by the Com Dev Dept. It is currently codified as a procedure in the Subdivision Ordinance

**Commented [DB5]:** Site Plan review consolidated within elements of Design Review, immediately following.

**Commented [DB6]:** Moved to end of section

**Commented [DB7]:** Moved here from "Regulations Section 150.080 and .081"

**Commented [DB8]:** Moved from above

Section 150.100 Definitions (100 Series)

150.~~030~~–~~101~~ Terms and words

150.~~031~~–~~102~~ Defined words

*~~Zoning Districts~~*

Section 150.200 Zoning Districts (200 Series)

150.~~045~~–~~201~~ Districts

150.~~046~~–~~202~~ District boundaries

~~150.047– District use regulations tables~~

150.~~048~~–~~203~~ Rural Agricultural (RA-10)

150.~~049~~–~~204~~ Rural Agricultural (RA-4)

150.~~050~~–~~205~~ Single-Residential Ranchette (R1-R)

150.~~051~~–~~206~~ Rural Residential Equestrian Subdivision (RRES)

~~150.052–207 Single-Family Residential (R1-18)~~

~~150.053–208 Single-Family Residential (R1-6)~~

150.~~054~~–~~209~~ Neighborhood Multi-Family (R-2)

150.~~055~~–~~210~~ Multiple-Family Residential (MFR)

150.~~056~~–~~211~~ Manufactured Home Subdivision (MHS)

150.~~057~~–~~212~~ Neighborhood Business (B-1)

150.~~058~~–~~213~~ Neighborhood Office (NO)

150.~~059~~–~~214~~ Downtown Commercial (DC)

150.~~060~~–~~215~~ Highway Business Commercial (B-2)

150.~~061~~–~~216~~ Tourist Commercial (TRC)

150.~~062~~–~~217~~ Professional Office (PO)

150.~~063~~–~~218~~ Public/Institutional (P/I)

150.~~064~~–~~219~~ Light Industrial (LI)

150.~~065~~–~~220~~ Heavy Industrial (HI)

150.~~066~~–~~221~~ Overlay Districts; Historic District

150.~~067~~–~~222~~ Parking Overlay District (P-1)

150.~~068~~–~~223~~ Recreational Vehicle Parks and/or Subdivisions

**Commented [DB9]:** Moving to 150.300. The existing table is the latest and prevailing list of uses. All listed uses under the various zoning districts will be removed and refer to this table.

**Commented [DB10]:** Consider inserting an R1-9 or R1-10 to give staff room to encourage a larger lot and product than the R1-6

~~150.069–224~~ Planned Unit Development (PUD)

~~150.070–225~~ Territory Square (TS)

*Regulations*

*Part 1. General Provisions*

Section 150.300 District Use Regulations (300 Series)

150.301 District Use Regulations Tables

150.302-330 All Conditional / Temporary Uses and special conditions

150.331 Wireless Communications Facilities

150.332 Medical Marijuana

**Commented [DB11]:** Moved from above 150.047. This will include the table of all use classifications for all districts, all supplemental use regulations, such as temporary and conditional uses, wireless facilities, medical mar. code, etc.

Section 150.400 Regulations-Site Improvement Standards (400 Series)

150.080 Nonconforming use

150.081 Enlargement of building or land; destruction

150.082 Abandoned or junked vehicles

**Commented [DB12]:** Move Nonconforming Use regs to Administration Procedures above

**Commented [DB13]:** Find new location for abandoned vehicles, this code is mostly definitions. Consider relocating provisions to the Definitions and Parking Code

*Part 8. Additional Height and Area Regulations and Expectations*

~~150.168 Height~~

~~150.169 Sight triangle~~

~~150.170 Exception to height restrictions~~

~~150.171 Structures near airplane runway or landing strip~~

~~150.172 Exception to minimum property size, lot size and lot width requirements~~

~~150.173 Adjustment of front yard requirements in all zoning districts~~

~~150.174 Accessory buildings~~

~~150.175 Projections into required yards~~

~~150.176 Access~~

~~150.177 Maintenance of common areas~~

~~150.178 Required screening~~

~~150.179 Special uses~~

150.401 Additional Height and Area Regulations and Expectations

**Commented [DB14]:** Moved from existing Part 8. This existing section appears to be a random catch all. The codes could be broken out and placed with like/related subject matter

*Part 4. Landscape Standards*

- ~~150.131 Standards~~
- ~~150.132 General applicability~~
- ~~150.133 Building and occupancy permits~~
- ~~150.134 Appropriate use of landscaping~~
- ~~150.135 Maintenance~~
- ~~150.136 Compliance~~
- ~~150.137 Maintenance by Town~~
- ~~150.138 Landscape plan and design standards~~
- ~~150.139 Design criteria pertaining to specific districts or uses~~
- ~~150.140 Planting specifications~~
- ~~150.141 Approval by Planning Director~~
- ~~150.142 Landscaped areas~~
- ~~150.143 Enforcement~~
- ~~150.144 Alternate materials~~
- ~~150.145 Inspection and approval~~
- ~~150.146 Residential landscape design standards~~

#### 150.402 Landscape Standards

##### *Part 5. Walls and Fences*

- ~~150.147 General applicability~~
- ~~150.148 Placement regulations~~
- ~~150.149 Design, construction, maintenance and development standards~~
- ~~150.150 Barbed wire and electric fences~~

#### 150.403 Walls and Fences

##### *Part 6. Swimming Pools*

- ~~150.151 General applicability~~
- ~~150.152 Location~~
- ~~150.153 Enclosures and gates~~
- ~~150.154 Exceptions~~
- ~~150.155 Permit, inspection and maintenance~~

**Commented [DB15]:** Consolidated to 150.042 – Landscape Standards

**Commented [DB16]:** Consolidated to 150.403 – Walls and Fences

**Commented [DB17]:** Consolidated to 150.404 – Swimming Pools

#### 150.404 Swimming Pools

##### ~~Part 7. Parking; Loading and Unloading~~

- ~~150.156~~ Parking areas
- ~~150.157~~ Parking standards pertaining to all districts
- ~~150.158~~ General requirements for all spaces
- ~~150.159~~ Parking standards for nonresidential or mixed uses
- ~~150.160~~ Parking standards for residential uses
- ~~150.161~~ Parking standards; calculations
- ~~150.162~~ Alternative design standards
- ~~150.163~~ Parking space allocation requirements
- ~~150.164~~ Off site loading
- ~~150.165~~ Standards for off street loading facilities
- ~~150.166~~ Improvement standards
- ~~150.167~~ Compliance

#### 150.405 Parking; Loading and Unloading

##### ~~Part 2. Outdoor Lighting Control~~

- ~~150.083~~ Intent
- ~~150.084~~ Conformance with applicable codes
- ~~150.085~~ Approved material and methods of installation
- ~~150.086~~ Permanent exemptions; nonconforming fixtures
- ~~150.087~~ Request for temporary exemptions
- ~~150.088~~ Appeal for temporary exemption
- ~~150.089~~ Procedures for code compliance
- ~~150.090~~ General requirements
- ~~150.091~~ Prohibitions

#### 150.406 Outdoor Lighting Control

##### ~~Part 3. Sign Regulations~~

- ~~150.092~~ Purpose
- ~~150.093~~ Intent

**Commented [DB18]:** Consolidated to 150.405 – Parking; Loading and Unloading

**Commented [DB19]:** Consolidated to 150.406 – Outdoor Lighting Control

~~150.094 General applicability~~  
~~150.095 Definitions~~  
~~150.096 Location~~  
~~150.097 Maintenance~~  
~~150.098 Source of illumination; supports~~  
~~150.099 Planned Unit Development~~  
~~150.100 Compliance~~  
~~150.101 Sign area~~  
~~150.102 Sign height~~  
~~150.103 Permitted permanent signs~~  
~~150.104 Total signage~~  
~~150.105 Reader panel signs~~  
~~150.106 Commercial districts~~  
~~150.107 Wall signage~~  
~~150.108 Freestanding monument signage~~  
~~150.109 Directional signs~~  
~~150.110 Directory signs~~  
~~150.111 Drive-through restaurant menu boards~~  
~~150.112 Window signage~~  
~~150.113 Awning signs~~  
~~150.114 Shingle signs and projecting signs~~  
~~150.115 Parapet signs~~  
~~150.116 Total signage~~  
~~150.117 Reader panel signs~~  
~~150.118 Industrial districts~~  
~~150.119 Temporary signs~~  
~~150.120 Subdivision signs~~  
~~150.121 Planned Unit Development directional signs~~  
~~150.122 Submittal and permit requirements~~

~~150.123 Exceptions; permits not required~~

~~150.124 Excepted signage~~

~~150.125 Prohibited signs~~

~~150.126 Legal nonconforming signs~~

~~150.127 Signs rendered nonconforming~~

~~150.128 Signs for a legal nonconforming use~~

~~150.129 Signs rendered discontinued~~

~~150.130 Unsafe signs~~

**Commented [DB20]:** Consolidated to 150.500 – Sign Regulations

#### Section 150.500 Sign Regulations (500 Series)

150.~~092~~ 501 Purpose, Scope and Authority

150.~~093~~ 502 Applicability

150.~~094~~ 503 Signage Definitions

150.~~095~~ 504 Exemptions

150.~~096~~ 505 Prohibited Commercial Signs

150.~~097~~ 506 Prohibited Sign Locations

150.~~098~~ 507 Standards, Limitation and Requirements for All Signs

150.~~099~~ 508 Signs for Employment/Commercial and Mixed Use Districts

150.~~100~~ 509 Signs for Residential Districts

150.~~101~~ 510 Comprehensive Sign Plan Required

150.~~102~~ 511 Submittal and Permit Requirements

150.~~103~~ 512 Exceptions; Permits Not Required

150.~~104~~ 513 Legal Nonconforming Signs

150.~~105~~ 514 Signs Rendered Nonconforming

150.~~106~~ 515 Abandoned Signs

150.~~107~~ 516 Unsafe Signs

150.~~108~~ 517 Enforcement and Penalties

~~150.109 – 130 – Reserved~~

#### Part 9. Wireless Communications Facilities

~~150.180 Purpose~~



~~150.181 Administrative review and approval~~

~~150.182 Required information~~

~~150.183 Design criteria~~

~~150.184 Replacement and/or rebuilding of wireless communications towers~~

**Commented [DB21]:** Moved to Series 300 – District Use Regulations

### Subdivisions

#### ***Part 1. General Provisions***

~~150.200 Purpose~~

~~150.201 Intent~~

~~150.202 Compliance~~

~~150.203 Modifications~~

#### ***Part 2. Platting Procedures***

~~150.204 Subdivision application procedures~~

~~150.205 Outline of procedures~~

##### ***Stage I. Pre-application***

~~150.206 Pre-application conference~~

~~150.207 Actions by developer~~

~~150.208 Actions by the Site Plan Review Committee~~

~~150.209 Notice to proceed~~

~~150.210 Reservation of certain areas~~

**Commented [DB22]:** Site Plan Review Committee is not established or discussed elsewhere in codes. Revise to Technical Advisory Committee established in Administrative section

##### ***Stage II. Preliminary Plat***

~~150.211 Application~~

~~150.212 Procedures and requirements~~

~~150.213 Information required~~

~~150.214 Submittal~~

~~150.215 Guidance for corner lots~~

~~150.216 Easements~~

~~150.217 Basic design requirements~~

~~150.218 Review~~

~~150.219 Approval~~

~~150.220 Significance of preliminary approval~~

~~*Stage III. Technical Review*~~

~~150.222 Submittal~~

~~150.223 Approval~~

~~150.224 Engineering plan and specification submission~~

~~*Stage IV. Final Plat*~~

~~150.225 Scope~~

~~150.226 Preparation~~

~~150.227 Information required~~

~~150.228 Certification~~

~~150.229 Zoning~~

~~150.230 Easements~~

~~150.231 Submittal~~

~~150.232 Review~~

~~150.233 Approval~~

~~150.234 Performance contract~~

~~150.235 Land survey minimum standards~~

~~150.236 Map requirements~~

~~*Part 3. Design Standards*~~

~~150.237 Generally~~

~~150.238 Street location and arrangement~~

~~150.239 Adoption of public works standards, specifications and regulations~~

~~150.240 Block design~~

- ~~150.241 Lot planning~~
- ~~150.242 Easement planning~~
- ~~150.243 Hillside subdivisions~~
- ~~150.244 Special preliminary plat requirements~~
- ~~150.245 Plat processing time~~
- ~~150.246 Landscaping~~

#### ***Part 4. Required Improvements***

- ~~150.248 Purpose~~
- ~~150.249 Improvement districts~~
- ~~150.250 Engineering plans~~
- ~~150.251 Construction and inspection~~
- ~~150.252 Storm drainage~~
- ~~150.253 Sanitary sewage disposal~~
- ~~150.254 Water facilities requirements~~
- ~~150.255 Garbage disposal~~
- ~~150.256 Fire hydrants~~
- ~~150.257 Monuments~~
- ~~150.258 Lot corner~~
- ~~150.259 Street lights~~
- ~~150.260 Utilities, electric and telephone~~
- ~~150.261 Traffic control signs~~
- ~~150.262 Street naming~~
- ~~150.263 As-built drawings~~
- ~~150.264 Planned Unit Developments~~
- ~~150.265 Lot splits not requiring a subdivision~~
- ~~150.266 Minor subdivision~~
- ~~150.267 Special submission conditions for minor subdivisions~~

#### ***Development Impact Fees***

**Commented [DB23]:** Reformatted to 150.600 - Subdivisions

~~150.280 Development impact fees~~

**Commented [DB24]:** Move to Town Code

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)

**Commented [DB25]:** Remove from Development Code and locate in Town code

Section 150.800 Technical Codes

**Commented [DB26]:** Remove from Development Code and locate in Town code

**Chapter 151: Floodplain Regulations**

151.01 National Flood Insurance Program

151.99 Penalty

~~Chapter 152: Medical Marijuana~~

**Commented [DB27]:** Move to 150.300 - Use Classifications and Regulations

~~152.01 Legislative findings and purpose~~

~~152.02 Definitions~~

~~152.03 Conditional use permit and zoning clearance~~

~~152.04 Distance separation requirements~~

~~152.05 Security plan~~

~~152.06 Dispensary hours of operation~~

~~152.07 Additional conditions and standards~~

~~152.08 Supplemental materials~~

~~152.09 Prohibited activities: no non-conforming uses~~

~~152.10 No town liability; indemnification~~

~~152.11 Other laws remain applicable~~



# Town of Florence Development Code

## Reorganization

### Module 1

#### Administration and Procedures

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

*Alphanumeric Format*

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**Section 150.000** (Section Series Heading)

**150.001** (Subsection Heading)

I. (Roman Numeral)

(A) (Capital Alpha)

(1) (Numeral)

a.

i.

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**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.~~008~~–~~009~~ Board of Adjustment; appeals

150.~~009~~–~~010~~ Variances

150.~~010~~–~~011~~ Administrative staff

150.~~011~~–~~012~~ Technical Advisory Committee

150.013 Pre-Application Conference

150.012 Site plan: Application, content and review

150.~~013~~–~~014~~ Design Review

150.~~014~~–~~015~~ Zone changes; amendments

150.~~015~~–~~016~~ Conditional Use Permits

150.~~016~~–~~017~~ Exceptions and modifications

**Commented [DB1]:** Codifying this procedure as practiced by the Com Dev Dept. It is currently codified as a procedure in the Subdivision Ordinance

**Commented [DB2]:** Site Plan review consolidated within elements of Design Review.

~~150.017 Applications and fees~~

150.018 Building permits and Certificates of Occupancy

~~150.019 Nonconforming use~~

~~150.020 Enlargement of building or land; destruction~~

~~150.019-021~~ Citizen review process

~~150.017-22~~ Applications and fees

**Commented [DB3]:** Moved to end of section

**Commented [DB4]:** Moved here from "Regulations Section 150.080 and .081"

## 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. ~~—(A) (1)~~ 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. ~~—(2)~~ 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. ~~-(B)-~~ 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. ~~-(A)-~~ *Enforcement.* The Office of ~~Planning Director~~ Community Development Director shall have the responsibility for enforcement of this Development Code.
- II. ~~-(B)-~~ *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. ~~-(C)-~~ *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. ~~-(A)-~~ Uses lawfully established as of the effective date of this comprehensive amendment, see § 150.019 and 150.020;
- II. ~~-(B)-~~ Analogous uses;
- III. ~~-(C)-~~ Accessory uses customarily incidental to the permitted uses; and
- IV. ~~-(D)-~~ 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. ~~-(A)-~~ *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) ~~—(1)—~~ To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use;
  - (B) ~~—(2)—~~ To prevent the illegal act, conduct, business or use in or about the premises;
  - (C) ~~—(3)—~~ To prevent occupancy of the building, structure or land whether improved or otherwise; and
  - (D) ~~—(4)—~~ To restrain, correct or abate the violation.
- II. ~~(B)~~—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~~ 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)

#### **150.008150.009 Board of Adjustment; appeals**

- I. ~~—(A)—~~ *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. ~~—(B)—~~ *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. ~~—(C)—~~ *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. ~~(D)~~ *Powers and duties.* The Board of Adjustment shall have the power and jurisdiction to hear those matters set forth in this Development Code.

V. ~~(E)~~ *Appeals of administrative decisions.*

(A) ~~(1)~~ 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) ~~(2)~~ 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](#)

**150.009150.010 Variances**

- I. ~~(A)~~ *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) ~~(1)~~ 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) ~~(2)~~ 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. ~~(B)~~ *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. ~~(C)~~ *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. ~~(D)~~ *Findings.* A variance from the provisions of this Development Code shall not be authorized unless the Board shall find upon sufficient evidence:
- (A) ~~—(1)~~ 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) ~~—(2)~~ The special circumstances were not created by the owner or applicant;
  - (C) ~~—(3)~~ 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) ~~—(4)~~ The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
  - (E) ~~—(5)~~ 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. ~~(E)~~ *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. ~~(F)~~ *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)

#### ~~150-010~~150.011 **Administrative staff**

- I. ~~(A)~~ *Creation.* There is hereby created the position of ~~Planning Director~~Community Development Director who shall be hired by the town. The ~~Planning Director~~Community Development Director shall be responsible with enforcement of this Development Code. As used in this Development Code, ~~PLANNING DIRECTOR~~Community Development Director shall include staff authorized by the ~~Planning Director~~Community Development Director.
- II. ~~(B)~~ *Powers and duties.* The ~~Planning Director~~Community Development Director shall perform the following functions:
- (A) ~~—(1)~~ Enforce this Development Code by ensuring that all activities, construction and development within the town are in conformance with the town zoning regulations;

(B) ~~—(2)—~~ 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) ~~—(3)—~~ 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~~)

**150.011150.012 Technical Advisory Committee**

- I. ~~—(A)—~~ *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, ~~Planning Director~~Community Development Director, Building Official, Town Engineer, Senior Planner, Economic Development Director, Fire Chief, Police Chief and the Public Works Director or designees.
- II. ~~—(B)—~~ *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. ~~—(C)—~~ *Meetings.* Meetings shall be at the call of the ~~Planning Director~~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 ~~Planning Director~~Community Development Director, or designee, shall serve as Chairperson to the Committee and a person designated by the ~~Planning Director~~Community Development Director shall serve as Secretary.
- IV. ~~—(D)—~~ *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 ~~in § 150.015(B)~~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. ~~—(E)—~~ *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) ~~—(1)—~~ 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) ~~—(2)—~~ 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 ~~Planning Director~~ 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. ~~—(F)—~~ *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.

VII. ~~—(G)—~~ *Planning Commission review.* Subsequent to the review by the Committee, and prior to submission to the Town Council, all projects requiring technical review shall appear before and present their case to the Planning Commission. The Planning Commission shall forward the case (with its recommendation for approval or denial) and any suggested stipulations and/or changes to the submission to the Town Council for its review.

VIII. ~~—(H)—~~ *Town Council review.* Where required by the provisions of this Development Code, or as stipulated to by a Council action on a zoning amendment or otherwise, applications for technical review shall also be submitted to the Town Council for consideration following the required review by the Committee. When Council review and approval is required of the applications, the action of the Committee on the project shall constitute only a recommendation. If the Council finds that a site plan does not meet the intent of this Development Code or the review criteria, the Council may disapprove the site plan.

IX. ~~—(I)—~~ *Period of approval.* An approved plan shall be valid for a period of 180 days from the date of approval and shall become invalid if a building permit has not been issued in that time. Up to an additional 180 days may be granted by the Planning Director or designee, upon written request of the applicant or Council, when Council review and approval is required.

X. ~~—(J)—~~ *Appeal procedure.* An applicant may appeal the decision of the Committee to the Town Council if that appeal is made in writing and filed with the Town Clerk within 60 days of the Committee's written decision. The appeal shall give the reasons for that appeal and the relief requested. The Town Council may affirm, modify or reverse the decision of the Committee. Appeals from a Town Council decision shall be heard by a state court of competent jurisdiction.

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

#### 150.012150.013 Site Plan: Application, content and review Pre-Application Conference

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

**Commented [DB5]:** This process reads as it was the initial Design Review process. Formal Design Review process is now exercised by the Town. This procedural section of the Technical Advisory Committee is no longer utilized or applicable.

**Commented [DB6]:** The "Site Plan" procedure is now consolidated with the Design Review process 150.014

**Commented [DB7]:** The Pre-Application Conference process is and has been practiced by the Com Dev Department for past decade, with no fee for application. The Pre-application process is referenced in the Design Review application and referenced in the Development Code for PUD's. This procedure is practiced in progressive communities and is extremely helpful to the applicant and town at the onset of a project proposal. Already codified for Subdivision applications.

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.

- I. ~~(A) Application.~~ The Town Planning Department shall prescribe the form and content of applications and necessary accompanying data. Application shall be filed with the Planning Director or designee. Applications shall be made by the owner of the property or an agent authorized by a letter from all owners of the property.

**Commented [DB8]:** Site Plan language merged with Design Review 150.014

- II. ~~(B) Content.~~ A site plan shall include the following information:

- (A) ~~—(1) Technical review.~~ An accurate site plan on a minimum 18-inch by 24-inch sheet (or other as determined by the Planning 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.

**Commented [DB9]:** Consolidated Site plan submittal requirements with Design Review process. The Site Plan review requirements are already incorporated in the Design Review Application

- (B) ~~—(2) Development information.~~ Proposed grading of the site, proposed public dedications, if any, within the site, proposed location, proposed grade, dimensions and use of all buildings, structures and signs to be located on the site.

**Commented [DB10]:** Moved to Design Review

- (C) ~~—(3) Provisions of services.~~ 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.

**Commented [DB11]:** Moved to Design Review

- (D) ~~—(4) Provision of amenities.~~ 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.

**Commented [DB12]:** Moved to Design Review

- (E) ~~—(5) Calculations.~~ 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.

**Commented [DB13]:** Moved to "Parcel Data" under Design Review process, below

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

#### ~~150.013~~150.014 **Design Review**

- I. ~~(A)~~—The purpose of design review is to:

- (A) ~~—(1)~~—Promote development consistent with the town's codes, policies, guidelines, zoning regulations and overall goals and vision per the town's general plan;
- (B) ~~—(2)~~—Ensure that development is compatible and in character with the surrounding area;

**Commented [DB14]:** Moved from 150.013. Site Plan process above is now incorporated under Design Review procedures

- (C) ~~—(3)~~ 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) ~~—(4)~~ Allow an opportunity to review the aesthetic and functional aspects of a proposed development or project.
- II. ~~(B)~~ 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) ~~—(1)~~ 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) ~~—(2)~~ 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. ~~(C)~~ Grading plans, civil improvement plans, underground utility installations and similar projects, as may be determined by the ~~Planning Director~~Community Development Director, are exempt from the design review process.
- IV. ~~(D)~~ Interior remodels or tenant improvements that do not alter the exterior dimensions or physical appearance 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. ~~(E)~~ Applications for design review shall be submitted to the Planning Department and shall contain, where applicable:
- (A) ~~—(1)~~ Completed design review application forms and fee;
- (B) ~~—(2)~~ ~~Site plan showing all existing and proposed improvements; rights of way; and easements;~~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;
- (C) ~~—(3)~~ 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;~~
- (D) ~~—(4)~~ Building elevations;

**Commented [DB15]:** Had conversation about changes in color schemes of historic structures. Should we include language to require DR for new paint schemes, or are you comfortable as is?

**Commented [DB16]:** Consolidated Site Plan submittal requirements with Design Review process

**Commented [DB17]:** Moved from Site plan review

(E) ~~—(5) Conceptual landscape plan~~ 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;

Commented [DB18]: Moved from Site Plan

(F) ~~—(6) Preliminary grading and drainage plan for site and development context~~ Proposed grading of the site, showing all proposed public dedications, if any, within the site;. Site plan shall also include the proposed location, proposed grading and drainage, dimensions and use of all buildings, structures and signs to be located on the site;

Commented [DB19]: Moved from 150.012 B.2 and edited as shown

(G) ~~—(7) Materials and colors exhibits;~~

(H) ~~—(8) Signage plan;~~

(I) ~~—(9) Applicable utility information~~ 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; and

Commented [DB20]: Moved from Site Plan

(J) ~~—(10) Other ancillary documentation required to complete the review as supported by applicable town code and guidelines.~~

VI. ~~—(F) Town staff shall review the design review application for the following:~~

(A) ~~—(1) 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) ~~—(2) Building heights, building locations, access points and parking areas of the proposed development will not negatively impact adjacent properties or the surrounding neighborhood;~~

(C) ~~—(3) 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) ~~—(4) 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) ~~—(5) 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) ~~—(6) 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) ~~—(7) All mechanical equipment, appurtenances and utility lines are concealed from view and integral to the building and site design.~~

VII. ~~—(G) 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. ~~—(H) Design review applications reviewed by town staff shall include applications for:~~



- (A) ~~—(1)—Standard architectural plans for single-family, two-family, and three-family attached production homes, a~~ Attached signs, except where required by the planned unit development or comprehensive sign plan or within the historic district;
  - (B) ~~—(2)—~~ Landscaping, parks and recreational fields, except for commercial recreational facilities; and/or
  - (C) ~~—(3)—~~ 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. ~~—(I)—~~ 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. ~~—(J)—~~ 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) ~~—(1)—~~ Approve the application;
  - (B) ~~—(2)—~~ Deny the application; or
  - (C) ~~—(3)—~~ Approve the application with conditions.
- XI. ~~—(K)—~~ 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~~)

#### **150.014150.015 Zone changes; amendments**

- I. ~~—(A)—~~ *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. ~~—(B)—~~ *Review.* Upon receipt of an application for an amendment, including requests for use permits and special use permits, the ~~Planning Director~~ 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 § 150.019021, prior to the public hearing before the ~~Planning Commission~~ Planning and Zoning Commission. Requests for amendments shall be considered by the ~~Planning Commission~~ 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) ~~—(1)—~~ 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) ~~—(2)—~~ 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) ~~—(3)—~~ 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. ~~—(C)—~~ *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. ~~—(D)—~~ *Application.* An application for an amendment shall be filed and signed by:
- (A) ~~—(1)—~~ The owner of the property;
  - (B) ~~—(2)—~~ One or more of several joint owners of property whose ownership constitutes a majority interest in the property;
  - (C) ~~—(3)—~~ 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) ~~—(4)—~~ 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. ~~—(E)—~~ *Protests.* If the owners of 20% or more of ~~either the area of the lots included in a proposed ordinance or zoning map change, or those immediately adjacent in the rear or any side extending 150 feet therefrom, or those directly opposite extending 150 feet from the street frontage of opposite lots, 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. ~~—(F)—~~ *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)

#### 150.015150.016 ~~Exceptions and modifications.~~ Conditional Use Permits

- I. ~~—(A)—~~ *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

Commented [DB21]: HB 2116 amendment updates

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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. ~~—(B)—~~ *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. ~~—(C)—~~ *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. ~~—(D)—~~ *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. ~~—(E)—~~ *Notice.* Notice of the public hearing before the Planning and Zoning Commission shall be given in the manner established in § 150.014015. 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. ~~—(F)—~~ *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. ~~—(G)—~~ *Review.* In reviewing an application for a conditional use permit, the Planning and Zoning Commission shall consider:
  - (A) ~~—(1)—~~ The site of the proposed use and the surrounding land uses;
  - (B) ~~—(2)—~~ Access to the site; and
  - (C) ~~—(3)—~~ The impact on adjoining and surrounding property if the application is approved.
- VIII. ~~—(H)—~~ *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) ~~—(1)—~~ Regulation of use;
  - (B) ~~—(2)—~~ Special yard requirements;
  - (C) ~~—(3)—~~ Special buffers, fences or walls;
  - (D) ~~—(4)—~~ Special parking areas;
  - (E) ~~—(5)—~~ Street dedications and/or improvements or appropriate bonds;
  - (F) ~~—(6)—~~ Regulation of access points;
  - (G) ~~—(7)—~~ Sign restrictions;
  - (H) ~~—(8)—~~ Required maintenance of yard;
  - (I) ~~—(9)—~~ Regulations of odors, noise, light or other special environmental factors;
  - (J) ~~—(10)—~~ Restrictions of hours of activity;
  - (K) ~~—(11)—~~ Duration of use;
  - (L) ~~—(12)—~~ Completion of development; and

(M) ~~—(13)~~ 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. ~~—(I)~~ *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) ~~—(1)~~ No conditional use approval shall be final until all conditions imposed have been met;

(B) ~~—(2)~~ 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) ~~—(3)~~ 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) ~~—(4)~~ The resolution of the Council granting the application together with all consent forms shall be recorded by the Recorder of the county.

X. ~~—(J)~~ *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 § 150.014015. 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. ~~—(K)~~ *Protests.* If written protests are received to an application filed under this Development Code, the regulations of § 150.014015(EV.) shall apply.

XII. ~~—(L)~~ *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 § 150.014015. 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. ~~—(M)~~ *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. ~~—(N)~~ *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)

#### ~~150.016~~150.017 ~~Applications and fees.~~ Exceptions and modifications

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

- I. ~~-(A)-~~ *Extension of time.* Under special conditions, the Council may grant extensions of time unless otherwise set forth in this Development Code.
- II. ~~-(B)-~~ *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. ~~-(C)-~~ *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. ~~-(D)-~~ *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. ~~-(E)-~~ *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. ~~-(F)-~~ *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)

#### ~~150.017~~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~~)

- I. ~~-(A)-~~ *Applications.* Applications for use permits, appeals, variances, amendments and design review shall be made in the Office of the Planning Director on forms provided. Applications shall contain the following information supplied by the applicant:
  - (A) ~~-(1)-~~ *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) ~~-(2)-~~ *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.

Commented [DB23]: Application and Fees Section moved to 150.022

~~(C) — (3) Plot plan. Drawn to scale, at least eight and one-half inches by 11 inches by 17 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) — (4) 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) — (5) 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) — (6) Additional materials. Development plans, elevations, maps and other materials may be required (in accordance with other stipulations of this Development Code).~~

~~II. — (B) 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) — (1) General plan amendment;~~

~~(B) — (2) Request for re-zoning or special use;~~

~~(C) — (3) Code text amendment;~~

~~(D) — (4) Design review;~~

~~(E) — (5) Appeal of site plan decision to Town Council;~~

~~(F) — (6) Amendment to an approved site plan;~~

~~(G) — (7) Use permit;~~

~~(H) — (8) Variance;~~

~~(I) — (9) Code interpretation;~~

~~(J) — (10) Extension of re-zoning, special use, use permit or variance;~~

~~(K) — (11) Continuance of application hearing at applicant's request;~~

~~(L) — (12) Landscape plans review;~~

~~(M) — (13) Landscape inspection fee;~~

~~(N) — (14) Right of way and easement abandonment fee; and~~

~~(O) — (15) Annexation initiated by land owner.~~

~~III. — (C) Refunds. Application fees shall not be refundable.~~

~~(Prior Code, Ch. 4, Art. I, § 4-16) (Ord. 432-06, passed 6-19-2006)~~

**150.018 150.019 Building Permits and Certificates of Occupancy Nonconforming use**

I. ~~— (A) —~~ Continuance of use of land; abandonment. The lawful use of land existing on July 19, 2006, although not conforming to the provisions hereof for the land, may be continued, but if the nonconforming use is abandoned, and a nonconforming use discontinued for a period of three months, it is presumed abandoned, then any future use of the land shall be in conformity with the provisions of this Development Code.

II. ~~— (B) —~~ Continuance of use of building or land. The lawful use of a building or land existing on July 19, 2006 may be continued, although the use does not conform with the provisions of this Development Code for the building or land and the use may be continued providing only reasonable repairs and alterations are made. Whenever a nonconforming use of a building

**Commented [DB24]:** Building Permits and C of O moved above

**Commented [DB25]:** Moved from "Regulations; Part 1 General Provisions; 150.080." Out of place as is, this is an administrative interpretive procedure, more than a "General Provision"

or land has been changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted use or a nonconforming use.

- III. ~~—(C)—~~Abandonment of use of building or land. In the event that a nonconforming use of any building is abandoned, and a nonconforming use discontinued for a period of three months is presumed abandoned, then any future use of the building or land shall be in conformity with the provisions of this Development Code.

(Prior Code, Ch. 4, Art. IV, § 4-91) (Ord. 432-06, passed 6-19-2006) (Ord. ~~XXX-XX~~, passed ~~X-X-201X~~)

~~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)~~

**150.019150.020 ~~Citizen Review Process~~ Enlargement of building or land; destruction**

- I. ~~—(A)—~~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. ~~—(B)—~~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~~)

**Commented [DB26]:** Moved from "Regulations; Part 1 General Provisions; 150.081." This section is a part of and expands on above "Nonconforming use" regulation

- III. ~~—(A) Neighborhood meeting. Prior to any public hearing, as required under § 150.014, on any application for any zoning ordinance that changes any property from one zoning district to another, a use or special use permit application that imposes any regulation not previously imposed, or that removes or modifies any regulation previously imposed, the Planning 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 Planning Director or designee reasonably determines to be other potentially affected~~

**Commented [DB27]:** Citizen review process moved to 150.021

citizens. In determining the number of potentially affected citizens, the Planning 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.

- IV. ~~(B) 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.~~
- V. ~~(C) Publication. At the discretion of the Planning Director, written notice shall be given at least 15 days before the neighborhood meeting in at least one of the following methods:~~
- ~~(A) (1) The notice shall be published once in a newspaper of general circulation published or circulated in the town.~~
- ~~(B) (2) The notice shall be posted upon the sign required in § 150.014 unless waived by the Planning Director or designee.~~
- ~~(C) (3) The notice shall be mailed in accordance with the same procedures, and delivered in accordance with the provisions of § 150.014.~~
- VI. ~~(D) Time, date and location. The Planning 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 Planning Director or designee shall attend the meeting, but is not required to conduct the meeting. The Planning 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~~)

#### **150.021 Citizen Review Process**

- I. Neighborhood meeting. Prior to any public hearing, as required under § 150.015, on any application for any zoning ordinance that changes any property from one zoning district to another, a use or conditional 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.

**Commented [DB28]:** Moved from 150.019 for clarity and flow. No changes to text except alpha-numeric update, and updated cross references

**Commented [DB29]:** Reference number updated

**Commented [DB30]:** Corrected reference



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 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.

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**

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** 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.

**Commented [DB31]:** Reference number updated

**Commented [DB32]:** Reference number updated

**Commented [DB33]:** Moved from 150.017, no changes to text unless noted

**Commented [DB34]:** Updated plan size to be consistent with existing Design Review / Site plan requirement. (manually edited)

(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;

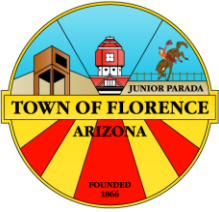
(M) Landscape inspection fee;

(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)



# Town of Florence Development Code

## Reorganization

Module 1 - Temporary  
Use Permit Procedures 1<sup>st</sup>  
Draft: August 30, 2019

### **150.017 Temporary Use Permits**

- I. *Purpose.* Because there are certain uses intended to be temporary in nature, this section establishes a process for review and approval of certain uses that are intended to be a limited duration of time and will not permanently alter the character or physical facilities of the site where they occur. The process outlined here will allow the Community Development Director and the Planning and Zoning Commission to review and approve or disapprove applications for temporary 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 temporary 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. *Permit Procedures.*
  - (A) *Application.* Application for a temporary 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. Applicant may apply for approval of a temporary use not less than 45 days before the use is intended to begin accompanied by payment of the required fee.
  - (B) *Required Findings.* The decision-making authority (Community Development Director, Planning and Zoning Commission, or Town Council, as applicable) may approve an application for a Temporary Use Permit to allow a temporary use for a period of time, only upon making all of the following findings:
    - (1) The proposed use will not unreasonably affect or have a negative impact on adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the Town;
    - (2) The proposed use is consistent with a land use permitted by the present Zoning District within which the site is located, or a land use considered permitted by a Zoning District listed in the General Plan as being consistent with the General Plan land use designation of the site;
    - (3) The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and
    - (4) Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, free of litter, and all circulation and parking surfaces will include a suitable dust-controlled surface.
  - (C) *Approvals.* The Community Development Director may approve an application for a Temporary Use Permit to allow a temporary use for a period of time not to exceed 45 days. All temporary use requests for a period of time exceeding 45 days may be approved by the Planning and Zoning Commission. Temporary Use Permits shall be valid for a maximum period of two years.

- (D) *Conditions.* In approving a Temporary Use Permit, the decision-making authority may impose reasonable conditions deemed necessary to achieve the findings for a Temporary Use Permit listed above, including but not limited to:
- (1) Regulation of vehicular ingress and egress and traffic circulation;
  - (2) Regulation of dust control surfaces;
  - (3) Regulation of lighting;
  - (4) Regulation of hours, total number of events/duration for the permit, and other characteristics of operation;
  - (5) Submission of final plans to ensure compliance with conditions of approval;
  - (6) Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and
  - (7) Such other conditions as the decision-making authority may deem necessary to carry out the intent and purpose of this section.
- (E) *Appeals.* The Director's decision may be appealed to the Planning and Zoning Commission if a written request from the applicant is received by the Community Development Department within 5 business days after the Director's final decision. Appeals will be heard, and a final decision will be rendered by the Planning and Zoning Commission at their next regular meeting after seven (7) calendar days from receipt of the appeal. The Planning and Zoning Commission's decision may be appealed to the Town Council if a written request from the applicant is received by the Community Development Department within 5 business days after the Commission's final decision. Council's consideration of the appeal will be scheduled at a time to be determined by the Town Clerk.
- IV. *Notice.* Notice of the proposed Temporary Use Permit shall be posted on the subject property for a period of 15 days prior to the date scheduled for final decision of the request. Notice shall also be mailed to property owners within 300 feet of the property boundaries proposed for the Temporary Use. Additional notification may be required at the Community Development Director's discretion.
- V. *Revocation.* The decision-making authority may revoke any Temporary Use Permit for noncompliance with any of the conditions set forth in granting the permit. This revocation shall occur 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 and property owner not less than 30 days prior to the meeting at which the issue will be discussed. The revocation of a Temporary Use Permit shall have the effect of denying all rights and privileges granted by the approval of the use permit.
- VI. *Time limit.* If an established time limit for the Temporary Use Permit expires or if a time limit for the duration of the carrying on of the use has been established as a 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.
- VII. *Effective Dates.*
- (A) *Permit Period 45 Days or Less.* A Temporary Use Permit issued for 45 days or less shall become effective on the date the permit is approved by the decision-making authority.

(B) *Permit Period More than 45 Days.* A Temporary Use Permit for more than 45 days shall become effective seven days from the date the permit is approved by the decision-making authority.