

## ZONING\*

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Chapter 1.04  
GENERAL PROVISIONS

SECTIONS:

- 1.40.010 Title.
- 1.04.020 Intent and Purpose.
- 1.04.030 Application.
- 1.04.040 Declaration.
- 1.04.050 Interpretation.

1.04.010 TITLE. This ordinance is known as, and is entitled “The Town Zoning Ordinance of the Town of Clifton, Arizona” and may be so cited and pleaded.

1.04.020 INTENT AND PURPOSE. The intent and purpose of this title is to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of the town by guiding development within the town in accordance with a comprehensive plan which plan has been designed:

- A. To encourage and facilitate orderly growth and development in the area:
- B. To create conditions favorable to prosperity, civil activities, and recreational, educational and cultural opportunities:
- C. To facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements:
- D. To reduce the waste of physical, financial, and human resources resulting from excessive scattering of population:
- E. To Secure safety from fires, floods, traffic hazards, and other dangers:
- F. To lessen congestion in the streets, prevent the overcrowding of land and provide adequate light and air:
- G. To stabilize and improve property values: and
- H. To promote a more attractive and wholesome environment.

1.04.030 APPLICATION. The regulations and restrictions as set forth in this title shall be so interpreted and applied as to further the purpose of this title.

1.04.040 DECLARATION. In establishing the zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful consideration was given to the suitability of the land for particular uses, and to the character of the zones, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

1.04.050 INTERPRETATION. In interpreting and applying the provisions of this title, said provisions thereof shall be held to be the minimum requirements needed to promote the public health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the town. Except as specifically provided herein, it is not intended by the adoption of the ordinance codified herein to repeal, abrogate, annul or in any way to impair or or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving alteration or enlargement of any building or improvement; nor is it intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this title shall govern.

## CHAPTER 1.08

### DEFINITIONS

#### SECTIONS:

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- 1.08.030 Apartment house (multiple dwelling).
- 1.08.040 Boardinghouse–Lodging house.
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- 1.08.610 Travel trailer court.
- 1.08.620 Variance.
- 1.08.630 Waste disposal site.
- 1.08.640 Yard.
- 1.08.650 Large scale development.

1.08.010 INTENT. For the purpose of this title certain words and terms are defined as follows in this chapter: Words used in the present tense include the future; the singular number includes the plural and the plural the singular. Also, the term “planning commission” is synonymous with the term “ planning and zoning commission,” and the term “building inspector” is synonymous with the terms “zoning administrator” and “planning and zoning administrator.”

1.08.020 AGRICULTURE. “Agriculture” means the growing of soil crops in the customary manner in the open. It shall not include livestock raising activities; nor shall it include retailing of products on the premises.

1.08.030 APARTMENT HOUSE (multiple dwelling). “Apartment house (multiple dwelling)” means any building or portion thereof which is designed, built, rented, or leased, let, or hired out to be occupied or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking on the premises.

1.08.040 BOARDINGHOUSE–LODGING HOUSE. “Boarding-house” or “lodging house” means a building containing not more than one kitchen, where for compensation, meals are provided pursuant to previous arrangements on a daily, weekly, or monthly basis as distinguished from a hotel, cafe, or rooming house.

1.08.050 BUILDING. A. “Building” means any structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

B. “Accessory building” means a subordinate building, the use of which is incidental to that of the main building.

C. “Main building” means one or more of the principal buildings upon a lot.

D. “Building line” means a line designating the minimum distance which buildings must be set back from the street or lot line.

1.08.060 CARPORT. “Carport” means a structure not completely enclosed by walls which is for the shelter of automobiles.

1.08.070 CLINIC. “Clinic” means a building used for the diagnosis and treatment of ill, infirm or injured persons, but which building does not provide board, room or regular hospital care and services.

1.08.080 CLUB. “Club” means a building used, occupied, and operated by an organized association of persons for social, fraternal, religious, or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

1.08.090 COMMON AREA. “Common area” means an area designated to serve two or more dwelling units or separate uses with convenient access to the area.

1.08.100 COMPREHENSIVE PLAN– MASTER PLAN. “Comprehensive plan” or “Master plan” means a coordinated plan which has been prepared and adopted for the purpose of guiding development, including but not limited to a plan or plans of land use, resources, circulation, housing, and public facilities and grounds.

1.08.110 CONDITIONAL USE. “Conditional use” means a use which requires approval of the board of adjustment, planning commission, or town council before the zoning administrator may issue a permit therefor. Generally, it includes uses which require individual consideration of surrounding conditions and circumstances to carry out the intent and purpose of the land use plan.

1.08.120 CONVALESCENT HOME. For “convalescent home,” see “rest home” (Section 1.08.510).

1.08.130 CONVENIENCE CENTERS. “Convenience centers” means establishments which are designed and intended to serve the daily or frequent trade or service needs of surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin-operated laundry and drycleaning establishments, beauty shops, barber shops, or combination thereof, but do not include repair garages, automobile sales yards, clothing stores, or drive-ins where customers consume food on the premises outside of buildings.

1.08.140 COURT APARTMENT– DWELLING GROUP. “Court apartment” or “dwelling group” means one or more dwellings (other than mobile home parks and farm labor camps), arranged around two or three sides of a court which opens onto a street. “Court

apartment” or “dwelling group” may include single-family, two-family, or multiple-family dwellings.

1.08.150 DENSITY. “Density” means the number of dwelling units per acre of land.

1.08.160 DRIVE-IN, RETAIL. “Retail drive-in” means any form of merchandising, serving or dispensing of goods in which customers are served while in their automobiles.

1.08.170 DWELLING. A. “Dwelling unit” means one or more rooms in a building designed for living purposes (bathing, eating, and sleeping) and occupied by one family, when:

1. The occupants do not live and eat with any other persons in the structure;

2. There is either:

a. Direct access from the outside or through a common hall, or

b. There is a kitchen or cooking equipment for the exclusive use of the occupants.

B. “One-family dwelling” means a detached residence designed for or occupied by one family.

C. “Two-family dwelling” means a building containing two dwelling units.

D. “Multiple-family dwelling” means a building containing three or more dwelling units.

E. “Caretaker’s dwelling” means a dwelling which is occupied by an individual or family whose function it is to watch or take care of a business or industry which is located on the same premises as the dwelling.

F. “Farm labor dwelling” means a dwelling which is occupied by an individual, a group of individuals or a family whose primary source of income is from working directly with agriculture or with livestock.

G. For “dwelling group,” see “court apartment” (Section 1.08.140).

1.08.180 FAMILY. “Family” means an individual or two or more persons related by blood, marriage, or adoption living together in a single dwelling unit and maintaining a common household. A family may include two, but not more than two nonrelated persons living with the residing family. “Family” shall not mean a group of nonrelated individuals, a fraternity, club or institutional group.

1.08.190 FENCE, SIGHT-OBSCURING. “Sight-obscuring fence” means a fence having a height of at least eight feet above grade which permits vision through not more than ten percent of each square foot more than eight inches above ground.

1.08.200 FLOOR AREA. “Floor area” means the sum of the areas of the several floors of the building, including basements, mezzanines, and penthouses, of headroom height (six feet),

measured from the exterior walls or from the centerline of walls separating buildings. The “floor area” does not include unoccupied features such as pipe trenches, exterior trenches or steps, chimneys, roof overhangs, etc.

1.08.210 FRACTIONAL NUMBERS OR MEASUREMENTS. In determining the requirements of this title, whenever a fraction of a number or unit is one-half or more, and whenever a fraction of a number or unit resulting from a computation is one-half or more, said fraction shall be considered as a whole number or a unit. Where the fraction is less than one-half, said fraction shall not be considered in determining the number.

1.08.220 GARAGE, PRIVATE. “Private garage” means a building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

1.08.230 GRADE. “Grade” means the average of the finished ground level at the center of all walls of a building.

1.08.240 GUEST. “Guest” means a person staying or receiving services for compensation at a hotel, motel, boardinghouse, rooming house or rest home, or similar use.

1.08.025 HEIGHT OF BUILDING. “Height of building” means the vertical distance from the grade to top of the building walls. Where building walls vary in height along a side, the height of the building shall be determined by multiplying the length of each section of said wall by its height and dividing the sum derived therefrom by the total length of said wall.

1.08.260 HOME OCCUPATION. “Home occupation” means any occupation conducted within a dwelling and carried on by persons residing in the dwelling.

1.08.270 HOSPITAL. “Hospital” means a building in which ten or more ill or injured human beings are offered board and room while being treated for such illness or injury in accordance with instructions and procedures prescribed by persons registered to practice the healing arts in the state.

1.08.280 HOTEL. “Hotel” means any building used, rented, or hired out to be occupied on a daily or weekly basis for sleeping purposes by guest.

1.08.290 JUNKYARD. “Junkyard” means a place where scrap, waste, discarded or salvaged materials such as glass and paper are bought, sold, exchanged, baled, packed, disassembled, or handled or stored, including auto wrecking yards, house wrecking yards, used lumbar yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. This definition does not include places where such uses are conducted

entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

1.08.300 KENNEL. “Kennel” means land or buildings used in the keeping of four or more dogs over four months old.

1.08.310 LANDSCAPING. “Landscaping” means the application or use of some combination of planted trees, shrubs, vines, ground cover, flowers, or lawns. In addition, the combination or design may include rocks and such structural features as fountains, pools, art works, screens, walls, fences, or benches, but such objects alone shall not meet the requirements of this title. The selected combination of objects for landscaping purposes shall be arranged in a harmonious manner as determined by the zoning administrator.

1.08.320 LAND USE PLAN. “Land use plan” means a plan adopted and maintained by the town council which shows how the land should be used– an element of the comprehensive plan.

1.08.330 LIVESTOCK CORRAL. “Livestock corral” means a place or pen where livestock are kept as part of an agricultural enterprise or operation as distinguished from a livestock feed yard.

1.08.340 LIVESTOCK FEED YARD. “Livestock feed yard” means a feeding operation on a parcel of land where livestock are kept or exchanged in corrals or yards on a sustained basis and where the feed is brought to the yard, as contrasted to feed obtained through grazing the animals on the premises.

1.08.350 LIVING OPEN SPACE–USABLE OPEN SPACE. “Living open space” means that portion of the yards on a zoning lot which is not used by automotive vehicles, but which is reserved for outdoor living space, recreational space and landscaping.

1.08.360 LODGING HOUSE. For “lodging house,” see “boardinghouse” (Section 1.08.040).

1.08.370 LOT. A. “Lot” means a single parcel or tract of land.

B. “Corner lot” means a lot situated at a junction of two or more public streets, or situated on a curved street or way whose radius is thirty-five feet or less, and where the angle formed by the intersection of the tangent is one hundred five degrees or less.

C. “Interior lot” means a lot other than a corner lot.

D. “Lot of record” means a lot designed on a subdivision plat or shown by deed, duly recorded pursuant to statute in the county recorder’s office. A lot of record may or may not coincide with a zoning lot.

E. “Zoning lot” means a parcel of land, composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings or principal use or uses along with permitted accessory buildings or uses, meeting all of the requirements for area, buildable area, frontage, width, yards, setbacks, and any other requirements set forth in this title.

1.08.380 MASTER PLAN. For “Master plan,” see “comprehensive plan” (Section 1.08.100).

1.08.390 MOBILE HOME. “Mobile home” means a dwelling unit which rest on wheels. The term “mobile home” shall not include a house which is manufactured elsewhere and moved onto a building site, for use as a permanent house. The term does not include manufactured homes built elsewhere that meet Uniform Building Code standards for residences.

1.08.400 MOBILE HOME PARK. “Mobile home park” means an area or tract of land used to accommodate two or more mobile homes.

1.08.410 MOTEL–TOURIST HOME–MOTOR HOTEL. “Motel,” “tourist home” or “motor hotel” means one or more buildings containing individual sleeping rooms or living units designed for use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.

1.08.420 NONCONFORMING BUILDING. “Nonconforming building” means a building, structure, or portion thereof, which does not conform to the regulations of this title applicable to the zone or district in which such building is situated, but which legally existed prior to the effective date of the ordinance codified herein.

1.08.430 NONCONFORMING USE. “Nonconforming use” means a use of premises which does not conform to the regulations of this title, but which existed at the effective date of the ordinance codified in this title.

1.08.440 NURSERY, PLANT. “Plant nursery” means buildings, land and facilities for cultivation of plants for subsequent replanting. It also includes the cultivation of watergrown agricultural products.

1.08.450 PARKING SPACE. “Parking space” means a space, not less than twenty feet in length and not less than eight and five-tenths feet in width for the parking of a mobile vehicle, exclusive of driveways and ramps.

1.08.460 PLANNED UNIT DEVELOPMENT. “Planned unit development” means a tract of land which is planned and developed as a single entity wherein the zoning requirements applying to buildings and improvements are modified to conform to the approved plan.

1.08.470 PLANTING PLAN. “Planting plan” means a plan showing the location and dimensions of planting beds, irrigation equipment, curbs and other protective features around the edge of the planting beds and the location and species of plants to be planted in the beds.

1.08.480 PREMISES. “Premises” means a zoning lot together with buildings and structures located thereon.

1.08.490 PREMISES OCCUPATION. “Premises occupation” means an occupation conducted on the premises outside of a dwelling, by persons residing on the premises.

1.08.500 PUBLIC PARKS AND PLAYGROUNDS. “Public parks and playgrounds” means a tract of land which is owned by a public agency and which has been partially or totally developed or designated for recreational purposes.

1.08.510 REST HOME, NURSING. “Nursing rest home” means a building for the care and keeping of elderly or infirm people afflicted with infirmities or chronic illness.

1.08.520 ROOMING HOUSE. “Rooming house” means a building where, for compensation, sleeping accommodations are provided pursuant to previous arrangements on a daily or weekly basis as distinguished from a boardinghouse or hotel.

1.08.530 SALVAGE YARD. For “salvage yard.” see “junkyard” (Section 1.08.290).

1.08.540 SETBACK. “Setback” means the shortest distance between the property line and the foundation, wall, or main frame of the building.

1.08.550 SIGN. A. “Sign” means any device for visual communication that is used for the purpose of bringing the subject shown thereon to the attention of the public, but not including a flagpole. Neither should a “welcome-type” greeting, facing in a northerly direction on the town’s water tank be considered as a “sign” in this definition.

B. “Accessory sign” means a sign which directs attention to a business or profession conducted on the premises.

C. The “area of a sign” includes all lettering, wording and accompanying designs or symbols together with any background material or freestanding supports. Where a sign consists of individual letters attached to or painted on a building or wall or window, the area of the sign shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.

D. “Nonaccessory sign” or “billboard” means a sign which directs attention to a business, commodity, service or entertainment, conducted, sold, or offered elsewhere than on the premises, and only incidentally on the premises, if at all.

E. “Freestanding sign” means a sign which is not attached to or part of a building.

1.08.560 SPECIAL EXCEPTION–CONDITIONAL USE. “Special exception–Conditional use” means a use which is not specifically permitted in a zone, e.g., an electric substation in a residential zone, but which may be permitted as a special exception, subject to compliance with conditions prescribed by the board of adjustment.

1.08.570 STORY. “Story” means that portion of a building included between the surface of a floor and the ceiling next above it.

1.08.580 STREET, MAJOR. “Major street” means any road as shown or designated on the major street plan as an arterial or collector street.

1.08.590 STREET, MINOR. “Minor street” means any dedicated street serving as the principal means of access to property, which street is not shown on the major street plan as an arterial or collector street.

1.08.600 TRAVEL TRAILER, CAMPER OR MOTOR HOME. “Travel trailer,” “camper” or “motor home” means any trailer house or camper, used or maintained primarily as a temporary dwelling for travel, vacation or recreation purposes.

1.08.610 TRAVEL TRAILER COURT. “Travel trailer court” means an area or tract of land used to accommodate two or more travel trailers for a short period of time (less than thirty days).

1.08.620 VARIANCE. “Variance” means a waiver or reduction in required area of lot or yard dimension, below the requirements set forth in this title.

1.08.630 WASTE DISPOSAL SITE. “Waste disposal site” means a tract of land devoted to the disposal of solid wastes including garbage, rubbish, trash, and other refuse material but not including earth or other totally inert material.

1.08.640 YARD. A. “Yard” means an open space on the same lot with a building, unoccupied or unobstructed from the ground upward, except as otherwise provided in this title.

B. “Front yard” means the minimum horizontal distance between the street line and the front line of the building, excluding nonenclosed steps. On a corner lot, the front yard may be applied to either street.

C. “Rear yard” means an open, unoccupied space on the same lot as a building, measured from the rear line of the building (exclusive of steps) and the rear lot line, and extending for the entire distance of the required lot. In case of a corner lot where the building facade faces on the side street, the rear yard may be established from the side of the house to the side property line.

D. “Required yard” means the open space around buildings which is required by the terms of this title.

E. “Side yard” means a yard between the building and the side line of the lot and extending from the front yard to the rear yard.

1.08.650        LARGE SCALE DEVELOPMENT.        “Large scale development” means a planned unit development, mobile home park, mobile home subdivision, travel trailer court, group dwelling or farm labor camp which has been approved by the town council.

## CHAPTER 1.12

### SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES

#### SECTIONS:

|          |                                                                  |
|----------|------------------------------------------------------------------|
| 1.12.010 | Intent.                                                          |
| 1.12.020 | Yard space for one building only.                                |
| 1.12.030 | Yards to be unobstructed—Exceptions.                             |
| 1.12.040 | Every dwelling to be on a zoning lot.                            |
| 1.12.050 | Sale or lease of required space prohibited.                      |
| 1.12.060 | Area of accessory buildings.                                     |
| 1.12.070 | Accessory building prohibited as living quarters.                |
| 1.12.080 | Storage of trucks in residential zones prohibited.               |
| 1.12.090 | Storage of junk and debris in residential zones prohibited.      |
| 1.12.100 | Additional height allowed for public buildings.                  |
| 1.12.110 | Additional setbacks for large buildings required                 |
| 1.12.120 | Mutual garages across lot lines.                                 |
| 1.12.130 | Mutual dwellings across lot lines.                               |
| 1.12.140 | Minimum height of dwellings and fences.                          |
| 1.12.150 | Clear view of intersection streets.                              |
| 1.12.160 | Location of barns.                                               |
| 1.12.170 | Drainage.                                                        |
| 1.12.180 | Effect of street plan.                                           |
| 1.12.190 | Exception to front and side setback requirements.                |
| 1.12.200 | Concessions in public parks and playgrounds.                     |
| 1.12.210 | Sewage disposal.                                                 |
| 1.12.220 | Location of gasoline pumps.                                      |
| 1.12.230 | Off-street parking and loading.                                  |
| 1.12.240 | Motor vehicle access.                                            |
| 1.12.250 | Landscaping required.                                            |
| 1.12.260 | Intent of landscaping requirements.                              |
| 1.12.270 | Signs.                                                           |
| 1.12.280 | Temporary uses and structures.                                   |
| 1.12.290 | Trailer houses or mobile home prohibited—Exceptions              |
| 1.12.300 | Permit home occupations.                                         |
| 1.12.310 | Utility buildings and structures permitted in residential zones. |
| 1.12.320 | Dwelling sites to have frontage on public street.                |

- 1.12.330 Uses prohibited in zones unless expressly permitted.
- 1.12.340 Moved buildings.
- 1.12.350 Permit rest home.
- 1.12.360 Required buffer.

1.12.010 INTENT. The intent of this chapter is to accumulate, under one heading, regulations which apply to two or more zones rather than to repeat them several times. It is not the intent of this chapter to specify uses allowed within a zone but to set forth supplementary and qualifying conditions which must be complied with in connection with such uses.

1.12.020 YARD SPACE FOR ONE BUILDING ONLY. No required yard or other open space around an existing building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot where a building is to be erected or established.

1.12.030 YARDS TO BE UNOBSTRUCTED-EXCEPTIONS. Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices, and other ornamental features and unenclosed steps and unwallled stoops, porches, and carports, which may project up to three feet into a required yard. No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses, and cornices which may extend into the court not more than sixteen inches. Canopies over gasoline pumps may extend into a required yard but not closer than three feet to the property lines.

1.12.040 EVERY DWELLING TO BE ON A ZONING LOT. Only one building which contains a dwelling shall be located and maintained on a zoning lot as defined in this title, except in large scale developments.

1.12.050 SALE OR LEASE OF REQUIRED SPACE PROHIBITED. No space needed to meet the width, yard, area, coverage, parking, frontage on public street, or other requirement of this title for a lot or building may be sold, bequeathed, or leased apart from such lot or building unless other space so complying is provided, nor shall any land be sold which will result in an existing or future lot for dwelling purposes that does not comply with all of the provisions of this title.

1.12.060 AREA OF ACCESSORY BUILDINGS. Accessory buildings in any residential zone shall cover not more than twenty-five percent of the rear yard.

1.12.070 ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS. Living and sleeping quarters shall not be permitted in any accessory building in any residential zone.

1.12.080 STORAGE OF TRUCKS IN RESIDENTIAL ZONES PROHIBITED. The storage of more than one truck having a rated capacity of one and one-half tons (except farm trucks) and the storage of construction equipment such as bulldozers, grader, cement mixers, compressors, dump

trucks, etc., shall not be permitted on any lot in any residential zone, provided that construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one year.

1.12.090            STORAGE OF JUNK AND DEBRIS IN RESIDENTIAL ZONES  
PROHIBITED.            No yard or other open space surrounding an existing building in any residential zone, or which is hereafter provided around any building in any residential zone, shall be used for the storage of junk, debris, or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein.

1.12.100            ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS.            Public buildings and churches may be erected to any height provided the building is set back from required building setback lines a distance of at least one foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

1.12.110            ADDITIONAL SETBACKS FOR LARGE BUILDINGS REQUIRED.            Side setbacks for large buildings in residential zones shall be not less than the length of the building wall measured along the side yard, added to twice the average height and divided by ten except that no dwelling shall be set back less than the minimum distance required in the zone.

1.12.120            MUTUAL GARAGES ACROSS LOT LINES.            An accessory building such as a detached carport or garage may be constructed across a common lot line by written agreement between the two adjoining property owners when such agreement is recorded in the office of the county recorder.

1.12.130            MUTUAL DWELLINGS ACROSS LOT LINES.            In zones in which two-family dwellings are permitted, a two-family dwelling may be constructed across a common lot line when separated on the line by dividing wall, provided a written agreement between the two adjoining property owners is recorded in the office of the county recorder.

1.12.140            MINIMUM HEIGHT OF DWELLINGS AND FENCES.            No dwelling shall be erected which has a ceiling height of less than one story above the average level of the grade on which the dwelling is located. No fence or wall shall be constructed higher than four feet above the grade in any required front or side yard that fronts on a street; provided, however, that fences constructed in side yards that front on streets may be constructed to a height of six feet when located more than fifty feet from the front property line.

1.12.150            CLEAR VIEW OF INTERSECTING STREETS.            In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty-five feet from the intersection of the street lines.

1.12.160            LOCATION OF BARN.            No barn, corral, or coop shall be constructed, unless zoned for such construction.

1.12.170 DRAINAGE. Surface water from roof tops shall not be allowed to drain onto adjacent lots except after written agreement between the two parties.

1.12.180 EFFECT OF STREET PLAN. Wherever a front or side yard is required for a building, which building abuts on a proposed street which has not been constructed but which has been designated by the planning and zoning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

1.12.190 EXCEPTION TO FRONT AND SIDE SETBACK REQUIREMENTS. The setback from the street for any dwelling located between two existing dwellings in any residential zone may be the same as the average for said two existing dwellings, provided the existing dwellings are on the same side of the street, and are located within one hundred fifty feet of each other.

1.12.200 CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS. Concessions, including but not limited to amusement devices, recreational buildings, and refreshment stands, shall be permitted in a public park or playground when approved by the town council.

1.12.210 SEWAGE DISPOSAL. Where domestic sewage facilities are to be used which are not connected to a public sewer, approval of such facilities shall be obtained from the town manager before a building permit may be issued.

1.12.220 LOCATION OF GASOLINE PUMPS. Gasoline pump islands shall be set back not less than eighteen feet from any street line to which the pump island is vertical and twelve feet from any street line to which the pump island is parallel and not less than twelve feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps be set closer than twelve feet to any street line, nor closer than twelve feet to any side or rear property line. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy-five feet in width nor less than one hundred feet in length.

1.12.230 OFF-STREET PARKING AND LOADING. The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce on-street storage of vehicles.

A. Number of spaces. The following required off-street parking spaces for the particular use are minimum requirements:

1. a. Residential structures, not including boarding and rooming houses, shall have at least one off-street parking space per dwelling unit.
- b. As a means of encouraging the occupants of multiple dwellings to use the required off-street parking space in preference to on-street parking space, entrances to buildings containing multiple dwellings shall be provided in locations that are as direct and convenient to the required off-street parking spaces as are the fronting streets;

2. Boardinghouses shall have one parking space for each two hundred square feet of floor space devoted to bedrooms or one space for each two persons' domiciles in the premises, whichever is greater;
  3. Convalescent, nursing, and other such institutions shall have one visitor parking space per three patient beds, plus one parking space for each employee at work in the home during daylight hours;
  4. Hotels and motels shall have one parking space per room or suite, plus one parking space for each employee at work on the premises during daylight hours;
  5. Private clubs and lodge halls shall have one parking space per three members, based on the design capacity of the facility;
  6. Churches shall have one parking space per five seating spaces in the main assembly room;
  7. Theatres, auditoriums, sports arenas, and places of assembly shall have one parking space per two people based on the design of the structure;
  8. Mortuaries or funeral parlors shall have twenty parking spaces or one space for each twenty-five square feet of floor space in all assembly rooms, whichever is greater;
  9. Medical clinics shall have three parking spaces per staff doctor, plus one parking space for each nondoctor employee at work on the premises during daylight hours;
  10. Restaurants, taverns, and lounges shall have one parking space per three hundred square feet of floor area;
  11. Professional offices, except clinics, shall have one parking space per four hundred square feet of office floor area;
  12. Government buildings shall have one parking space per each employee plus one space for each four hundred square feet of floor area in the building;
  13. Retail stores and personal service shops and other business buildings not specifically mentioned elsewhere in this subsection shall have parking space at the rate of three spaces per one thousand square feet of floor area;
  14. Drive-ins (retail) shall have at least twelve off-street parking spaces, or sufficient off-street parking spaces to accommodate all patrons or customers, whichever is greater. No patron or customer may be served in automobiles which are parked on public streets;
  15. Industrial, manufacturing, and wholesale establishments shall have one parking space per two employees based on the largest shift;
  16. Uses Not Mentioned. The required off-street parking for any building, structure or use of land of a type which is not listed in this subsection shall be determined by the board of adjustment under its power of interpretation. The board of adjustment shall be guided by comparison with the requirements for similar uses which are listed.
- B. Location and Control of Parking Facilities. Off-street parking facilities required by this title shall be located on the same lot or parcel of land as the use they are intended to serve, except that in cases of practical difficulty for uses for uses other than dwellings, the board of adjustment may approve a substitute location which meets the following conditions:
1. All or part of substitute location must be on an adjacent lot or within two hundred feet from the main use measured along or across a public street;
  2. The substitute location must be in the same possession as long as the use or structure exists. Such possession may be by deed or long-term lease (at least twenty years). Where

parcels or tracts of land are not a part of the plot on which the principal use lies, the applicant shall submit with his application for a building permit an instrument duly executed and acknowledged, which subjects said parcels or tracts of land to parking uses in connection with the principal use for which it is made available. The applicant shall deposit the necessary recording fee, and upon the issuance of a building permit, the zoning administrator shall cause said instrument to be recorded in office of the county recorder;

3. Not more than thirty percent of the area contained within a required front yard adjacent to a street in any residential zone may be used for driveways or for the parking of automobiles.
- C. Computation of Required Parking Spaces. For the purpose of computing off-street parking spaces which are required by this title, the following rules shall apply;
1. "Floor area" means gross floor area, unless otherwise specified for a particular use;
  2. In stadiums, sports arenas, churches, and other places of assembly in which benches or pews are used in place of seats, each eighteen inches of length of such benches or pews shall be counted as one seat.
- D. Combined Parking Areas. The required off-street parking and loading facilities may be provided collectively for two or more buildings or uses, provided that the total number of parking spaces shall be not less than the sum of the requirements for each of the individual uses.
- E. Mixed Uses. In the event that two or more uses occupy the same zoning lot, or parcel of land, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately.
- F. Access to Parking Facilities.
1. Access driveways shall be provided for ingress to and egress from all parking and loading facilities. Each parking and loading space shall be easily accessible to the intended user;
  2. Forward travel to and from parking facilities from a dedicated street or alley shall be required for all uses, except for parking which has been provided in connection with one and two-family dwellings. The parking area shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street;
  3. Access to all off-street parking facilities shall be designed in a manner which will not interfere with the movements of vehicular and pedestrian traffic.
- G. Circulation Within a Parking Area. Circulation within a parking area shall comply with the following requirements.
1. Parking area with more than one aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area;
  2. Directional signs shall be required to differentiate between entrances and exits to the street.
- H. Location of Parking Facilities Restricted. Parking and loading facilities may be located any place on the premises except for areas that are required to be landscaped. Off-street parking space which is required in connection with a use shall be construed to be a part of that use and shall not be located within another zone unless expressly permitted therein.

- I. Lightning of parking Areas. Any lighting used to illuminate off-street parking facilities or vehicle sales areas shall be so arranged as to reflect the light away from the adjoining premises in any residential zone.
- J. Continuing Obligation. The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or loading space continues. It is unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading space which meets the requirements of this title.
- K. Plot Plan Approval Required. At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off-street parking space, a plot plan shall be submitted showing the location and layout of such required space along with access aisles, roadways, curbs and curb cuts. The zoning administrator shall disapprove such plans if he finds that the required spaces are not usable for standard sized automobiles or do not comply with the requirements for off-street parking as set forth in this title.
- L. Landscaping Required. Except in commercial zones, all off-street parking lots for five or more vehicles shall be bordered by a curb and hedge as directed by the zoning administrator. A landscaped strip at least three feet in width may be substituted in lieu of a hedge.
- M. Off-street Loading Space Required. For every building having a gross floor area of five thousand square feet or more to which goods, material, merchandise, or supplies are received or distributed by vehicle, there shall be provided at least one off-street loading space. One additional loading space shall also be provided for each additional twenty thousand square feet of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater. Each required off-street loading space shall be not less than ten feet in width, twenty-five in length, and fourteen feet in height.

1.12.240 MOTOR VEHICLE ACCESS. Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

- A. Access shall be by not more than two driveways from any one street;
- B. Driveways shall be not closer to each other than twenty feet unless a greater distance is required elsewhere in this title;
- C. Each driveway shall be not more than thirty feet in width in any commercial or industrial zone measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii. In residential zones, driveways shall be not more than twenty feet in width, except as may be approved for a large-scale development;
- D. On corner lots, no driveway shall be closer than twenty-five feet to the point of intersection of the front property line with the side property line which abuts upon a street;

- E. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the town.

1.12.250 LANDSCAPING REQUIRED. Front yards and side yards of all dwellings which front on public streets must be landscaped except for the area which is devoted to driveways and off-street parking space.

1.12.260 INTENT OF LANDSCAPING REQUIREMENTS. A. The purpose of the landscaping requirements in this title shall be to enhance, conserve, and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community. Landscaping also contributes to the relief of heat, noise, and glare through the proper placement of green plants and trees.

- B. Required landscaping areas shall be maintained in neat, clean, orderly, and healthful condition. This includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of dead plants and the regular watering of all plantings. All landscaped areas for multiple-family dwellings shall be provided with piped water lines terminating in an appropriate number of sprinklers or hose bibs to insure a sufficient amount of water to sustain plants within the landscaped areas, except as otherwise permitted by the zoning administrator;
- B. Landscaped screening shall consist of evergreen shrubs, closely spaced and maintained at substantially the specified height. Screening shall consist of mature shrubs and shall be maintained at a height of from four to six feet, unless otherwise permitted;
- C. Where landscaping is required in this title, a planting plan showing the location and name of plant materials, or other materials, and watering system shall be submitted to the zoning administrator, except that a planting plan shall not be required for one-family dwellings. The same plot plan used to show parking layout or other requirements for the issuance of a building permit may be used to show landscaping, provided all proposed landscaping is detailed adequately on said plot plan. The zoning administrator may disapprove such plans if he determines that they are not consistent with the intent of this title;
- D. Any use of property, which, on the effective date of the ordinance codified herein, is nonconforming only as to the regulations relating to landscaping may be continued in the same manner as if the landscaping were conforming.

1.12.270 SIGNS. Advertising signs shall be regulated as follows;

- A. Signs in Residential Zones. No advertising signs of any kind shall be permitted in any residential zone, except signs pertaining to the sale or lease of residential property, and except for name plates or signs indicating the existence of a home occupation. Temporary signs pertaining to the sale or lease of residential property shall not exceed thirty-six

square feet. Name plates and/or signs used in connection with a home occupation shall not exceed two hundred twenty-six square inches;

- B. Setback. All signs or parts thereof shall be set back from public streets a distance at least equal to the distance that buildings are required to be set back within the zone in which said signs are located;
- C. Free-standing Signs. All free-standing signs and accessory signs which are not attached to main buildings shall be maintained in accordance with town standards;
- D. Signs Restricted. All nonaccessory signs which are located within six hundred sixty feet from the right-of-way of any federal or state highway must first be approved by the State Highway Department before a permit therefor shall be given by the zoning administrator. This regulation shall not be construed to affect the use of signs which are not visible from such highways.

1.12.280 TEMPORARY USES AND STRUCTURES. The following regulations shall govern the operation of certain transitory or seasonal uses:

- A. Application for a temporary use permit shall be made to the zoning administrator, and shall contain the following information:
  - 1. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property;
  - 2. A description of the proposed use;
  - 3. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
- B. The following are temporary uses and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which the use is located:
  - 1. Carnival or Circus. When authorized by the town council, a temporary use permit for a carnival or circus may be issued in any zone, for a period not longer than fifteen days;
  - 2. Christmas Tree Sales. A temporary use permit, when authorized by the town council, may be issued for the display and open-lot sales of Christmas trees for a period not longer than forty-five days;
  - 3. Contractor's office and Equipment Sheds. In any zone, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. The permit shall be valid for not more than one year but shall be renewable for one year. The office or shed shall be removed upon completion of the construction project;
  - 4. Real Estate Sales Office. In any zone, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision or large scale development which has been approved in accordance with town regulations. The permit for such office shall be valid for not more than one year but is renewable

for up to three years. The office shall be removed upon completion of the development. A model home may be used as a temporary sales office.

1.12.290 TRAILER HOUSES OR MOBILE HOMES PROHIBITED

EXCEPTIONS. No occupied trailer house or mobile home shall be placed on any lot or parcel of land within the town except in compliance with one or more of the following conditions:

- A. When temporarily located on a lot on which a building is being constructed, but not to exceed one year, provided that a bond or a mortgage on the trailer house or other property in the amount of two hundred dollars shall first be posted with the town guaranteeing the removal of the trailer house from the lot within one year from date of permit;
- B. When placed in an approved mobile home park or travel trailer court;
- C. When placed in an approved mobile home subdivision;
- D. When located in the R-3-A and R-3-M zones and all of the regulations of the R-3-A and R-3-M zones are complied with pertaining to area and width of lot, size of yards and height and size of buildings.

1.12.300 PERMIT HOME OCCUPATIONS. The board of adjustment may grant a permit for a home occupation subject to the following conditions:

- A. A home occupation is permitted in the zone;
- B. The home occupation is conducted entirely within a dwelling and is carried on in the dwelling only by members of the residing family;
- C. The home occupation does not involve the use of any accessory building or yard space for storage or activities outside the dwelling not normally associated with residential use;
- D. No commercial vehicles are used except for one delivery truck which does not exceed three-fourths ton rated capacity;
- E. The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a dwelling;
- F. Signs are limited to one sign not larger in area than two hundred twenty-six square inches;
- G. Not more than the equivalent of twenty-five percent of the ground floor area of the dwelling is devoted to the home occupation;
- H. The home occupation is registered with the town license division or department;
- I. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family, except when required otherwise by regulation of the State Health Department or other public agency;
- J. The physical appearance, traffic and other activities in connection with the home occupation is not contrary to the objectives and characteristics of the zone in which the

home occupation is located and does not depreciate surrounding values as determined by the board of adjustment.

1.12.310 UTILITY BUILDINGS AND STRUCTURES PERMITTED IN RESIDENTIAL ZONES. Utility buildings and structures may be constructed in all residential zones only after approval by the board of adjustment. The board of adjustment may require conditions which are reasonably necessary to protect surrounding property values and residential amenities.

1.12.320 DWELLING SITES TO HAVE FRONTAGE ON A PUBLIC STREET. At least one side of each lot used as a dwelling site shall abut upon a public street which will provide access to the dwelling, except in large scale developments, and the length of such abutting side, measured at the required setback line shall be at least as great as the width required for dwelling sites in the zone in which such building site is located. The board of adjustment may permit a dwelling to be built upon a lot which does not front upon a street subject to the following conditions:

- A. The entire front of the building can be viewed from a public street;
- B. The building is constructed at least twenty-four feet from the nearest building on the same or adjoining lot;
- C. The development will not cause undue concentration of population;
- D. In the opinion of the board of adjustment, values in the area will be safeguarded adequately.

1.12.330 USES PROHIBITED IN ZONES UNLESS EXPRESSLY PERMITTED. Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by action of the board of adjustment pursuant to express authority given under the terms of this title. Where the board of adjustment determines a use to be similar to other uses permitted in the zone, such use shall thereafter be deemed to be permitted just as if it were listed therein on the effective date of the ordinance codified in this title.

1.12.340 MOVED BUILDINGS. A. No permit shall be issued for the moving of any residential, commercial, or industrial building, which has had prior use, from one site within the town to another site within the town or from a site outside of the town to a site within the town, without first filing an application with the zoning administrator.

- B. The following information shall be filed with the zoning administrator at the time the application is made:
- 1. Location and address of the old and new site;
  - 2. Plot plan of the new location showing adjacent lots on all sides of the property;
  - 3. Plans and specifications for the proposed improvements at the new location, including plans for landscape treatment.

- C. The application shall then be submitted to the board of adjustment for approval.
- D. Before the board of adjustment may approve an application for the moving of a building onto a lot within the town, it must find:
  - 1. That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved;
  - 2. That the building and the lot on which the building is to be located will conform to the requirements of this title and building code;
  - 3. That all required dedications and improvements for streets and other facilities shall be provided in conformity with town standards.
- E. The building and grounds shall be brought up to the standards required of new buildings before being occupied.
- F. Before a permit to move a building may be granted, the applicant shall post a bond or other assurance as determined by the board of adjustment to cover costs of bringing the buildings and grounds up to standard. In the event of failure to comply with conditions required by the board of adjustment, the town council may declare the bond or other assurance forfeited and use the proceeds therefrom in performing the work.
- G. The bond shall also cover the costs involved in cleaning up the vacated site and restoring it to a safe and sightly condition.

1.12.350 PERMIT REST HOME. The board of adjustment may permit a rest home in zones in which such uses are permitted, provided the lot is at least one hundred feet wide, contains at least one-half acre of land; the building is located at least fifty feet back from the front lot line; and in the opinion for the board, will not depreciate surrounding values.

1.12.360 REQUIRED BUFFER. Any new commercial development (H-1, CC-1, CC-2, GC-1, I-1, and I-2) on property adjoining a residential zone (R-1, R-2, R-3-A, and R-3-M) shall provide a sight-obscuring fence and/or other satisfactory buffer, and landscaping to insure compatibility with and provide protection to the neighboring residential zone. The buffer and landscaping which the developer proposes shall be clearly indicated on the building permits application, and shall be reviewed and approved by the planning and zoning commission before construction can begin.

I-2 Industrial Zone

RR-1 Recreational Residential Zone

1.20.020 OFFICIAL ZONE MAP. A. The location and boundaries of each of the zones are shown on the official zone map of the town and the map is declared to be an official record and a part of this title and the official zone map and all notations, references and other information shown thereon shall be identified by the signature of the mayor and attested to by the town clerk and shall be as much a part of this title as if the matters and other information set forth by said map were fully described therein.

B. Whenever amendments or changes are made in zone boundaries such amendments or changes shall be made on the official zone map promptly. No amendment or change shall become effective until after it has been properly noted and attested to on the official zone map.

C. No changes of any nature shall be made in the official zone map except in conformity with the procedure set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided in this title.

D. Regardless of the existence of purported copies of the official zone map which may from time to time be made or published, the official zone map which shall be located in the office of the town manager shall be the final authority in determining current zoning status.

1.20.030 BOUNDARIES OF ZONES. Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply.

A. Where the intended boundaries on the official zone map are approximately street or alley lines, said street or alleys shall be construed to be the zone boundaries;

B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries unless otherwise indicated;

C. Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale of measurement shown on the official zone map.

D. Where other uncertainty exists, the board of adjustment shall interpret the official zone map.

1.20.040 REGULATIONS WITHIN ZONES. Within each of the zones, the use, location, height, and size of buildings and structures, the use of land and size of lots, yards, courts, and other open spaces and the density of population are regulated as set forth in the following chapters of this title.

## GENERAL LAND AND BUILDING PROVISIONS

### SECTIONS:

- 1.16.010 Intent.
- 1.16.020 Nonconforming buildings and uses.
- 1.16.030 Nonconforming lots of record.
- 1.16.040 Amendments to title and map.

1.16.010 INTENT. The intent of this chapter is to accumulate provisions applying to all land and buildings within the town into one chapter rather than to repeat them several times.

1.16.020 NONCONFORMING BUILDINGS AND USES. A. In view of the fact that no further development or change in use can be undertaken contrary to the provisions of this title, it is the intent of this title that nonconforming uses shall not be increased nor expanded except where a health or safety official, acting in his official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official. Nevertheless, a nonconforming building or structure or use of land may be continued to the same extent and character as that which legally existed on the effective day or the applicable regulations. Repairs may also be made to a nonconforming building or to a building housing a nonconforming use.

- B. A nonconforming building or structure and a building or structure or use of such building, structure, or part thereof may be continued or resumed, provided that such restoration is started within a period of six months from the date of destruction and is diligently prosecuted to completion. Such restoration shall not increase the floor space devoted to the nonconforming use over that which existed at the time the building became nonconforming;
- C. A nonconforming building or structure or portion thereof or a lot occupied by a nonconforming use which is, or hereafter becomes abandoned or is discontinued for a continuous period of six months or more shall not thereafter be occupied, except by a use which conforms to the regulations of the zone in which it is located;
- D. Any nonconforming use or nonconforming building which has been changed to a conforming use or building shall not thereafter be changed back to a nonconforming use or building;
- E. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use;
- F. The provisions pertaining to nonconforming uses of land and buildings shall also apply to land and buildings which hereafter become nonconforming due to an amendment in this title;

- G. Notwithstanding the issuance of a permit therefor, no building which becomes nonconforming due to an amendment to this title shall be built unless construction has taken place thereon to the extent of at least five hundred dollars in replaceable value by the date on which the ordinance codified herein or said amendment becomes effective. "Replaceable value" means the expenditure necessary to duplicate the materials and labor at market prices.

1.16.030      NONCONFORMING LOTS OF RECORD. Notwithstanding any other provision of this title, a one-family dwelling may be constructed on any lot of record in any zone in which dwellings are permitted, even though such lot fails to meet the area or width requirements for one-family dwellings within the zone. Where two or more contiguous lots of record, having continuous frontage, are owned by the same person at the time of the passage of the controlling ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the area and width requirements of the zone in which the lot is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations of the zone in which the lot is located.

1.16.040      ADMENDMENTS TO TITLE AND MAP. A.      This title, including the map, may be amended, but all proposed amendments shall be submitted first to the planning and zoning commission for its recommendations, which recommendations shall be submitted to the town council for its consideration within a reasonable time.

- B. Any person seeking an amendment of this title or map shall submit to the planning and zoning commission a written application on forms furnished by the town designating the change desired and the reason therefor, and shall pay a filing fee of fifty dollars to the town. Upon receipt of the application and the payment of the filing fee, the planning and zoning commission shall consider the request and shall certify its recommendations to the town council. Failure on the part of the planning and zoning commission to certify its recommendations to the town council within thirty days from receipt of the petition shall be deemed to constitute approval unless a longer period is granted by the town council. The fee required herein shall not be returned to the applicant. The planning and zoning commission, manager, or town council may also initiate amendments to this title without payment of the filing fee;
- C. All amendments to this title shall be made in accordance with the comprehensive plan of land use. It is public policy that this title shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this title;
- D. Amendments to this title may be adopted only after a public hearing in relation thereto before the town council at which parties in interest and citizens shall have an opportunity

to be heard. A notice of the time and place of such hearing shall be published in a newspaper of general circulation within the town as required by law.

## CHAPTER 1.20

### ZONE ESTABLISHMENT

sections:

- 1.20.010 Zones established.
- 1.20.020 Official zone map.
- 1.20.030 Boundaries of zones.
- 1.20.040 Regulations within zones.

1.20.010 ZONES ESTABLISHED. In order to carry out the purposes of this title, the town is divided into zones as follows:

- R-1 Residential Zone
- R-2 Residential Zone
- R-3 Residential Zone
- R-3-A Residential Zone
- R-3-M Residential Zone
- R-4 Residential Zone
- R-5 Large Scale Development
- HP-1 Historical Preservation Zone
- H-1 Highway Service Zone
- CC-1 Central Commercial Zone
- CC-2 Central Commercial Zone
- GC-1 General Commercial Zone
- I-1 Industrial Zone
- I-2 Industrial Zone
- RR-1 Recreational Residential Zone

1.20.020 OFFICIAL ZONE MAP. A. The location and boundaries of each of the zones are shown on the official zone map of the town and the map is declared to be an official record and a part of this title and the official zone map and all notations, references and other information shown thereon shall be identified by the signature of the mayor and attested to by the town clerk and shall be as much a part of this title as if the matters and other information set forth by said map were fully described therein.

- B. Whenever amendments or changes are made in zone boundaries such amendments or changes shall be made on the official zone map promptly. No amendment or change shall

become effective until after it has been properly noted and attested to on the official zone map.

- C. No changes of any nature shall be made in the official zone map except in conformity with the procedure set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided in this title.
- D. Regardless of the existence of purported copies of the official zone map which may from time to time be made or published, the official zone map which shall be located in the office of the town manager shall be the final authority in determining current zoning status.

1.20.030      BOUNDARIES OF ZONES. Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

- A. Where the intended boundaries on the official zone map are approximately street or ally lines, said street or alleys shall be construed to be the zone boundaries;
- B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries unless otherless indicated;
- C. Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale of measurement shown on the official zone map;
- D. Where other uncertainty exists, the board of adjustment shall interpret the official zone map.

1.20.040      REGULATIONS WITHIN ZONES. Within each of the zones, the use, location, height, and size of buildings and structures, the use of land and size of lots, yards, courts, and other open spaces and the density of population are regulated as set forth in the following chapters of this title.

## CHAPTER 1.24

### R-1 RESIDENTIAL ZONE

#### SECTIONS:

- 1.24.010      Minimum lot size.
- 1.24.020      Objectives and characteristics of zone.
- 1.24.030      Use requirements.
- 1.24.040      Other requirements.

1.24.010      MINIMUM LOT SIZE.      The R-1 residential zone minimum lot size area is seventy-five hundred square feet.

1.24.020      OBJECTIVES AND CHARACTERISTICS OF ZONE.      A.      The R-1 residential zone covers the portion of the town which is primarily suited for one-family dwellings plus certain complimentary uses such as parks, churches, and schools. The primary objective in establishing this zone is to create and maintain a living environment within the town which is characterized by spacious landscaped lots, uncrowded buildings, and quiet residential conditions. Accordingly, apartment houses, boardinghouses and other multiple dwellings, as well as commercial and industrial uses, are not permitted in this zone.

1.24.030      USE REQUIREMENTS.      The following buildings, structures, and uses of land shall be permitted in the R-1 residential zone upon compliance with requirements as set forth in this title:

- A. One-family dwellings and accessory buildings, including a private garage for the storage of vehicles owned by persons residing on the premises, greenhouses of private use only, private swimming pools, pergolas, and arbors;
- B. Home occupations when approved by the board of adjustment;
- C. Public parks, public recreation grounds, but not including privately owned amusement parks or recreation grounds;
- D. Agriculture;
- E. A signboard not exceeding eight square feet in area, appertaining to the lease or sale of the property, also nameplates in connection with dwellings or offices of professional persons not exceeding two hundred twenty-six square inches in area, provided such signs are constructed and maintained in harmony with the residential character of the zone;
- F. Fences, walls, and hedges which do not exceed six feet in height;
- G. School and churches and public cemeteries;
- H. Customary household pets.

1.24.040      OTHER REQUIREMENTS.      A.      Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space, the height and size of buildings, and the percentage of the lot that may be occupied shall be as set forth in Section 1.80.010 of this title relating to the R-1 zone.

- B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.28

### R-2 RESIDENTIAL ZONE

## SECTIONS:

- 1.28.010 Minimum lot size.
- 1.28.020 Objectives and characteristics of zone.
- 1.28.030 Use requirements.
- 1.28.040 Other requirements.

1.28.010 MINIMUM LOT SIZE.\* The R-2 residential zone minimum lot size area is seven thousand square feet.

1.28.020 OBJECTIVES AND CHARACTERISTICS OF ZONE. A. The R-2 residential zone covers the portion of the town which is primarily suited for residential development, represented by a commingling of one-family, and two-family dwellings plus parks, playgrounds, schools, churches, and other community facilities designed to serve the residents of the zone. This zone is characterized by a more compact and somewhat denser residential development than is the R-1 residential zone.

B. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the R-2 residential zone.

1.28.030 USE REQUIREMENTS. The following buildings, structures, and uses of land shall be permitted upon compliance with requirements set forth in this title:

- A. Any use permitted in the R-1 residential zone;
- B. Day-care nurseries and rest homes when approved by the board of adjustment;
- C. Two-family dwellings.

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\* For minimum lot size for two-family dwelling, see Section 1.84.010.

1.28.040 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space, the height and size of buildings, and the percentage of the lot that may be occupied shall be as set forth in Sections 1.80.010 of this title relating to the R-2 zone.

B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.32

### R-3 RESIDENTIAL ZONE

## SECTIONS:

- 1.32.010 Minimum lot size.
- 1.32.020 Objectives and characteristics of zone.
- 1.32.030 Use Requirements.
- 1.32.040 Other requirements.

1.32.010 MINIMUM LOT SIZE.\* The R-3 residential zone minimum lot size area is five thousand, six hundred square feet.

1.32.020 OBJECTIVES AND CHARACTERISTICS OF ZONE. A. The R-3 residential zone covers the portion of the town which is primarily suited for residential development represented by a commingling of one-family, two-family, and multiple-family dwellings, plus parks, playgrounds, schools, churches, and other community facilities designed to serve the residents of the zone. This zone is characterized by a more compact and somewhat denser residential development than is the R-2 residential zone.

B. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the R-3 residential zone.

1.32.030 USE REQUIREMENTS. The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this title:

- A. Any use permitted in the R-2 residential zone;
- B. Apartment houses, lodging houses, and other multiple dwellings;
- C. Group dwellings subject to requirements set forth in Sections 1.88.010 through 1.88.210 of this title, which pertain to group dwellings.

1.32.040 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space, the height and the percentage of the lot that may be occupied shall be as set forth in Section 1.34.010 of this title relation to the R-3 zone.

B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.36

### R-3-A RESIDENTIAL ZONE

## SECTIONS:

- 1.36.010 Minimum lot size.

- 1.36.020 Objectives and characteristics of zone.
- 1.36.030 Use requirements.
- 1.36.040 Special provisions.
- 1.36.050 Other requirements.

1.36.010 MINIMUM LOT SIZE.\* The R-3-A residential zone minimum lot size area is five thousand, six hundred square feet.

1.36.020 OBJECTIVES AND CHARACTERISTICS OF ZONE. A. The R-3-A residential zone covers the portion of the town which is primarily suited for residential development represented by one-family, two-family, and multiple-family dwellings and trailer houses, plus parks, playgrounds, schools, churches, and other community facilities. This zone is characterized by a mixture of conventional forms of residential development and trailer houses.

B. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the R-3-A residential zone.

1.36.030 USE REQUIREMENTS. The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this title:

- A. Any use permitted in the R-3 residential zone;
- B. Mobile homes subject to regulations and conditions set forth in Section 1.12.290 (D) of this title.

1.36.040 SPECIAL PROVISIONS. Mobile homes shall be permitted in this zone only when they replace an existing substandard dwelling. Mobile homes shall not be placed on vacant lots.

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\* See Section 1.84.010

1.36.050 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space, the height and size of buildings, and the percentage of the lot that may be occupied shall be as set forth in Sections 1.80.010 of this title relating to the R-3-A zone.

B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.40

### R-3-M RESIDENTIAL ZONE

SECTIONS:

- 1.40.010 Minimum lot size.
- 1.40.020 Objectives and characteristics of zone.
- 1.40.030 Use requirements.
- 1.40.040 Special provisions.
- 1.40.050 Other requirements.

1.40.010 MINIMUM LOT SIZE. The R-3-M residential zone minimum lot size area is five thousand, one hundred square feet.

1.40.020 OBJECTIVES AND CHARACTERISTICS OF ZONE. The R-3-M residential zone covers the portion of the town which is primarily suited for residential development represented by mobile homes, parks, playgrounds, and other community facilities. This zone is characterized by mobile homes placed on individual lots which have been included within an approved subdivision.

1.40.030 USE REQUIREMENTS. The following buildings, structures, and uses of land shall be permitted in the R-3-M residential zone upon compliance with the requirements set forth in this title:

- A. Mobile homes subject to regulations and conditions set forth in Section 1.12.290 (D) of this title;
- B. public parks, public recreation grounds but not including privately owned amusement parks or recreation grounds;
- C. Agriculture;
- D. a signboard not exceeding eight square feet in area appertaining to the lease or sale of the property. Also, nameplates in connection with mobile homes not exceeding two hundred twenty-six square inches;
- E. Fences, walls, and hedges which do not exceed six feet in height;
- F. Customary household pets.

1.40.040 SPECIAL PROVISIONS. All mobile homes shall be skirted with materials that will harmonize with the design and materials used in the mobile home, as approved by the zoning administrator.

1.40.050 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space, the height and size of buildings, and the percentage of the lot that may be occupied shall be as set forth in Section 1.84.010 of this title relating to the R-3-M zone.

- B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.44

### R-4 RESIDENTIAL ZONE

#### SECTIONS:

- 1.44.010 Minimum lot size.
- 1.44.020 Objectives and characteristics of zone.
- 1.44.030 Use requirements.
- 1.44.040 Other requirements.

1.44.010 MINIMUM LOT SIZE.\* The R-4 residential zone minimum lot size area is five thousand, one hundred square feet.

1.44.020 OBJECTIVES AND CHARACTERISTICS OF ZONE. A. The R-4 residential zone covers the portion of the town which is primarily suited for residential development but in which office buildings and certain other uses of a semicommercial nature may be located. In general, this zone serves as a transitional zone between the central commercial zone and the residential zones surrounding the central commercial zone. Since this zone is essentially residential in character, office buildings, res homes, mortuaries, parking lots, and other transitional uses permitted in the zone must be developed and maintained in harmony with residential uses. While a greater amount of automobile traffic and automobile parking is characteristic of this zone, attractive lawns, shrubs, trees, both on the street and around buildings, are also characteristic of this zone.

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\* See also Section 1.84.010

- B. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the R-4 residential zone.

1.44.030 USE REQUIREMENTS. The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this title:

- A. Any use permitted in the R-3 residential zone;
- B. Office buildings or a group of office buildings on one lot but not including office buildings that involve the exchange of goods or money on the premises;
- C. Hospitals, clinics, clubs;
- D. Parking lots for public use;

- E. Nonflashing signs advertising the services performed within the building and signs designating the name of the building, provided such signs shall be attached to and placed flat against the wall of the building and provided no part of such sign shall extend more than two feet above the building wall and provided that any lights used to illuminate such signs shall be shielded or diffused;
- F. Mortuaries, wedding chapels;
- G. Other uses ruled by the board of adjustment to be similar to the uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the R-4 residential zone.

1.44.040 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space, the height and size of buildings, and the percentage of the lot that may be occupied shall be as set forth in Section 1.80.010 of this title relating to the R-4 zone.

- B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.48

### R-5 LARGE SCALE DEVELOPMENT ZONE

#### SECTIONS:

- 1.48.010 Objectives and characteristics of zone.
- 1.48.020 Use requirements.
- 1.48.030 Other requirements.

1.48.010 OBJECTIVES AND CHARACTERISTICS OF ZONE. A. The R-5 large scale development zone covers the portion of the town which is represented by planned unit developments, mobile home parks, mobile home subdivisions, travel trailer courts, group dwellings, farm labor camps, and one and two-family dwellings. This zone is characterized by a more compact somewhat denser residential development than is the R-1 or R-2 residential zone.

- B. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the R-5 large scale development zone.

1.48.020 USE REQUIREMENTS. The following buildings, structures, and uses of land shall be permitted upon compliance with requirements set forth in this title:

- A. Any use permitted in the R-2 residential zone;

- B. Planned unit developments, mobile home parks, mobile home subdivisions, group dwellings, farm labor camps, subject to the regulations and conditions set forth in Sections 1.88.010 through 1.88.210 of this title.

1.48.030        OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, the locations of buildings and structures, the size of yards and open spaces, the height and size of building and the percentage of lot that may be occupied for buildings and structures which are not included in a large scale development shall be the same as in the R-2 residential zone.

- B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.52

### HP-1 HISTORICAL PRESERVATION ZONE

#### SECTIONS:

#### 1.52.010        OBJECTIVES AND CHARACTERISTICS OF ZONE.

- A. The HP-1 historical preservation zone covers the portion of the town which is significant for its historic importance. The primary objectives in establishing this zone are:
  - 1. To preserve the unique character and values of the area;
  - 2. To facilitate an understanding of historical values of the past with those of the present;
  - 3. To enhance the economic well being of the people through the preservation of a tourist attraction; and
  - 4. To increase the tax base.
- B. This zone is characterized by buildings that have retained the appearance of commercial buildings constructed during the latter part of the nineteenth century and early part of the twentieth century when the community served as the trading and shipping center for the southeastern Arizona cattle industry.
- C. In order to accomplish the objectives and purposes of this title and to stabilize and protect the characteristics of the zone, the following regulations in this chapter shall apply in the HP-1 historical preservation zone.

1.52.020        USE REQUIREMENTS.        Use requirements in the HP-1 historical preservation zone shall be as follows:

- A. Any use permitted in the H-1 highway service zone, CC-1 central commercial zone, and GC general commercial zone except for automobile filling stations, gasoline, oil, and L.P. gas storage and automobile sales yards, nonaccessory advertising signs and similar uses which were not in popular usage prior to 1900.

1.52.030 OTHER REQUIREMENTS. There shall be no requirements pertaining to area and width of lots, size of yards, and open spaces, and height and size of buildings except as required by the zoning administrator.

1.52.040 SPECIAL PROVISIONS. A. No building or structure shall be constructed, reconstructed, or altered and no change in the use of land shall be made in the HP-1 historical preservation zone unless and until the zoning administrator approves it. The zoning administrator shall approve the construction, reconstruction, or alteration of any permitted building or structure or change in the use of land in the HP-1 historical preservation zone only if it finds that the architectural style, general design, arrangement, location, and materials affecting the exterior appearance follows the traditional architectural characteristics of buildings constructed during the latter part of the nineteenth century. Where a conflict arises between the style, general design, and materials as specified by the zoning administrator and the building code of the town, the zoning administrator may authorize a variance in the strict application of the building code but only to the extent that is necessary to carry out the objectives and characteristics of this zone.

B. Upon approval of the plans for a building or structure or change in the use of land, the zoning administrator shall issue a permit therefor, and the applicant shall be entitled to a certificate of zoning compliance after completion of the building or structure, provided the buildings or structures have been constructed in accordance with the approved plans.

## CHAPTER 1.56

### H-1 HIGHWAY SERVICE ZONE

#### SECTIONS:

1.56.010 Objectives and characteristics of zone.

1.56.020 Use requirements.

1.56.030 Other requirements.

1.56.010 OBJECTIVES AND CHARACTERISTICS OF ZONE. A. The H-1 highway service zone covers the portion of the town which is primarily suited for commercial and service uses to serve the traveling public. The objectives in establishing this zone are to promote the economic well being of the people of Clifton through increased employment in retail services, to increase the tax base, and to provide service to travelers and truckers, as well as to residents of the area.

- B. This zone is characterized by restful surroundings in which the buildings and structures are situated among lawns, trees, and other plantings, and where the traveling public can find rest, comfort, and necessary services.
- C. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the H-1 highway service zone.

1.56.020      USE REQUIREMENTS.      The following buildings, structures, and uses of land shall be permitted in the H-1 highway service zone upon compliance with requirements as set forth in this title:

- A. Automobile filling stations, cafes, motels, drive-ins (food service), garages, and any other uses permitted in the CC-1 central commercial zone;
- B. Accessory signs and bulletin boards;
- C. Billboards;
- D. Art and curio shops, public and private museums;
- E. Fences, walls, reservoirs, and dams;
- F. Public parks and playgrounds;
- G. Caretakers' dwellings;
- H. Gas, oil, and water wells;
- I. Dental and medical offices, hospitals;
- J. Travel trailer courts subject to regulations and conditions set forth in Sections 1.88.010 through 1.88.020 of this title;
- K. Other uses rules by the board of adjustment to be similar to uses specifically permitted in the zone and which will harmonize with the objectives and characteristics of the H-1 highway service zone.

1.56.030      OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, and the location of buildings and structures, the size of yards and open space, the height and size of buildings, and the percentage of the lot that may be occupied shall be as set forth in Section 1.84.010 of this title pertaining to the H-1 zone.

- B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.60

### CC-1 CENTRAL COMMERCIAL ZONE

#### SECTIONS:

- 1.60.010      Objections and characteristics of zone.
- 1.60.020      Use requirements.

1.60.030 Other requirements

1.60.010 OBJECTIONS AND CHARACTERISTICS OF ZONE. A. This zone covers the central commercial and financial part of the town and is primarily suited for retail and service establishments. The regulations have been made with a view to preserving and encouraging the use of land for retail establishments, plus certain other uses of an allied nature. Fabrication and processing activities in connection with, and incidental to, the primary function of retailing are also permitted along with motels, and other tourist accommodations. Storage of merchandise, products, or materials must be enclosed within buildings or a sight-obscuring fence. No dust, smoke, odor, or vibration shall be emitted which is discernible beyond the zone boundary. Dwellings and other uses which tend to thwart the use of land for the primary function of retailing, personal service, tourist accommodations, and business establishments, have also been excluded.

- B. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the CC-1 central commercial zone.

1.60.020 USE REQUIREMENTS. The following buildings, structures, and uses of land shall be permitted in the CC-1 central commercial zone upon compliance with the requirements set forth in this title:

- A. Retail, financial, and personal service establishments, provided there is no storage of merchandise, materials, equipment, or junk outside of enclosing buildings, or enclosing fences, except automobiles, trucks, and other vehicles in running order;
- B. The fabrication or processing of goods done in connection with, and incidental to, the sale of goods on the premises, provided such activities do not give rise to dust, odor, noise, smoke, vibration, or intermittent light or glare discernible beyond the zone boundary lines and do not involve the storage of merchandise, materials, products, equipment, or junk outside of enclosed buildings except automobiles, trucks, and other vehicles in running order;
- C. Parking lots;
- D. Private and public office buildings, clinics, clubs, churches, and public and parochial schools;
- E. Amusement enterprises, pool halls, bowling alleys, public dance halls, night clubs, and alcoholic and beer dispensing establishments;
- F. Cleaning and pressing shops which use nonflammable cleaning agents only;
- G. Fine arts studios, museums;
- H. Egg, poultry, and meat stores (not including slaughtering, eviscerating, plucking, or dressing);
- I. Interior decorating;
- J. Launderette (self-service);

- K. Locksmith, metal sharpening;
- L. Motels, hotels, and day-care nurseries which comply with the State Board of Health requirements;
- M. Newsstands;
- N. Optical shops;
- O. Photostating and blueprinting;
- P. Printing and publishing;
- Q. Radio and television stations'
- R. Radio, television, and electrical appliance repair shops;
- S. Shoe repair shops;
- T. Telephone exchange;
- U. Tailor, millinery, and dressmaking establishments;
- V. Bus stations;
- W. Theatres;
- X. Accessory signs;
- Y. Dwellings, when located above the ground floor, provided the ground floor is designed and used exclusively for a commercial purpose permitted in the zones;
- Z. Other uses ruled by the board of adjustment to be similar to uses specifically permitted in the zone.

1.60.030 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space, the height and size of buildings, and the percentage of the lot that may be occupied shall be as hereinafter set forth in Section 1.84.010 of this title pertaining to the CC-1 zone.

See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.64

### CC-2 CENTRAL COMMERCIAL ZONE

#### SECTIONS:

- 1.64.010 Objectives and characteristics of zone.
- 1.64.020 Use requirements.
- 1.64.030 Other requirements.
- 1.64.040 Prohibited uses.
- 1.64.050 Conditional uses.

1.64.010 OBJECTIVES AND CHARACTERISTICS OF ZONE. This zone covers a portion of the central commercial and financial part of the town and is primarily suited

for retail and office buildings for professional, financial, administrative and personal services and certain other uses of a semicommercial nature may be permitted. The regulations have been made with a view to preserving and encouraging the use of land for office buildings and retail establishments, plus certain other uses of an allied nature.

Storage of merchandise, products, or materials must be enclosed within the buildings. No dust, smoke, litter, odor or vibration shall be emitted which is discernible beyond the zone boundary. Dwellings and other uses which tend to thwart the use of land for the primary function of office buildings and other uses of a semicommercial nature of retailing and personal services and business establishments shall be excluded.

In order to accomplish the objectives and purposes of this zone and to stabilize and protect the essential characteristics of this zone, the following regulations shall apply in the CC-2 central commercial zone:

- A. Primary purpose for the zone is professional, financial, administrative and personal services, plus limited retailing as set forth in this chapter
- B. This zone is primarily a transitional zone between the existing zones of R-4, CC-1 and H-1.
- C. This zone is characterized by small business and specialty shops on small parcels which transact most of their business during the daylight hours.
- D. Single-family dwellings are expressly prohibited from this zone.
- E. There shall not be any retail establishments of any nature where a display and sale of secondhand, surplus and salvage merchandise is made available to the public for sale, lease or rent or exchange.
- F. This zone shall be characterized with landscaping and sufficient parking to ensure compatibility with neighboring residential zones. Sufficient off-street parking shall serve the needs of each individual business or office within the zone.
- G. This zone shall prohibit manufacture, fabrication or processing of goods and merchandise, except those of a bakery, tailor and arts and crafts.
- H. Any construction sites over two thousand five hundred square feet in net area require site plan approval by the Clifton planning and zoning commission.

1.64.020      USE REQUIREMENTS.      The following building structures and uses of land shall be permitted in the CC-2 central commercial zone upon compliance with the requirements set forth in this title:

- A. Private and public office buildings;
- B. Clinics;
- C. Fine art studios;
- D. Museums;
- E. Interior decorating;
- F. Locksmiths and metal sharpening;
- G. Optical shops;

- H. Photostat offices;
- I. Blueprinting;
- J. Printing;
- K. TV and appliance repair and sales;
- L. Dress shops;
- M. Financial institutions;
- N. Personal service establishments;
- O. Professional services;
- P. Bakery;
- Q. Specialty shops, i.e., jewelry, arts and crafts, gifts, bookstore, photography;
- R. Other uses rules by the board of adjustment to be similar to the foregoing uses, provided such other uses are not inconsistent with the objectives and characteristics of this zone.

1.64.030 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots and location of buildings and structures, the size of yards and open space, the height and size of buildings and the percentage of the lot that may be occupied shall be as hereinafter set forth in Section 1.84.010 of this Title pertaining to the CC-2 zone.

B. See also supplementary requirement and procedures applicable within zones.

1.64.040 PROHIBITED USES. The following buildings, structures and uses of land shall be prohibited in the CC-2 central commercial zone:

- A. Service stations;
- B. Garages;
- C. Motorcycle repair;
- D. Motels;
- E. Cafes (eating establishments) ;
- F. New and used car sales;
- G. Single-family dwellings;
- H. Duplexes;
- I. Amusement establishments, i.e., pool halls, bars, pubs, saloons, bowling alleys, dance halls, night clubs, liquor dispensing stores, adult bookstores;
- J. Lumberyards;
- K. Shopping center;
- L. Bus depot;
- M. Egg, poultry and meat stores;
- N. Laundromats;
- O. Vet services;
- P. Pet shops;
- Q. Kennels;
- R. Travel trailer parks;

- S. Warehouses of distribution centers;
- T. Food stores;
- U. Billboards and nonaccessory signs, except as provided in this chapter, are prohibited in this zone. Freestanding signs shall not exceed twenty-four square feet at a maximum and shall not exceed ten feet in height at their highest point; all wall signs or billboards shall not exceed eighteen square feet. All lights in this zone shall be nonflashing and nonrotating. No signs or lights shall exist within thirty feet of any residential property.

1.64.050      **CONDITIONAL USES.**      The following building structures and uses of land may be permitted upon first obtaining approval by the planning and zoning board of adjustment:

- A. Daycare nursery;
- B. Radio station;
- C. Cable TV station;
- D. Theater;
- E. Convenience market;
- F. Mini-storage facilities;
- G. Furniture store;
- H. Upholstery shop;
- I. Hardware store;
- J. Paint store.

## CHAPTER 1.68

### GC-1 GENERAL COMMERCIAL ZONE

#### SECTIONS:

- 1.68.010      Objectives and characteristics of zone.
- 1.68.020      Use requirements.
- 1.68.030      Other requirements.

1.68.010      **OBJECTIVES AND CHARACTERISTICS OF ZONE.**      A.      The GC-1 general commercial zone covers the portion of the town which is primarily suited for heavy commercial establishments and for nonnuisance industries. The objectives in establishing this zone are:

- 1. To designate the most appropriate land within the town for light industrial and wholesale establishments and to prevent the scattering of such uses into surrounding zones;

2. To encourage the construction of and continued use of the land for commercial and industrial buildings; and
  3. To discourage the use of the land for both dwellings and for nuisance industries or any other use which would thwart or substantially interfere with the use of the land for its primary purpose.
- B. This zone is characterized by a mixture of businesses, warehouses, craft shops, and manufacturing and industrial enterprises which are incidental to retail and wholesale establishments.
- C. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the GC-1 general commercial zone.

1.68.020      USE REQUIREMENTS.      The following buildings, structures, and uses of land shall be permitted in the GC-1 general commercial zone upon compliance with requirements as set forth in this title:

- A. Any use permitted in the CC-1 central commercial zone;
- B. Wholesale distributing houses and warehouses;
- C. Service establishments such as dyeing, cleaning, or laundry plants, printing plants, machine shops, blacksmith shops;
- D. Food preparation plants, the operation of which is not obnoxious by reason of emission of odors, smoke, or noise;
- E. Milk distribution stations, creameries, bottling works and similar businesses;
- F. Assembling and the sale of farm equipment, mining machinery, vehicles and similar articles, but excluding junk yards and auto wrecking yards;
- G. Public garages and public parking lots;
- H. Veterinary hospitals;
- I. Carting, express hauling and storage;
- J. Building materials storage yards, plant nurseries;
- K. Stone cutting and monument works;
- L. Hay, grain, and feed establishments;
- M. Wholesale and bulk gasoline;
- N. Oil and L.P. gas storage and sales;
- O. Nonaccessory signs and billboards;
- P. Bona fide caretakers' dwellings;
- Q. Other uses ruled by the board of adjustment to be similar to the foregoing uses provided that such other uses are not inconsistent with the objectives and characteristics of this zone.

1.68.030      OTHER REQUIREMENTS. Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space,

the height and size of buildings, and the percentage of the lot that may be occupied shall be as hereinafter set forth in Section 1.84.010 of this title pertaining to the GC-1 zone.

See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.72

### I-1 INDUSTRIAL ZONE

#### SECTIONS:

- 1.72.010 Objectives and characteristics of zone.
- 1.72.020 Use requirements.
- 1.72.030 Other requirements.

1.72.010 OBJECTIVES AND CHARACTERISTICS OF ZONE. A. The I-1 industrial zone covers the portion of the town which is primarily suited for industrial development. The primary objectives in establishing this zone are to separate industrial uses from residential and related uses and to promote the economic well being of the people. In an effort to protect surrounding residential and commercial uses, certain types of industrial uses have been excluded, such as industries which are hazardous or which are offensive due to excessive odors, vibration, dust, or other emissions. Hotels, schools, churches, dance halls, liquor dispensing establishments and certain other uses have been excluded from the I-1 industrial zone because of the adverse effects upon such uses when they are allowed to commingle.

- B. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the I-1 industrial zone.

1.72.020 USE REQUIREMENTS. The following buildings, structures, and uses of land shall be permitted upon compliance with the requirements set forth in this title:

- A. Any use permitted in the CC-1 central commercial zone and GC-1 general commercial zone except motels, hotels, churches, public hospitals, public and parochial schools, day-care nurseries, public dance halls, night clubs, beer and alcohol dispensing establishments;
- B. Kennels, excluding outside runs;
- C. All industrial, manufacturing, and processing establishments, and buildings and structures to accommodate the same, except the following: animal by-products and manufacture of fertilizer from animal by-products; manufacture of explosives, acetylene, acid, alcohol, ammonia, celluloid, and other explosive products and hog farms;
- D. Storage of merchandise, materials, equipment, and junk either inside or outside of buildings. Junkyards shall be surrounded by a sight-obscuring fence or wall at least eight

feet in height and no material or junk shall be stored to a height exceeding the height of the enclosing fence;

- E. Waste disposal sites when operated by a public agency in accordance with State Board of Health standards.

1.72.030 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space, the height and size of buildings, and the percentage of the lot that may be occupied shall be as hereinafter set forth in Section 1.84.010 of this title pertaining to I-1 zone.

- B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.76

### I-2 INDUSTRIAL ZONE

#### SECTIONS:

1.76.010 Objectives and characteristics.

1.76.020 Use requirements.

1.76.030 Other requirements.

1.76.010 OBJECTIVES AND CHARACTERISTICS. The objectives and characteristics of the I-2 zone shall be the same as in the I-1 industrial zone.

1.76.020 USE REQUIREMENTS. The following buildings, structures, and uses of land shall be permitted upon compliance with requirements set forth in this title:

- A. Any use permitted in the CC-1, GC-1, and I-1 zone;
- B. Livestock feed yards and livestock corrals.

1.76.030 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to area and width of lots, the location of buildings and structures, the size of yards and open space, the height and size of buildings, and the percentage of the lot that may be occupied, shall be as hereinafter set forth in Section 1.84.010 of this title pertaining to the I-1 zone.

- B. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.80

### RR-1 RECREATIONAL RESIDENTIAL ZONE

#### SECTIONS:

1.80.010 OBJECTIVES AND CHARACTERISTICS OF ZONE. A. The RR-1 recreational residential zone covers the portion of the town which is best suited for residential development associated with certain domestic animals for family food production and for the enjoyment of families residing on the premises. This zone is characterized by one-family dwellings located on the front part of the lots with pens and stables for the care and keeping of domestic animals located on the rear part of the lots. In an effort to protect the health of the inhabitants and to prevent the emission of excessive odor and dust, limitations as to number of domestic animals and proximity of such pens and stables to dwellings have been imposed. Even so, it can be expected that a certain amount of odor and dust will be present in the zone, and people who construct dwellings or live therein should bear this in mind.

B. In order to accomplish the objectives and purposes of this title and to stabilize and protect the essential characteristics of this zone, the following regulations in this chapter shall apply in the RR-1 recreational residential zone.

1.80.020 USE REQUIREMENTS. The following buildings, structures, and use of land shall be permitted in the zone upon compliance with the requirements set forth in this title:

A. Any use of land or buildings permitted in the R-1 zone;

B. The raising, care, and keeping of domestic animals and chickens in numbers not to exceed four-animal units for each thirty-five thousand square feet of lot area, not including easements. One animal unit shall be one horse, one cow, or two sheep and/or dairy goats, or twenty-five chickens, or twenty-five rabbits. No animal or fowl (except household pets) may be kept on a lot containing less than thirty-five thousand square feet. Other domestic animals not otherwise mentioned may be kept subject to limitations of numbers and conditions as may be determined by the board of adjustment to be in harmony with the objectives and characteristics of this zone;

C. Barns, pens, coops, and feed storage facilities for the care and keeping of permitted domestic animals.

1.80.030 OTHER REQUIREMENTS. A. Requirements and restrictions pertaining to width of lots, the location of buildings and structures, the size of yards and open spaces, the height and size of buildings and the percentage of lots that may be occupied shall be the same as in the R-1 zone, except that no lot for use as a dwelling, barn, or corral or combination thereof, shall contain less than thirty-five thousand square feet or have a width of less than one hundred feet.

B. All barns, coops, and feeding facilities for the care and keeping of animals and fowl shall be located on the back one-third of the lot. All corrals, pens or other fences shall be located on the back one-half of the lot. All animals and fowl and

facilities for their care and keeping shall be subject to the rules, and regulations of the town health officer.

C. See also supplementary requirements and procedures applicable within zones.

## CHAPTER 1.84

### SIZE REGULATIONS

#### SECTIONS:

1.84.010 Chart.

1.84.010 CHART. Requirements and regulations pertaining to area and width of lots, size of yards, and open spaces, percentage of lot that may be occupied and the height and size of buildings shall be as follows:

**1**

| Zone Symbol | Minimum Lot Area                                                          | Minimum Lot Size                                                     |                            |                                                                   |                                                                                                        |                         | Maximum Permissible lot coverage by bldgs. | Height of Buildings | Size of Buildings    |
|-------------|---------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------|--------------------------------------------|---------------------|----------------------|
|             |                                                                           | Width measured at front building line                                | Front Yard Setback in Feet | Side Yard Width in Feet Interior Lot                              | Side Yard Width in Feet Corner Lot                                                                     | Rear Yard Width in Feet |                                            |                     |                      |
| R-1         | 7,500 sq. ft.                                                             | 75 lin. ft.                                                          | 25 ft.                     | 5 ft. one side 15 ft. both sides for both main & accessory bldgs. | 5 ft. for both main & accessory bldgs. for interior side of lot. 15' for side yard adjacent to street. | 20 ft.                  | 25% for accessory bldgs.                   | 25 ft.              | 900 sq. ft. minimum. |
| R-2         | 7,000 sq. ft. for 1-family dwelling; 8,000 sq. ft. for 2-family dwelling. | 70 lin. ft. for 1-family dwelling 80 lin. ft. for 2-family dwelling. | 25 ft.                     | Same as R-1.                                                      | Same as R-1.                                                                                           | 20 ft.                  | Same as R-1.                               | 25 ft.              | 750 sq. ft. minimum. |

| Zone Symbol | Minimum Lot Area                                                                          | Minimum Lot Size                                                           | Minimum Side Yard Width in Feet | Minimum Corner Lot Side Yard Width in Feet | Minimum Rear Yard Width in Feet | Maximum Permissible lot coverage by bldgs. | Height of Buildings | Size of Buildings                                                                       |
|-------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------|--------------------------------------------|---------------------------------|--------------------------------------------|---------------------|-----------------------------------------------------------------------------------------|
| R-3         | 5,600 sq. ft. plus 2 sq. ft. of lot area for each sq. ft. of bldg. floor space above 500' | 60 ft. for 1-family dwelling plus 5 ft. for each additional dwelling unit. | 25 ft.                          | Same as R-1.                               | Same as R-1.                    | 20 ft.                                     | Same as R-1.        | 500 sq. ft. minimum for each dwelling unit.                                             |
| R-3-A       | Same as R-3.                                                                              | Same as R-3.                                                               | 25'                             | Same as R-1.                               | Same as R-1.                    | 20 ft.                                     | Same as R-1.        | Same as R-3 except that the minimum size of a mobile home may be reduced to 400 sq. ft. |
| R-3-M       | 5,100                                                                                     | Same as R-3                                                                | 25'                             | Same as R-1                                | Same as R-1                     | 20 ft.                                     | Same as R-1         | Same as R-3                                                                             |

| Zone<br>Symbol | Minimum Lot Size                                                                                                                                                                                                                                                                                                                               |                                                   |                                        | Minimum Yards              |                                                                 |            | Maximum<br>Permis-<br>sible lot<br>coverage<br>by bldgs. | Height of<br>Buildings | Size of Buildings |                               |
|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------|----------------------------|-----------------------------------------------------------------|------------|----------------------------------------------------------|------------------------|-------------------|-------------------------------|
|                | Area                                                                                                                                                                                                                                                                                                                                           | Width<br>measured<br>at front<br>building<br>line | Front<br>Yard<br>Setback<br>in<br>Feet | Side Yard<br>Width in Feet | Side Yard<br>Width in Feet                                      | Corner Lot |                                                          |                        |                   | Rear Yard<br>Width<br>in Feet |
| R-4            | Same as<br>R-3.                                                                                                                                                                                                                                                                                                                                |                                                   | 25 ft.                                 | Same as R-1.               | Same as R-1.                                                    |            | 20 ft.                                                   | Same as<br>R-1.        | 30 ft.            | Same as R-3.                  |
| R-5            | Same as R-2 for dwellings which are not contained within a large scale development. For buildings which are contained within a large scale development the area, width of lots, size of yards, and open spaces, percentage of lot that may be occupied and the height and size of buildings shall be that which is shown on the approved plan. |                                                   |                                        |                            |                                                                 |            |                                                          |                        |                   |                               |
| H-1            | No re-quire-ments.                                                                                                                                                                                                                                                                                                                             |                                                   | 15 ft.                                 | No require-ments.          | No require-ments for in-terior side.<br>15 ft. for street side. |            | No require-ments.                                        | No require-ments.      | No require-ments. | No requirements.              |
| CC-1           | "                                                                                                                                                                                                                                                                                                                                              |                                                   | "                                      | "                          | No re-quire-ments.                                              |            | "                                                        | "                      | "                 | "                             |
| GC-1           | No requirements, except that the regulations pertaining to caretaker dwellings shall be the same as those set forth in the R-2 Zone for one and two-family dwellings.                                                                                                                                                                          |                                                   |                                        |                            |                                                                 |            |                                                          |                        |                   |                               |
| I-1            | No requirements except that the regulations pertaining to caretaker dwellings shall be the same as those set forth in the R-2 Zone for one and two-family dwellings.                                                                                                                                                                           |                                                   |                                        |                            |                                                                 |            |                                                          |                        |                   |                               |

| Zone<br>Symbol | Minimum Lot Size |                                                   | Minimum Yards                          |                                            |                                          | Maximum<br>Permissible lot<br>coverage<br>by bldgs. | Height of<br>Buildings | Size of Buildings |
|----------------|------------------|---------------------------------------------------|----------------------------------------|--------------------------------------------|------------------------------------------|-----------------------------------------------------|------------------------|-------------------|
|                | Area             | Width<br>measured<br>at front<br>building<br>line | Front<br>Yard<br>Setback<br>in<br>feet | Side Yard<br>Width in feet<br>Interior lot | Side Yard<br>Width in feet<br>Corner lot | Rear Yard<br>Width<br>in feet                       |                        |                   |
|                |                  |                                                   |                                        |                                            |                                          |                                                     |                        |                   |

HP-1 The area, width of lot, size of yards and open spaces, percentage of lot that may be occupied and the height and size of buildings shall be that which is specified by the board of adjustment.

## CHAPTER 1.88

### LARGE SCALE DEVELOPMENT

#### SECTIONS:

- 1.88.010 Intent.
- 1.88.020 Application.
- 1.88.930 Approval of plans and documents necessary.
- 1.88.940 Preliminary plan»
- 1.88.050 Documents.
- 1.88.060 Design criteria.
- 1.88.070 Specific standards and requirements applying to all large scale developments.
- 1.88.080 Planned unit developments.
- 1.88.090 Mobile home parks.
- 1.88.100 Mobile home subdivisions.
- 1.88.110 Travel trailer courts.
- 1.88.120 Group dwellings.
- 1.88.130 Farm labor camps.
- 1.88.140 Planning and zoning commission review.
- 1.88.150 Approval or return of preliminary plans.
- 1.88.160 Recommend change of zone.
- 1.88.170 Duration of preliminary plan approval.
- 1.88.180 Stage construction permitted.
- 1.88.190 Final site plan and documents.
- 1.88.200 Building permit.
- 1.88.210 Guarantees and safeguards.

1.88.010 INTENT. The intent of this chapter is to provide for a type of urban development in which more efficient use of land, more flexibility in land development and a better quality of living environment can be obtained than is obtainable under restrictions which must be imposed on lot by lot development.

1.88.020 APPLICATION. The following large scale developments shall be permitted upon compliance with the regulations and restrictions hereinafter set forth. Upon review of any large scale development by the planning and zoning commission and upon approval of the development by the town council, the approved plan shall

constitute the zoning requirements as applied to the land covered by the development:

- A. Planned unit developments;
- B. Mobile home parks;
- C. Mobile home subdivisions;
- D. Travel trailer courts;
- E. Group dwellings;
- F. Farm labor camps.

#### 1.88.030 APPROVAL OF PLANS AND DOCUMENTS NECESSARY.

Any person wishing to construct a large scale development shall obtain, from the planning and zoning administrator, information pertaining to the town's plan of land use, streets, public facilities, and other requirements affecting the land within the development. Before a permit can be issued for any construction connected with a large-scale development, preliminary plans covering the entire development must be submitted, together with documents pertaining to the development, and a final site plan covering any part of the plan to be constructed.

1.88.040 PRELIMINARY PLAN. A. The preliminary plan must be prepared and submitted to the planning and zoning commission for its approval. Five copies of the preliminary plan must be submitted to the planning and zoning administrator at least two weeks prior to the meeting of the planning and zoning commission at which the plan will be considered.

B. The preliminary plan shall be drawn to a scale not smaller than one inch equals one hundred feet, mended by the planning and zoning administrator, and shall show the following information:

- 1. Type and name of development;
- 2. Name and address of the owner and the designer;
- 3. Date submitted;
- 4. Scale of plan and north point;
- 5. Legal description of tract;
- 6. Zoning boundary lines or zone designation in the

area surrounding the development;

- 7. The proposed street, driveway and building site layout;
- 8. Typical street cross-sections;
- 9. Profiles of all streets and roads showing direction of surface drainage.

Profiles must be shown on separate sheets but at the same scale as the preliminary plan;

- 10. Existing and proposed public utility lines, easements, etc.;
- 11. Location and size of water mains and fire hydrants;
- 12. Location and size of existing and proposed sewers;
- 13. Bridges, drain pipes, and culverts;

14. Existing and proposed storm drains;
15. Proposed reservations for parks, playgrounds, and open spaces;
16. Types of dwellings and other buildings and structures and the location of said buildings and structures on the building site;
17. Preliminary drawings of floor plans of typical dwellings, along with elevations of such dwellings and other buildings;
18. General planting plans showing the areas to be landscaped and the types of plans and architectural features to be used;
19. Size and character of recreation buildings, pergolas, arbors, and other structures associated with land and facilities to be used by the occupants and guests of the development;
20. Tabulations showing:
  - a. Area of land within the development,
  - b. Number of dwelling units permitted,
  - c. Number of dwelling units provided for in the development,
  - d. Percent of area to be devoted to parks and playgrounds;
21. Location of each parking space;
22. Any other data that the planning and zoning commission may require in order to enable it to understand the proposal.

1.88.050 DOCUMENTS. Documents shall also be submitted with the preliminary plan consisting of:

A. A declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the renters or occupants within the large scale development;

B. An agreement between the developers and the town stating among other things:

1. That in the event of failure or neglect on the part of the owners, Successors, or assigns to maintain the common areas, landscaping and other improvements in good conditions, the town may perform the necessary maintenance work and for the purpose may enter in upon the land and do said work and charge the cost thereof, including reasonable attorney's fees, against the owners or their successors or assigns,

2. That the developer will construct the project in accordance with approved plans,

3. That the contract shall be binding upon the heirs, assigns, receivers, successors of the project for the life of the buildings and project,

4. That no building shall be allowed to be constructed in the open space shown on the plan, except for recreation buildings, as approved by the town

council, after recommendations from the planning and zoning commission,

5. Any other conditions that the planning and zoning commission deems to be reasonably necessary to carry out the intent of the large scale development;

C. If any of the land or buildings contained within a large scale development are to be divided into two or more separately owned units, a property owners' association or a trust must first be established which will insure proper maintenance of the common facilities. Such property owners association or trust must be approved by the town council and by the town attorney as to form. It is unlawful to divide any large scale development into two or more separately owned units until such property owners' association or or trust has been established which will provide, among other things, that each owner shall be subject to a pro rata charge for the maintenance of the common property, that said charge shall constitute a lien upon said property in the event of the owner's failure or neglect to pay his pro rata share, and that the association or trust will assume the responsibility for maintaining the development premises in the event of the failure of any member of said association to pay his pro rata share. It is unlawful for a property owners' association or trust to discontinue the maintenance of the development premises. In case of failure or neglect to comply with the conditions and regulations as herein established and as specifically made applicable to a large scale development, such failure or neglect shall be deemed to constitute a violation of this title. The town may also recover costs resulting from such failure or neglect by civil action.

1.88.060 DESIGN CRITERIA. A. There shall be architectural unity and harmony within the development and which the surrounding area.

B. Grouping and spacing of buildings and structures shall provide for a restful and uncrowded environment. Landscaped areas, rather than off-street parking areas, shall be the dominant feature of the development.

1.88.070 SPECIFIC STANDARDS AND REQUIREMENTS APPLYING TO ALL LARGE SCALE DEVELOPMENTS. The following conditions and requirements shall apply to all large scale developments:

A. In the event that the land contained within a development is traversed by a proposed collector or arterial street shown on the comprehensive plan, said development shall be designed in accordance therewith, and the right-of-way across the development for said collector and arterial streets shall be dedicated to the public;

B. All areas not covered by buildings, or by off-street parking space or driveways, shall be landscaped and maintained in accordance with good landscape practice. Permanent sprinkler systems shall be installed, when required by the planning and zoning commission, to provide for irrigation of planted areas;

C. The plan must be prepared by a licensed architect, landscape architect,, civil engineer, or surveyor as required by the laws of the state;

D. Ownership or tax liability of private open space reservations shall be established in a manner acceptable to the town council and made a part of the conditions of the plan approval;

E. Size of community facilities and the quality of materials shall comply with town standards.

1.89.080 PLANNED UNIT DEVELOPMENTS. The following supplementary and additional standards shall apply to planned unit developments:

A. Not less than ten percent of the gross area of the development shall be designated as common open space for parks and playgrounds for the use of occupants. The land covered by vehicular roads and off-street parking and the yards surrounding buildings which constitute open space pertinent to individual dwelling units shall not be included in computing the required area for open space;

B. At least seventy percent of the required yards which abut upon public streets shall be landscaped;

C. In addition to dwellings, the development may include schools, churches, club houses, or other nonprofit or public recreation buildings, and other uses which may be permitted in the surrounding zone. In a planned unit development containing fifty or more dwelling units, the development may also include a convenience center containing not more than ten square feet per dwelling unit in the development;

D. The dwelling units may be situated in one or more buildings provided the total number of dwelling units does not exceed the number of dwelling units permitted on one acre multiplied by the number of acres within the development. The building may also be clustered and individual lot sizes may be reduced below the requirements of the surrounding zone in which the development is located;

E. The development shall contain not less than four acres;

F. The number of dwelling units shall be limited to fifteen units per acre;

G. No building shall be constructed closer than twenty feet to another building;

H. Whenever a planned unit development is on the opposite side of a street from one or more existing dwellings, then all yard and location requirements pertaining to the land across the street shall also apply to the frontage within the development;

I. Streets that serve twenty or more dwelling units shall be at least thirty feet in width;

J. All of the parking spaces shall be hard surfaced;

K. Property development standards in excess of the minimum standards herein specified may be imposed where it is determined by the town council that such

increased standards are necessary in order to insure that the development will mesh harmoniously with adjoining or nearby uses of property and are necessary to accomplish the intent of planned unit developments. In the event that a developer does not desire to comply with the requirements of this chapter in obtaining approval of his development, he may develop his land in accordance with the requirements of the surrounding zone in which the development is located.

1.88.090 MOBILE HOME PARKS. The following supplementary and additional standards shall apply to mobile home parks:

A. The mobile home park shall be in one ownership and shall remain in one ownership. The park shall contain not less than four acres of land;

B. The mobile homes may be clustered and the individual lot sizes may be reduced below the requirements for single family dwellings in the zone in which the development is located, provided that the total number of mobile home units does not exceed eight units multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of the occupants;

C. No less than ten percent of the gross area of the mobile home park shall be set aside as open space for use by the occupants. The open space shall be situated as near to the central part of the park as good design indicates. The land covered by vehicular roadways, sidewalk, and off-street parking and landscaped areas surrounding trailer spaces, which are pertinent to each trailer space, and areas devoted to service facilities shall not be construed as being part of the area required for open space;

D. No mobile home shall be located closer than fifteen feet to the nearest portion of any other mobile home, except that metal carports having three or more open sides may be located within ten feet to another mobile home or add-on;

E. All mobile homes and add-ons shall be set back at least eight feet from all roadways within the mobile home park and at least twenty-five feet from public streets;

F. All off-street parking space and driveways shall be hard surfaced;

G. A strip of land at least eight feet wide surrounding the mobile home park shall be left unoccupied by mobile homes and shall be landscaped and otherwise designed to afford privacy to the development;

H. All mobile homes shall be skirted and all storage and solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure. All skirting service buildings, patios, garages, carports, and other add-ons must also be compatible in design and construction with the mobile home and with the service buildings as approved by the planning and zoning administrator;

- I. All mobile home spaces shall be occupied only after a written lease has been negotiated with the leasee which shall be made available to the officials of the town upon demand;
- J. Roadways shall be of adequate width to accommodate anticipated traffic as follows:
  - 1. For two-way traffic with no parking—twenty-four feet in width,
  - 2. For entrance streets and collector streets within the development—minimum of thirty-six feet in width. All streets shall be bordered by curbs, and the streets shall be hard-surfaced;
- K. There shall be no more than two entrances from the mobile home park into any one street, which entrances shall be no closer than seventy-five feet from each other, nor closer than seventy feet from the corner of an intersection;
- L. Access shall be provided to each mobile home stand by means of an access way reserved for maneuvering mobile homes into position and shall be kept free from trees and other immovable obstructions. Paving the access way shall not be permitted. Use of planks, steel mats, or other means during placement of a mobile home shall be allowed so long as the same are removed immediately after placement of the mobile home;
- M. Off-street parking shall be provided at the rate of two parking spaces per mobile home space contained within the mobile home park. In no case shall the parking space be located greater than one hundred feet away from the mobile home space it is designed to serve, except that one-fourth of the required parking spaces may be located not more than three hundred feet away from the mobile home spaces it is designed to serve;
- N. Mobile home parks containing not less than fifty mobile homes may include a launderette for convenience of the occupants of the park but not for general public;
- O. The yard which must be provided between a public street and the nearest mobile home shall be landscaped, except for permitted driveways, in a manner which is similar to conventional dwellings;
- P. Yard Lighting. A minimum of two-tenths foot-candles of light shall be required for protective yard lighting the full length of all driveways and walkways;
- Q. An area of at least one hundred square feet for each mobile home space contained within the park shall be provided for the storage of boats, trailers, campers, etc. Said storage space shall be enclosed with a sight-obscuring fence of not less than six nor more than eight feet in height;
- R. In addition to meeting the above requirements, all mobile home parks shall also conform to requirements of the plumbing code of the town, and to the regulations of the State Health Department;
- S. Property development standards in excess of the minimum standards herein specified may be imposed where it is determined by the town council that such increased standards are necessary in order to insure that the development will mesh harmoniously with adjoining or nearby uses of property and are necessary to accomplish the intent of mobile home parks. In the event that a developer does not desire to comply with the requirements of this chapter in obtaining approval of his development, he may develop his land in accordance with the requirements of the surrounding zone in which the development is located.

1.88.100 MOBILE HOME SUBDIVISIONS. The following supplementary and additional standards shall apply to mobile home subdivisions:

- A. The regulations pertaining to the subdivision of land within the town shall be adhered to;
- B. Density shall not exceed six lots per acre of land contained within the subdivision and the subdivision shall contain at least four acres of land;
- C. No less than ten percent of the gross area of the subdivision shall be set aside

as open space for use by the occupants. The open space shall be situated as near to the central part of the park as good design indicates. The land covered by vehicular roadways, driveways, sidewalks, and off-street parking area and land contained within a lot shall not be construed as being part of the area required for open space;

D. No mobile home or add-on shall be located closer than fifteen feet to another mobile home or add on;

E. All mobile homes shall be set back at least twenty-five feet from all roadways;

F. A sight-obscuring wall or fence or a strip of land at least eight feet wide shall be constructed or provided around the mobile home park subdivision, except across roadways and along the front lot line of the subdivision, in order to afford privacy to the subdivision;

G. All mobile homes placed in the subdivision shall be skirted and all skirting buildings, add-ons and structures placed in the subdivision shall be compatible in design and construction with the mobile homes as approved by the planning and zoning administrator;

H. Roadway widths shall conform to the subdivision regulations;

I. An area of at least one hundred square feet for each lot contained within the subdivision shall be provided for the storage of trailers, campers, and other material. Such storage space shall be enclosed with a sight-obscuring fence of not less than six feet nor more than eight feet in height;

J. Property development standards in excess of the minimum standards herein specified may be imposed where it is determined by the town council that such increased standards are necessary in order to insure that the development will mesh harmoniously with adjoining or nearby uses of property and are necessary to accomplish the intent of mobile home subdivisions. In the event that a developer does not desire to comply with the requirements of this chapter in obtaining approval of his subdivision, he may develop his land in accordance with the requirements of the surrounding zone in which the subdivision is located.

1.88.110 TRAVEL TRAILER COURTS. The following supplementary and additional standards shall apply to travel trailer courts:

A. The development shall abut upon an arterial or collector street as shown in the comprehensive plan of the town;

B. All Entrances and exits from the travel trailer court shall be by forward motion only;

C. No exit of entrance from a travel trailer court shall be through a residential zone and no entrance or exit shall be located closer than fifty feet to the intersection of two streets;

D. All travel trailers shall be set back at least twenty feet from any public street;

E. All one-way roadways shall be at least twelve feet in width and all two-way roadways at least twenty feet in width and all roadways shall be hard-surfaced;

F. Each travel trailer space ge at least twenty feet in width and at least forty feet in length and shall be clearly marked on the ground;

G. Each travel trailer court shall be held in one ownership and shall contain at least one acre of land;

H. In addition to the above requirements all travel trailer courts shall also conform to requirements of the plumbing code of the town, and to the regulations of the State Health Department.

1.88.120 GROUP DWELLINGS. The following supplementary and additional standards shall apply to group dwellings.

A. Same as for planned unit developments except:

1. No Common open space shall be required,
2. The development shall contain not less than twenty thousand square feet

Nor more than four acres.

1.88.130 FARM LABOR CAMPS. The following supplementary and additional standards shall apply to farm labor camps:

A. The area contained within the farm labor camp shall be in one ownership and shall remain in one ownership or under unified control;

B. The tract shall contain not less than five acres. Density shall not exceed ten units per acre;

C. Pavement widths for roadways within the camp shall be not less than twenty-four feet where on-street parking is prohibited, or thirty feet where on-street parking is permitted. Pavement widths of all travelways that serve twenty or more parking spaces shall be not less than twenty-four feet;

D. Open space between two paralleling or nearly paralleling buildings shall be not less than the sum of the lengths of the two buildings added to twice the average heights, divided by ten, except that no two residential buildings shall have any point less than twenty feet apart;

E. Not more than thirty percent of the required yards which face on public streets shall be used for automobile parking space. All yards not used for off-street parking and driveways shall be landscaped;

F. In addition to dwelling units, farm labor camps may contain day-care centers, community centers, and similar cognate uses that are reasonably necessary to serve the residents who live in the farm labor camp;

G. All farm labor camps shall conform to the requirements set forth by the Arizona State Health Department. They shall also conform to the codes which have been adopted by the town;

H. Property development standards in excess of the minimum standards herein specified may be imposed where it is determined by the town council that such increased standards are necessary in order to insure that the development will mesh harmoniously with adjoining or nearby uses of property and are necessary to accomplish the intent of farm labor camps. In the event that a developer does not desire to comply with the requirements of this chapter in obtaining approval of his camp, he may develop his land in accordance with the requirements of the surrounding zone in which the camp is located.

1.88.140 PLANNING AND ZONING COMMISSION REVIEW. The planning and zoning commission shall review the preliminary plan of any large scale development. In considering the plan, the planning and zoning commission shall make sure:

A. That the development is consistent with the comprehensive plan for the town;

B. That the development will constitute a living environment of sustained desirability and stability;

C. That the development will not produce a volume of traffic beyond capacity of the surrounding street system;

D. That requirements for utilities, off-street parking, traffic circulation and other public requirements will be adequately met; and

E. That the design criteria and intent of this chapter shall be adequately complied with.

1.88.150 APPROVAL OR RETURN OF PRELIMINARY PLANS. Within sixty days from the date of submission, the planning and zoning commission shall review the preliminary plan and documents and shall either approve as submitted or shall refer them back to the developer for one or more of the following reasons:

- A. The development has been found to be inconsistent with either this title or the comprehensive plan;
- B. The planning and zoning commission requires that certain specific changes be made in the plans;
- C. The plans or documents have not been completed.

1.88.160 RECOMMEND CHANGE OF ZONE. Upon approval of the preliminary plan of a large scale development, the planning and zoning commission shall recommend to the town council that the zone map be amended. The town council shall then hold a public hearing thereon in accordance with Section 1.16.040 of this title.

1.88.170 DURATION OF PRELIMINARY PLAN APPROVAL. In the event that the town council approves a change in the zone map covering the territory described in the large scale development, approval of the preliminary plan shall be valid for one year unless changing conditions require said approval to be rescinded by the town council in which case notice of such actions shall be given to the owners of the property. If a final plan covering all or part of the territory covered in the preliminary plan has not been submitted within one year from the date of preliminary approval, the development will be deemed to be abandoned. Thereupon, the planning and zoning commission shall recommend that the territory included in the original plan be rezoned.

1.88.180 STAGE CONSTRUCTION PERMITTED. Development may be carried out in progressive stages in large scale developments in which event each stage shall be so planned that the requirements and intent of this title shall be fully complied with at the completion of each stage. No final plan for the initial stage shall cover less than minimum area required.

1.88.190 FINAL SITE PLAN AND DOCUMENTS. A. Within one year after approval of the preliminary plan, the developer shall submit to the planning and zoning commission a final site plan of either the entire large scale development or the first stage of such development. Such plan shall:

- 1. Conform to the approved preliminary plan;
- 2. Include all appropriate dimensions;
- 3. Include a landscape plan;
- 4. Contain all the information required by this title, as well as all applicable information and plans required by the subdivision and building code ordinances of the town.

B. Properly signed documents shall also be presented with the final site plan.

1.88.200 BUILDING PERMIT. No building permit shall be issued within said large scale development until final plans have been approved by the planning and zoning commission and the final documents filed in the office of the county recorder and until the bonds required under Section 1.88.210 shall have been posted. One copy of the final plan shall be retained in the office of the planning and zoning administrator.

1.88.210 GUARANTEES AND SAFEGUARDS. A. In order to insure that large scale developments will be constructed and maintained in an acceptable manner, developers shall post a bond, or mortgage or other valuable assets with the town, acceptable to the town manager, in an amount equal to the estimated cost of constructing and installing:

1. All required landscaping;
2. Street improvements, and hardsurfacing including automobile parking areas;
3. Curbs;
4. Parks and playgrounds;
5. Water, sewer and gas lines as shown on the approved final site plan. Estimates of cost

shall be determined by a registered engineer and construction of all required improvements shall be completed within two years from date of final site plan.

B. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the plat by the town council or to pay all liens in connection therewith, the town council may declare the bond or other assurance forfeited and the town may install or cause the required improvements to be installed using the proceeds from the collection of bond or other assurance to defray the expense thereof.

C. The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance , the town engineer shall make a preliminary inspection of the improvements and shall submit a report to the town manager setting forth the conditions of such facilities. If conditions thereof are found to be satisfactory, the town manager shall release the bond or other assurance. If the conditions of material or workmanship show unusual depreciation or do not comply with the acceptable standards of durability, the town council may declare the developer in default.

D. In order to insure continued maintenance of a large scale development, the developer shall record both the declaration of management policies and the agreement between the town and the developer in the office of the county recorder.

## CHAPTER 1.92

### ADMINISTRATION AND ENFORCEMENT

#### SECTIONS:

- 1.92.010 Applications for building permits required.
- 1.92.020 Plans required.
- 1.92.030 Permits to comply with title.
- 1.92.040 License to comply with title.
- 1.92.050 Permits required.
- 1.92.060 Costruction and use to comply with application.
- 1.92.070 Certificate of zoning compliance required.
- 1.92.080 Zoning administrator appointed.
- 1.92.090 Powers and duties of zoning administrator.

- 1.92.100 Board of adjustment–Created–Members–Terms
- 1.92.110 Organization– Meetings–Records
- 1.92.120 Powers and duties of the board of adjustment.
- 1.92.130 May attach reasonable conditions.
- 1.92.140 May reverse or affirm zoning administrator.
- 1.92.150 Authority limited.
- 1.92.160 Vote.
- 1.92.170 Application to appear before the board of adjustment.
- 1.92.180 Procedure
- 1.92.190 Hearing
- 1.92.200 Action of the board of adjustment.
- 1.92.210 Recourse from decision of board.
- 1.92.220 Powers and duties of the planning and zoning commission.
- 1.92.230 Power and duties of the town council.

1.92.010 APPLICATIONS FOR BUILDING PERMITS REQUIRED. Any person, firm, or corporation desiring to construct, remodel, or move a building or structure within the town, shall make application therefor to the zoning administrator before commencing construction thereon.

1.92.020 PLANS REQUIRED. All applications for building permits shall be accompanied by plans which have been drawn to scale showing the actual dimensions of the lot to be built upon, the size and location of existing buildings, buildings to be erected, and the location and layout of proposed off-street parking areas. Plans for multiple dwellings shall also include a planting plan showing how the premises will be landscaped. A careful record of such application and plans shall be kept in the office of the zoning administrator for a period of two years from the date of receipt thereof. Plans of large scale developments shall be kept for the life of the project.

1.92.030 PERMITS TO COMPLY WITH TITLE. From the time of the effective date of the ordinance codified herein, permits shall not be granted for the construction or alteration of any building or structure or for the moving of a building or structure onto a lot or for the change in use of any land, building, or structure, if such construction, alteration, moving, or change in use would be a violation of any of the provisions of this title, nor shall any sewer or water service line or gas utility be installed to serve the premises if such use would be a violation of this title.

1.92.040 LICENSE TO COMPLY WITH TITLE. No license shall be issued by any official or employee vested with the duty and authority to issue licenses which would not be in conformance with the provisions of this title. Any license so issued shall be null and void.

1.92.050 PERMITS REQUIRED. No building or structure shall be constructed, reconstructed, altered, or moved, nor shall the use of any land be changed, except, after the issuance of a permit for the same by the zoning administrator or other authorized officer.

1.92.060 CONSTRUCTION AND USE TO COMPLY WITH APPLICATION. Building permits or certificates of zoning compliance issued on the basis of plans and specifications approved by the zoning administrator authorizes only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this title.

1.92.070 CERTIFICATE OF ZONING COMPLIANCE REQUIRED. A. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or to change the occupancy of any building or premises until a certificate of zoning compliance shall have been issued therefor by the zoning administrator, stating that the proposed use of the building or land conforms to the requirements of this title. No nonconforming structure or use shall be changed or extended until a certificate of zoning compliance shall have been issued by the zoning administrator. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs with the provisions of this title.

B. The zoning administrator may permit the occupancy of a building prior to the completion of all required work provided a bond or other assurance has been posted with the town clerk in an amount equal to the cost of completing said required work as determined by the zoning administrator. The zoning administrator shall maintain a record of all certificates of zoning compliance for a period of two years, and a copy shall be furnished upon receipt to any applicant.

C. Failure to obtain a certificate of zoning compliance shall be a violation of this title.

1.92.080 ZONING ADMINISTRATOR APPOINTED. The building inspector appointed under the building code of the town, is designated as the zoning administrator who shall be charged with the administration and enforcement of this title. The town manager may also appoint other officers to assist in the administration and enforcement of this title.

1.92.090 POWERS AND DUTIES OF ZONING ADMINISTRATOR. A. It shall be the duty of the zoning administrator to inspect or cause to be inspected all buildings in the course of construction or repair. He shall enforce all of the provisions of this title, entering actions in the courts when necessary; and his failure to do so shall not legalize any act in violation of such provisions.

B. Upon appeal to the board of adjustment of any matters on which said board is required to pass, the zoning administrator shall forthwith transmit all papers, records, and other pertinent data pertaining to the appeal to said board of adjustment as required by the terms of this title. The zoning administrator shall also refer matters to the town manager, planning commission, and town council, or other agency as required by the terms of this title.

1.92.100 BOARD OF ADJUSTMENT—CREATED—MEMBERS—TERMS. There is created a board of adjustment which shall consist of five members, each to be appointed by the town council for a term of three years, provided that the terms of the members of the first board so appointed shall be such that the term of one member shall expire each year. At least one member of the planning and zoning commission shall be a member of the board of adjustment. Any member may be removed for cause by the town council upon written charges and after a public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term has not been completed.

1.92.110 ORGANIZATION– MEETINGS– RECORDS. The board of adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of this title. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman or, in his absence, the acting chairman shall conduct all meetings and may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official acts, all of which shall be filed immediately in the office of the board and shall be a public record. Robert's Rules of Order shall be followed in the conducting of meetings wherever applicable.

1.92.120 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. A. The powers and duties of the board of adjustment shall be limited to three general types:

1. It shall have judicial power to interpret the provisions of this title;
2. It shall have administrative power to grant variances;
3. It shall have the administrative power to grant special exceptions or conditional uses.

B. Interpret Ordinance and Map. It is the intent of this provision to provide a way whereby applicants who think that the zoning administrator is in error, or does not interpret the provisions of the zoning title correctly, may obtain relief from such error in an expeditious and inexpensive manner without having to resort to the courts. It is also the intent of this title to empower the board of adjustment to decide, upon appeal in certain zones, whether uses which are not listed therein are, in fact, similar to those which are listed. Accordingly, the board of adjustment shall hear and decide appeals where it is alleged by an appellant that there is error in any order, requirements, decisions, or refusal made in the enforcement of this title. The board of adjustment shall also interpret the zone map and the boundaries thereof in cases of dispute or disagreement and shall determine the similarity or dissimilarity of uses in the various zones. Before the board of adjustment shall declare a use to be similar to other uses permitted in the zone, it must find that the requested use will be:

1. Consistent with the objectives and characteristics of the zone in which the use is to be located,
2. Similar to permitted uses as to function, service, and traffic demands and the emission of smoke, dust, vibration, light, etc.

C. Grant variances. It is the intent of this provision to provide a way whereby an applicant can use his property to the same extent as other properties in the same zone. Accordingly, the board of adjustment may authorize, upon appeal, variances from the terms of this title whereby reason of exceptional narrowness, shallowness or shape of specific piece of property at the time of the enactment of the regulation, or where by reason of exceptional topographic condition, a literal enforcement of the provisions of this title would result in unnecessary hardship upon the owner. Before any variance may be granted, however, the board of adjustment must find that all of the following conditions are present:

1. Having to adhere strictly to the letter of the title will cause difficulties and hardships upon the petitioner which are unnecessary in order to carry out the purposes of this title,

2. Special circumstances attach to the property covered by the application that do not apply to other property in the same zone,
3. That because of said special circumstances, property covered by the application is deprived of privileges possessed by the other properties in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by the other properties in the same zone,
4. That the difficulties and hardships were not created by any act of the appellant subsequent to the effective date of the regulation appealed from.

D. Grant Certain Special Exceptions or Conditional Uses. There are certain uses which are not permitted within particular zones unless they are made to comply with conditions which make them compatible with other uses in the same zone. Accordingly, the board of adjustment shall hear and decide requests for special exceptions or conditional uses, but only when authorized to do so under the terms of this title. In deciding whether or not to grant a special exception or conditional use, the board shall be guided by the following conditions set forth, which shall be deemed to be the minimum requirements that must be complied with.

1. Small Lots. Where a parcel of land at the time of the adoption of the ordinance codified herein is at least one and eight-tenths times as wide and one and eight-tenths times as large in area as required for a lot in the zone, the board of adjustment may permit the division of a parcel into two lots, provided;
  - a. Such division will not cause undue concentration of population,
  - b. The characteristics of the zone in which the lot is located will be maintained,
  - c. In the opinion of the board of adjustment, values in the area will be safeguarded adequately.
2. Transitional Uses. Uses which are permitted on either portion of a lot, which lot is divided by a zone boundary line, may be permitted to extend to the entire lot, but not more than one hundred feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such use may be granted, however, the board of adjustment must find that a more harmonious mixing of uses will be achieved thereby.
3. Adjust or Reduce Off-street Parking Requirements. The board of adjustment may approve substitute parking locations and may reduce the amount of off-street parking required provided;
  - a. It can be shown that the time of use of the buildings or uses will be at different hours or days so that each use will have the amount of off-street parking available when the building or use is occupied, or
  - b. Sufficient off-street parking is readily available within the vicinity, or
  - c. Acquisition of land for such use is unnecessary in order to carry out the purposes of this title.

4. Other Special Exceptions or Conditional Uses. The board of adjustment may grant other special exceptions which it has been specifically authorized to grant under the terms of this title, subject to the conditions expressed therein.

1.92.130 MAY ATTACH REASONABLE CONDITIONS. The board of adjustment, subject to the provisions and restraints of this title, may attach other reasonable conditions or requirements to the grant of a variance, exception, or conditional use which the petitioner must comply with as a condition of the grant or approval. The granting of a variance or the approval of a special exception or conditional use shall run with the land. However, a time limit of one year shall be attached to the exercise or nonexercise of any grant unless specifically extended by action of the board.

1.92.140 MAY REVERSE OR AFFIRM ZONING ADMINISTRATOR. In performing the duties and powers as set forth herein, the board of adjustment is empowered to reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the enforcing officer and may make such order or requirement as ought to be made; provided, however, that in interpreting and applying the provisions of this title, the requirements contained herein shall be deemed to be the minimum requirements for the purpose set forth.

1.92.150 AUTHORITY LIMITED. The powers duties of the board of adjustment are limited to judicial and administrative matters as set forth in this title. The board of adjustment shall not have the authority to amend this title nor to correct what it may consider to be an unwise requirement. Nevertheless, the board of adjustment shall have powers and duties as set forth in this title and within the limitations and intent of the provisions of this title shall perform its duties and shall have the power to perform those acts as herein set forth.

1.92.160 VOTE. The concurring vote of three members of the board shall be necessary to decide on any matter on which it is required to pass.

1.92.170 APPLICATION TO APPEAR BEFORE THE BOARD OF ADJUSTMENT. Any citizen or person, or any officer or department of the town may appeal to the board of adjustment by filing a request in writing with the zoning administrator, and with the application the applicant must have the signatures of all property owners in a distance of one hundred fifty feet from his property line. These signatures are not meant to endorse or show disapproval of the matter in question but to show that the owners have been notified of the request before the board of adjustment and the date of the public hearing; and by paying a fee of twenty five dollars, provided such appeal is made within thirty days from the grant or refusal of a building permit by the zoning administrator. The request to appear before the board of adjustment shall be made on forms furnished by the zoning administrator at least ten days prior to the date of the hearing on the appeal.

1.92.180 PROCEDURE. Upon receipt of the application, the zoning administrator shall forthwith transmit to the board of adjustment all papers constituting the record upon which the action appealed from was taken. The appeal shall stay all proceedings in the matter appealed from, unless the officer from whom the appeal is taken certifies to the board that, by reason of the facts stated in the certificate, a stay would, in his 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.

1.92.190 HEARING. A. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof by publication, as required by law, and shall decide the same within a reasonable time.

B. The intent in requiring a hearing is to enable the board of adjustment to obtain facts surrounding the case which may not be evident, or which may not be shown in the record as submitted to the board. The decision of the board shall be based upon the facts and not upon expressions of support or protest, or lack of support or protest, which may be made at the hearing. Any party may appear at the hearing in person or by agent or by attorney.

1.92.200 ACTION OF THE BOARD OF ADJUSTMENT. The board of adjustment shall make determinations in harmony with the provisions of this title; shall notify the town manager and the petitioner of the action taken; and shall file its decision in the office of the board.

1.92.210 RECOURSE FROM DECISION OF BOARD. Any person, taxpayer, or municipal officer aggrieved by any decision of the board of adjustment may at any time within thirty days after the filing of the decision in the office of the board, petition a writ of certiorari for review of the board's decision. Allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and for good cause shown, grant a restraining order, and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.

1.92.220 POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION. The planning and zoning commission shall have the following powers and duties with respect to zoning in the town:

A. The planning and zoning commission shall hear and decide requests for amendments to this title. The planning and zoning commission may also act on its own initiative in considering and recommending amendments to this title. Before a favorable recommendation is given, however, it must be shown that:

1. The amendment will not be contrary to the land use plan,

2. The amendment will not militate against the fulfillment of any other provisions of the comprehensive plan,
3. The amendment will not decrease nor adversely affect the health, safety, convenience, morals or general welfare of the public,
4. The amendment will more fully carry out the intent and purpose of this title,
5. Balancing the interest of the petitioner with the interest of the public, both interests will be served better by adopting such an amendment.

In considering a request for an amendment to the zoning title or map, the planning and zoning commission may submit a recommendation for or against the request or it may recommend an alternate amendment;

B. To hear request for permits to construct mobile home parks, travel trailer courts, farm labor camps, group dwellings and planned unit development subject to the standards set forth in this title pertaining thereto;

C. Any other duty imposed on the planning and zoning commission under the terms of this title.

1.92.230 POWERS AND DUTIES OF THE TOWN COUNCIL. A. The town council may amend, change, or modify any provision of the zoning title or map provided:

1. The proposed amendment shall be first submitted to the planning and zoning commission for its recommendations;
2. A public hearing is held thereon as required by law;
3. The amendment will not be contrary to the comprehensive plan.

B. No substantial change in or departure from the recommendations of the planning and zoning commission can be made after such public hearing, unless the change or departure be first resubmitted with comments to the planning and zoning commission for its reconsideration and recommendations. Upon receiving the reconsidered recommendations from the planning and zoning commission, the town council may overrule the planning and zoning commission.

## CHAPTER 1.96

### VIOLATIONS

#### SECTIONS:

1.96.010 Responsibility for violations.

1.96.020 Penalties.

1.96.030 Each day of violation a separate violation.

1.96.010 RESPONSIBILITY FOR VIOLATIONS. It shall be the duty of all contractors, subcontractors, builders, and other persons having to do with the establishment of any use of land or the erection, altering, changing, or remodeling of any building or structure to make sure that a proper permit has been obtained before work is begun on any project for which a permit is

required. Any such architect, builder, contractor, or other person doing and performing any such work without a permit having been issued shall be deemed guilty of violating this title in the same manner and to the same extent as the owner of the premises or the person for whom the use is established, or for whom such buildings are erected or altered, and shall be subject to the penalties herein prescribed for a violation.

1.96.020 PENALTIES. Any person violating any of the provisions of this title is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum less than three hundred dollars, or by imprisonment in the town jail for any term not exceeding ninety days, or by both such fine and imprisonment.

1.96.030 EACH DAY OF VIOLATION A SEPARATE VIOLATION. Each person found guilty of violation is guilty of a separate offense for every day during which any violation of any provisions of this title, is committed, continued, or permitted by such person, and shall be punished as provided in this title. The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of this title.