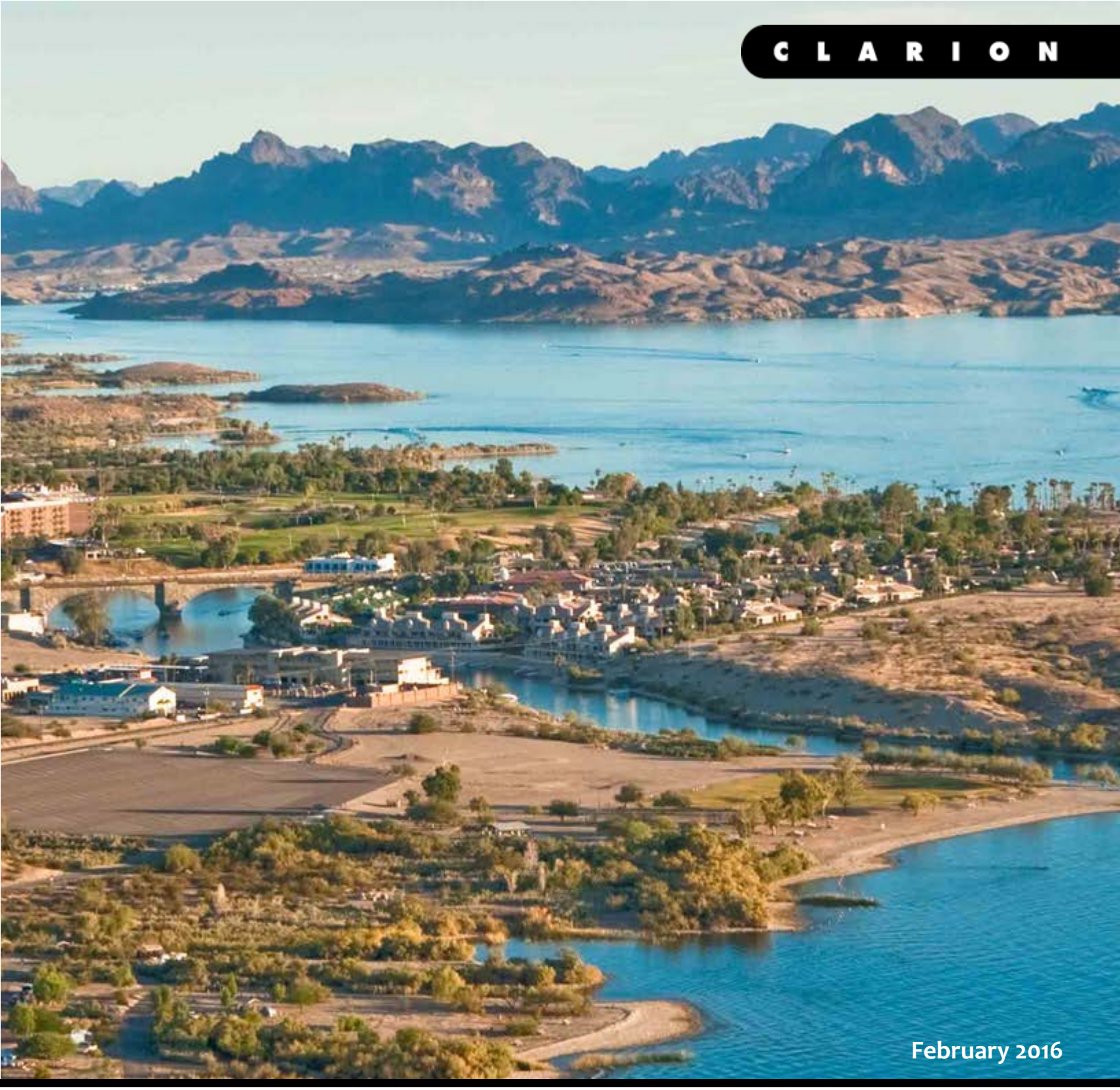

Development Code Adopted 2/23/16

Lake Havasu City, Arizona

Development Code

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Article 1. General Provisions

14.01.01. Title

Title 14 of the Lake Havasu City Municipal Code is and may be cited as the Lake Havasu City Development Code, or referred to as the "Development Code," or "Code."

14.01.02. Purpose

The purpose of this Development Code is to implement the policies of the Lake Havasu City General Plan by classifying and regulating the uses of land and structures within Lake Havasu City. In addition, this Development Code is adopted to protect and to promote the public health, safety and general welfare of residents, and preserve and enhance the aesthetic quality of the city. To fulfill these purposes, it is the intent of this Development Code to:

A. Implement the uses of land designated by the updated Lake Havasu City General Plan and avoid conflicts between land uses;
B. Provide standards for the orderly growth and development of the city, and promote a stable pattern of land uses;
C. Maintain and protect the value of property;
D. Further the development of business and tourism industries.
E. Conserve and protect the open space, scenic beauty and other natural resources of the city; while also promoting recreational land uses.
F. Protect the character, and social and economic stability of residential, commercial and industrial areas; and
G. Assist in maintaining a high quality of life without causing unduly high public or private costs for development or unduly restricting private enterprise, initiative or innovation in design.

14.01.03. Authority

This Development Code is enacted based on the authority vested in Lake Havasu City by the State of Arizona, including but not limited to the Arizona State Constitution and Planning and Zoning Law.

14.01.04. Effective Date

The effective date of this Development Code ("Effective Date") is March 24, 2016.

14.01.05. Applicability and Jurisdiction

A. This Development Code applies to all land uses, subdivisions and development within Lake Havasu City unless specifically exempted by specific sections of this Code.
B. The provisions of this Development Code shall be the minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a city official or body, that discretion may be exercised to impose more stringent requirements than identified in this Development Code, as may be necessary to promote orderly land use and development, environmental resource protection, and the other purposes of this Development Code.

C. Except as may be otherwise provided by this Article for a specific overlay district:

1. Any land use normally allowed in the primary zoning district by this Code may be allowed within an overlay district, subject to any additional requirements of the overlay district;
2. Development and new land uses within an overlay district shall obtain the zoning approvals required by this Code for the primary zoning district; and
3. Development and new land uses within an overlay district shall comply with all applicable development standards of the primary zoning district and all other applicable provisions of this Development Code.

14.01.06. Zoning Map

Lake Havasu City shall be divided into zoning districts that implement the city's General Plan. The zoning districts, identified in Article 2, shall be shown on the Zoning Map. The Lake Havasu City Zoning Map ("Zoning Map") is incorporated by reference into this Code.

14.01.07. Compliance Required

A. NEW AND CHANGED LAND USES OR STRUCTURES

It is unlawful for any person to establish, construct, reconstruct, alter or replace any use of land or structure, except in compliance with the requirements of this Development Code, unless compliance is not required by Section 14.05.05 (Pre-existing Development and Nonconformities).

B. SUBDIVISION OF LAND

Any subdivision of land proposed after the effective date of this Development Code shall be consistent with the minimum lot size and dimension requirements and all other applicable requirements of this Development Code.

C. OTHER REQUIREMENTS MAY APPLY

Nothing in this Development Code eliminates the need for obtaining any other permits required by the city, or any permit, approval or entitlement required by the regulations of any regional, state or federal agency.

14.01.08. Nuisances Prohibited

Any structure or use that is altered, changed, constructed, converted, enlarged, erected, established, installed, maintained, moved, operated, or used contrary to the provisions of this Development Code or any applicable condition of approval imposed on a permit, is hereby declared to be unlawful and a public nuisance, and shall also be subject to the remedies and penalties identified in this chapter and Chapter 8.08 (Nuisances) of the Municipal Code.

14.01.09. Relationship to Other Regulations

A. CONFLICTING REQUIREMENTS

If conflicts occur between requirements of this Development Code, or between this Development Code, the Lake Havasu City Municipal Code or other regulations of the city, the most restrictive provision shall apply.

B. STATE LAW REQUIREMENTS

Where this Development Code references applicable provisions of state law, the reference shall be construed to be to the applicable state law provisions as they may be amended from time to time.

14.01.10. Relationship to Third-Party Private Agreements

This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The city shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

14.01.11. Interpretation

A. GENERAL

1. The Zoning Administrator has the authority to interpret any provision of this Development Code. Interpretation of this Code includes clarification of intention and procedure, and determination of unspecified land uses and uncertainties pertaining to the Zoning Map.

B. PERMITTED USES

1. Interpretation also includes determinations as to whether a use of land is permitted by this Development Code. If a proposed use of land is not specifically listed in Article II (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), the use shall only be permitted if the Zoning Administrator makes the following determinations:
   a. The characteristics of, and activities associated with, the proposed use are equivalent to those of 1 or more of the uses listed in the zoning district as allowable, and would not involve a higher level of activity or population density than the uses listed in the district;
   b. The proposed use would meet the purpose/intent of the zoning district that is applied to the subject site; and
   c. The proposed use would be consistent with the goals and policies of the General Plan and any applicable specific plan.
2. If the Zoning Administrator determines that an unlisted use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Development Code would apply.

C. ZONING MAP

Uncertainties regarding the location of a zoning district boundary on the Zoning Map shall be determined by the Zoning Administrator as follows:

1. If a district boundary approximately follows a lot, alley, or street line, this line shall be construed as the district boundary;
2. If a district boundary divides a lot and the boundary line location is not specified by distances on the Zoning Map, the location of the boundary will be determined using the Zoning Map scale; and
3. If a public street or alley is officially vacated or abandoned, the land that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

D. REFERRAL

Whenever the Zoning Administrator determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Zoning Administrator may issue an official interpretation, or may refer any issue of interpretation to the Board of Adjustment for its determination.

E. PROCEDURE

A request for an interpretation or determination of the meaning or applicability of any of the requirements of this Development Code shall be made in compliance with Article 5 (Procedures and Enforcement).

14.01.12. Transition to this Code

A. An application for a permit or approval that has been accepted by the Department as complete prior to the Effective Date or any amendment shall be processed in compliance with the requirements in effect when the application was accepted as complete. Minor changes to applications in this category may also be processed pursuant to Sec. 14.05.03.N (Changes to an approved project) in compliance with the requirements in effect when the application was accepted as complete, but major changes to applications in this category shall be processed pursuant to Sec. 14.05.03.N (Changes to an approved project) in compliance with this Development Code.

B. An application for a permit or approval that has not been accepted by the Department as complete prior to the Effective Date, or that is submitted after the effective date, shall be processed in compliance with the requirements of this Development Code. Minor and major changes to applications in this category shall also be processed pursuant to Sec. 14.05.03.N (Changes to an approved project) in compliance with the requirements of this Development Code.

Article 2. Zoning Districts

14.02.01. Zoning Districts Established

The Base and Overlay zoning districts in the Current Zoning Districts column of Table 2-1 are hereby created. These districts shall have the boundaries shown on the Official Zoning Map maintained in electronic form by the Community Investment Department and available on the Lake Havasu City website. The Base zoning districts are grouped into three types — Residential, Mixed Use, and Special Purpose.

Each of the Base Zoning Districts listed in Table 2-1 are described below. Each section includes a purpose statement, basic dimensional table, examples of development in that district, and an illustration, as well as any regulations that apply to only that district. Permitted uses for each district are located in Article 3, and development standards applicable to all development are located in Article 4.

14.02.02. Summary Table

Table 2-1: Lake Havasu City, Arizona – Zoning District Comparison	
Zoning Districts	
Base Zoning Districts	
Residential	
R-A Residential Agricultural	
R-E Residential Estate	
R-1 Single-Family	
R-2 Two-Family	
R-3 Limited Multiple-Family	
RMH Manufactured Home District	
R-M Multiple-Family	
R-UMS Uptown McCulloch Main Street	
R-CHD Commercial and Health	
R-SGD Southgate District	
Mixed Use and Special Purpose	
MU – N Mixed Use Neighborhood	
MU – G Mixed Use - General	
Mixed Use	Commercial
MU-UMS	
	C-CHD
MU-CRW	
	C-SGD
I-B Island-Beach	
C-1 Limited Commercial	
C-2 General Commercial	
LI Light Industrial	
I Industrial	
A-P Agriculture / Preservation	
P-1 Public Lands and Facilities	
GC Golf Course	
Overlay Districts (3)	
AP-O Airport Overlay	
NK-O North Kiowa Overlay	
PD-O Planned Development Overlay	

14.02.03. Residential Districts

A. R-A: RESIDENTIAL AGRICULTURAL

1. PURPOSE

This district is intended to provide for semi-rural, low-density, residential development and agricultural uses, in more isolated areas. The one acre minimum lot size and one dwellings/acre maximum density standards restrict urban development. Designs that retain the visual character and appeal of the desert landscape are encouraged. To foster the dual purposes of this district, principal land uses include single-family and two-family dwellings as well as agricultural and animal related uses, plant nurseries and garden supply stores, and community gardens, as provided in Table 3-1 (Permitted Use Table). This district may serve as a transition between strictly residential and strictly agricultural land uses.

TABLE 2-2
R-A DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	1 acre
Minimum lot width	60 ft.
Minimum lot depth	120 ft.
Maximum lot coverage	N/A
Maximum density	1 du/ac
BUILDING STANDARDS	
Minimum depth front yard	50 ft.
Minimum width of side yard	General: 10 ft. Corner: 20 ft. Reverse: 50 ft.
Minimum depth of rear yard	General: 50 ft. Reverse: 10 ft.
Maximum height of primary building	30 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLE

3. ILLUSTRATION

4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

B. R-E: RESIDENTIAL ESTATE

1. PURPOSE

This district is intended to provide for large-lot, single-family residential development along a golf course, or centered around other recreational or open space uses. To encourage this recreational component, in addition to single-family dwellings, principal land uses include golf courses, parks and playgrounds, and community gardens, as provided in Table 3-1 (Permitted Use Table).

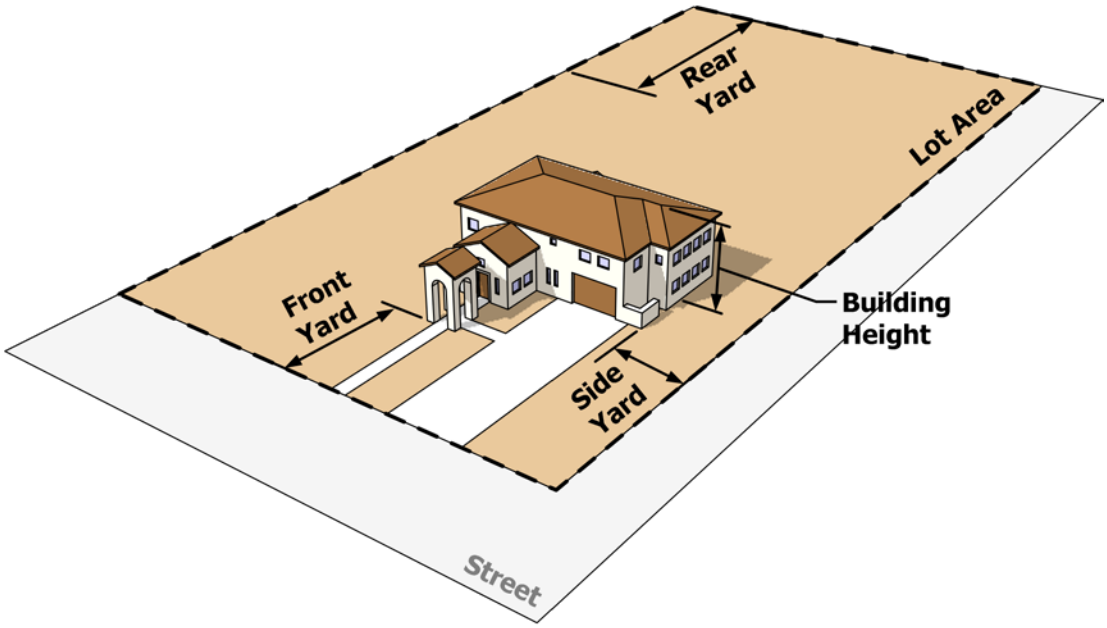
TABLE 2-3
R-E DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	15,000 sq. ft.
Minimum lot width	60 ft.
Minimum lot depth	120 ft.
Maximum lot coverage	50%
Maximum density	3 du/ac
BUILDING STANDARDS	
Minimum depth front yard	20 ft.
Minimum width of side yard	General: 10 ft. Corner: 10 ft. Reverse: 20 ft.
Minimum depth of rear yard	General: 20 ft. Reverse: 10 ft.
Maximum height of primary building	30 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted use regulations in Article 3 and the Form and Development regulations in Article 4.

C. R-1: SINGLE-FAMILY

1. PURPOSE

This district is intended to promote and preserve Lake Havasu City's most predominant land use —single-family homes on individual lots – in safe and attractive community settings. Primary land uses include single-family detached and attached homes and public or community oriented land uses such as schools, day care facilities, parks, and community gardens, as provided in Table 3-1 (Permitted Use Table).

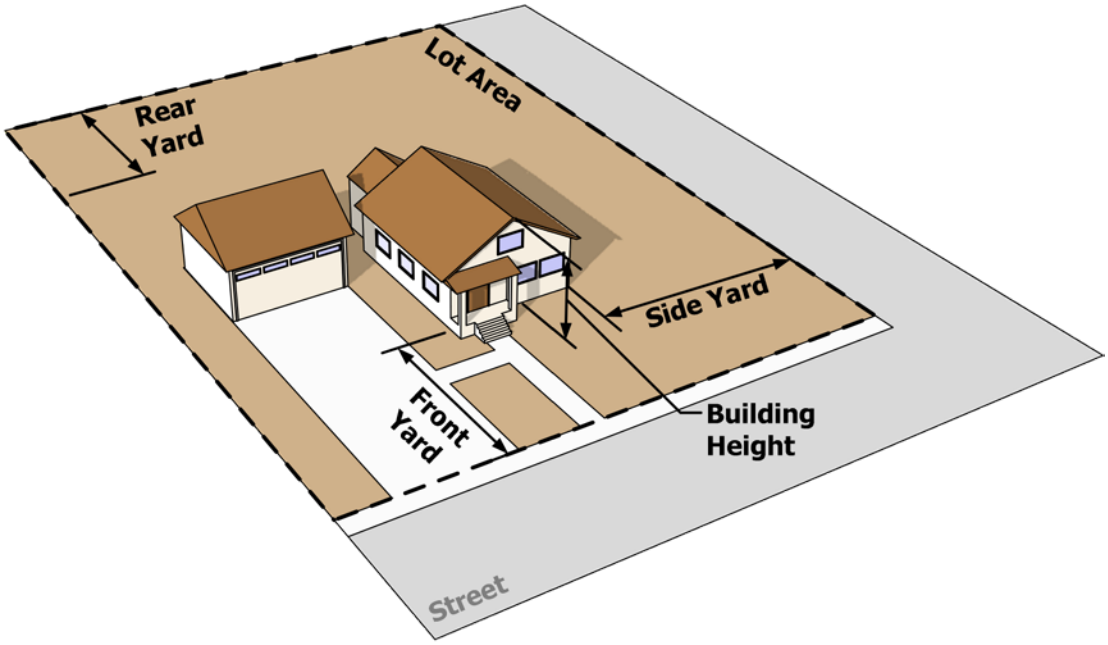
TABLE 2-4
R-1 DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	10,000 sq. ft.
Minimum lot width	60 ft.
Minimum lot depth	120 ft.
Maximum lot coverage	50%
Maximum density	4 du/ac
BUILDING STANDARDS	
Minimum depth front yard	20 ft.
Minimum width of side yard	General: 5 ft. Corner: 10 ft. Reverse: 20 ft.
Minimum depth of rear yard	General: 20 ft. Reverse: 5 ft.
Maximum height of primary building	15 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

D. R-2: TWO-FAMILY

1. PURPOSE

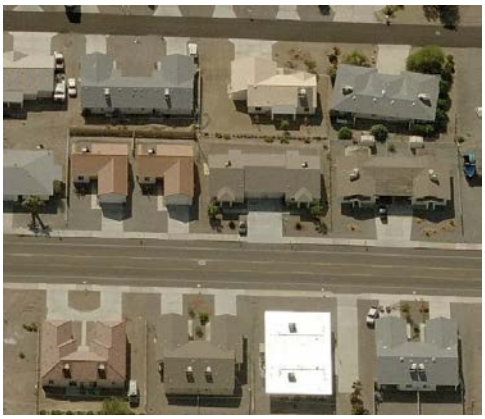
This district is intended to provide for a mixture of single-family and two-family development within a density range of 5-7 dwelling units/acre. The principal land use is residential, complemented by community service uses (e.g., day care facilities and libraries), as provided in Table 3-1 (Permitted Use Table).

TABLE 2-5
R-2 DISTRICT DIMENSIONAL STANDARD SUMMARY

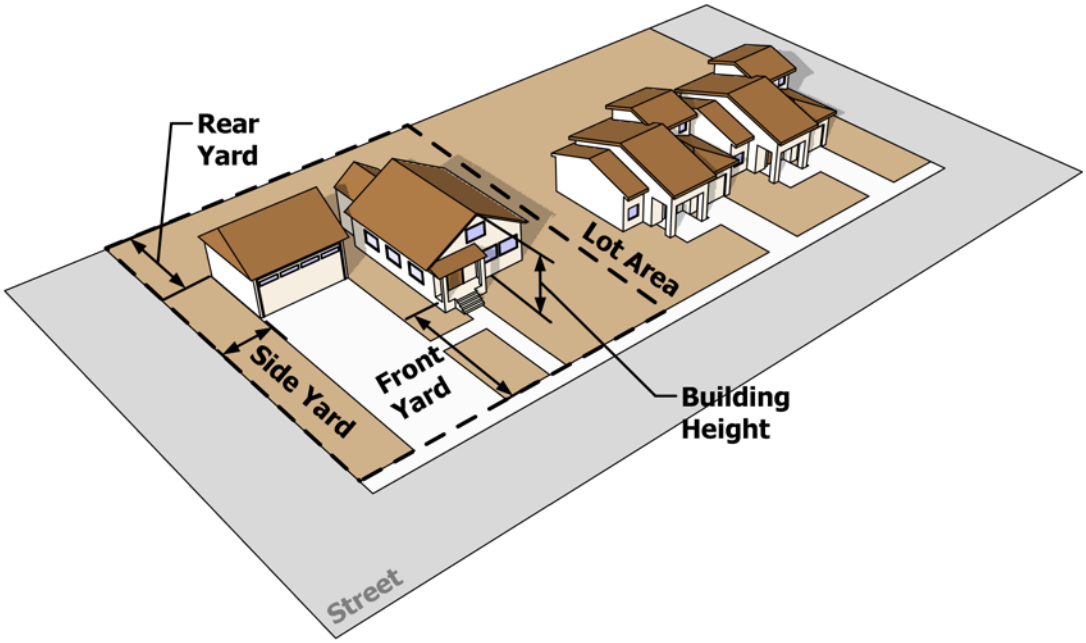
LOT STANDARDS	
Minimum lot area	12,000 sq. ft.
Minimum lot width	60 ft.
Minimum lot depth	120 ft.
Maximum lot coverage	60%
Maximum density	7 du/ac
BUILDING STANDARDS	
Minimum depth front yard	20 ft.
Minimum width of side yard	General: 5 ft. Corner: 10 ft. Reverse: 20 ft.
Minimum depth of rear yard	General: 20 ft. Reverse: 5 ft.
Minimum area of dwelling unit	900 sq. ft.
Maximum height of primary building	15 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES



3. ILLUSTRATION



4. OTHER STANDARDS

a. GENERAL

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

E. R-3: LIMITED MULTIPLE-FAMILY

1. PURPOSE

This district is intended to provide for a mixture of single-family, two-family, and medium-density multiple-family development within a density range of 4 to 10 dwelling units/acre. This district is also appropriate for redevelopment and infill development that accommodates co-housing and student housing options. The principal land use is residential, complemented by community service uses (e.g., day care facilities and libraries), as provided in Table 3-1 (Permitted Use Table).

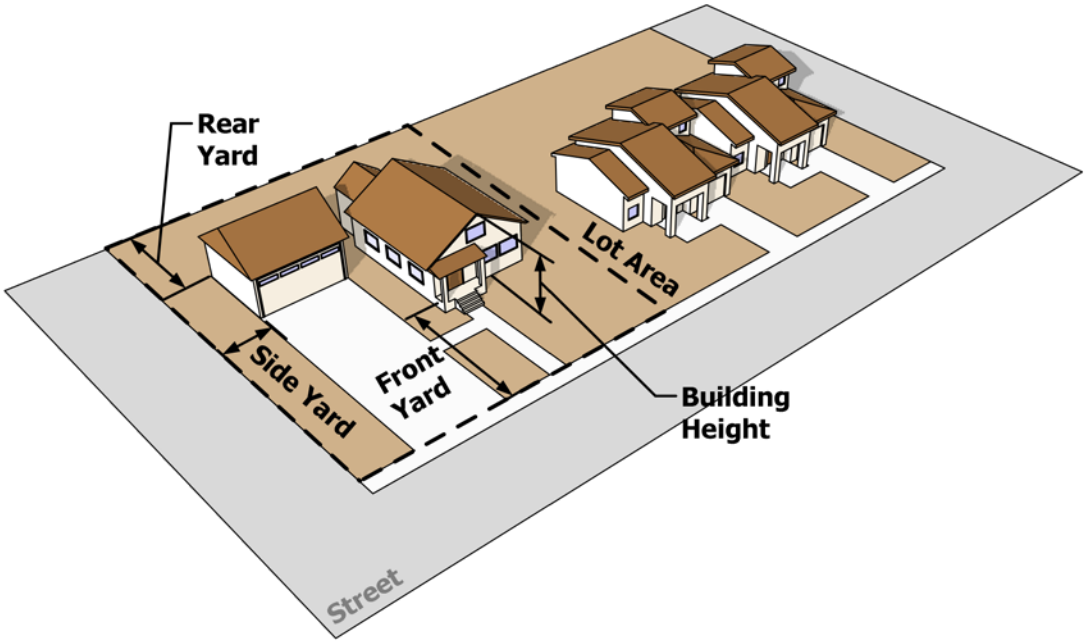
TABLE 2-6
R-3 DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	7,200 sq. ft.
Minimum lot width	60 ft.
Minimum lot depth	120 ft.
Maximum lot coverage	60%
Maximum density	10 du/ac
BUILDING STANDARDS	
Minimum depth front yard	20 ft.
Minimum width of side yard	General: 5 ft. Corner: 10 ft. Reverse: 20 ft.
Minimum depth of rear yard	General: 20ft. Reverse: 5 ft.
Minimum area of dwelling unit	500 sq. ft.
Maximum height of primary building	15 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

a. GENERAL

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

F. R-M: MULTIPLE FAMILY

1. PURPOSE

This district is intended to provide for higher-density, multiple-family development adjacent to commercial corridors, business centers, and other community service activity centers, at a density range of 10 to 20 dwelling units/acre. The principal land use is residential, ranging from single-family to multi-family, complemented by both principal and secondary community service uses (e.g., rooming or boarding houses and long-term medical care facilities), as provided in Table 3-1 (Permitted Use Table).

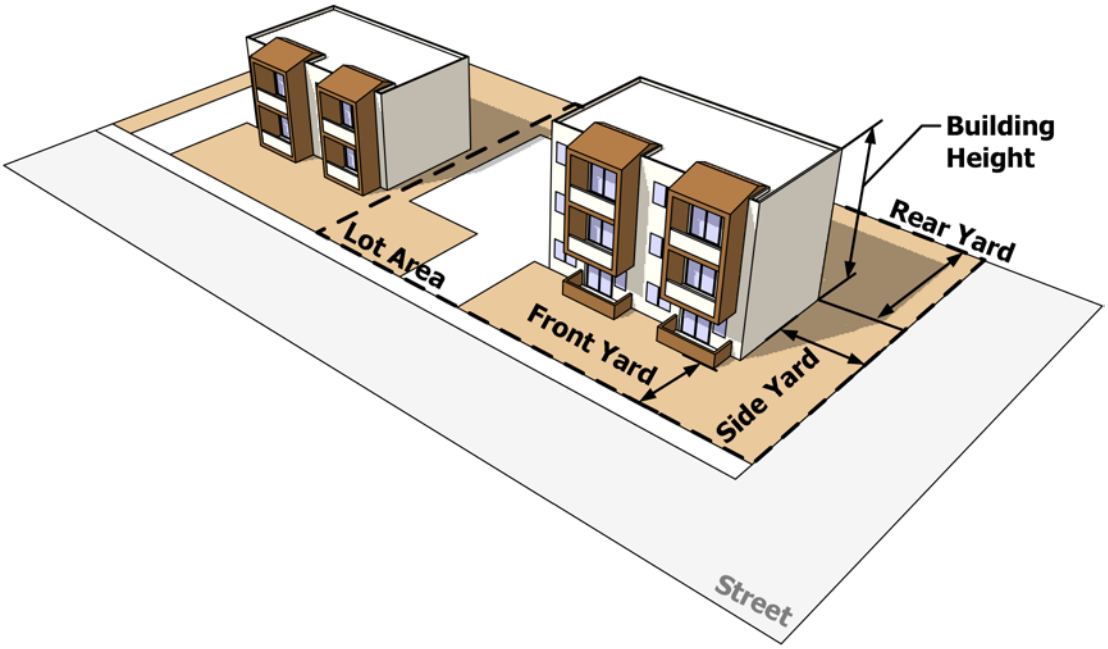
TABLE 2-7
R-M DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	7,200 sq. ft.
Minimum lot width	60 ft.
Minimum lot depth	120 ft.
Maximum lot coverage	60%
Maximum density	20 du/ac
BUILDING STANDARDS	
Minimum depth front yard	15 ft.
Minimum width of side yard	General: 5 ft. Corner: 10 ft. Reverse: 15 ft.
Minimum depth of rear yard	General: 15 ft. Reverse: 5 ft.
Minimum area of dwelling unit	400 sq. ft.
Maximum height of primary building	30 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

a. GENERAL

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

G. RMH: MANUFACTURED HOME DISTRICT

1. PURPOSE

This district is intended to provide for the development and operation of medium density residential manufactured home parks, at a density range of 4 to 10 dwelling units/acre. A residential manufactured home park may provide manufactured home spaces for lease or rent, and some spaces may be occupied by recreational vehicles in accordance with this Section and Section 14.03.03.A.7 (Use-Specific Standards, Manufactured Housing Parks). The principal land uses are manufactured homes and single-family dwellings, as provide in Table 3-1 (Permitted Use Table).

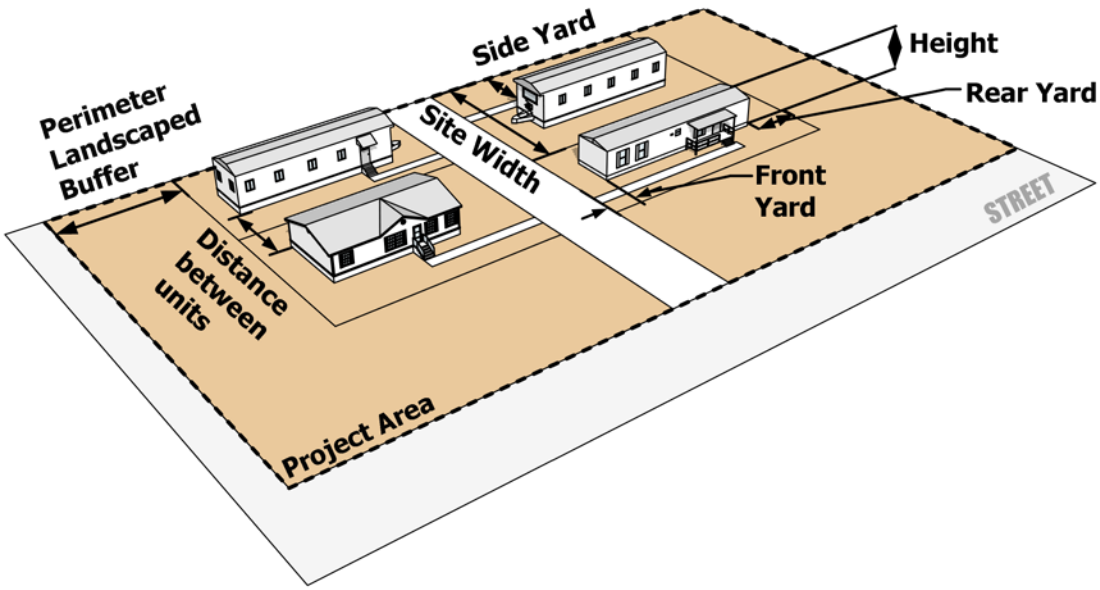
TABLE 2-8
RMH DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	7,200 sq. ft.
Minimum lot width	60 ft.
Minimum lot depth	120 ft.
Maximum lot coverage	60%
Maximum density	10 du/ac
BUILDING STANDARDS	
Minimum depth front yard	10 ft.
Minimum width of side yard	General: 5 ft. Corner: 10 ft.
Minimum depth of rear yard	General: 10 ft. Reverse: 5 ft.
Maximum height of primary building	15 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

a. General

(1) All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted use regulations in Article 3 and the Form and Development regulations in Article 4.

(2) Each manufactured housing unit shall comply with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) for issuance of an installation permit.

(3) An installation permit shall be issued for each manufactured home placed in the park in compliance with Article 5 (Procedures and Enforcement). The wheels of the mobile home unit shall not be removed prior to the issuance of an installation permit.

b. Space size and dimensions

(1) Manufactured home spaces shall be at least 3,000 square feet in area.

(2) The minimum space width shall be 40 feet and the minimum depth shall be 60 feet. Actual space width times space depth must equal or exceed 3,000 square feet.

(3) Recreational vehicles may be located on up to 50% of the manufactured home unit spaces within a manufactured home park, but the minimum setbacks required for manufactured home units shall be provided.

c. Site access and circulation

(1) The park shall have a minimum 42-foot wide access to a public street.
(2) The park shall be provided with access from a public street with a minimum of 70 feet of right-of-way.
(3) The minimum dimension of interior private streets in manufactured home parks shall be in compliance with Table 2-9.

Table 2-9: Minimum Dimensions of Interior Private Streets

Type of Parking	1-Way Streets	2-Way Streets
No side parking	15 ft.	20 ft.
Parking on 1 side	22 ft.	28 ft.
Parking on both sides	Not Allowed	34 ft.

(4) Private accessways to units and individual space arrangements shall be adequate to accommodate the movement of either a manufactured home or recreational vehicle and in compliance with approved plans.
(5) Private accessways to units shall be paved.
(6) Sidewalks a minimum of four feet in width shall be provided on at least one side of all private streets.

d. Landscaping

(1) Required landscape area

A minimum of 10% of the site area shall be landscaped.

(2) Perimeter screening

(A) A masonry wall six feet in height shall be constructed ten feet back from the property line along exterior property lines that abut public streets.
(B) A landscaped strip 10 feet in width shall be required between the wall required in subsection (A), above, and an exterior property line that abuts a public street.

(3) Spaces and common areas

The front and side manufactured home unit space setbacks and all open areas of the manufactured home park shall be landscaped in compliance with a plan approved by the Commission in accordance with Article 5.

e. Common area facilities

(1) There shall be a community building to provide for the service needs of park residents.
(2) There shall be a recreational area for use by park residents that shall comprise at least four percent of the site area with facilities approved by the Commission in compliance with Article IV (Land Use Permits).

f. Dwelling units of conventional construction

Structures of conventional construction shall not be allowed on any space for living purposes, except for the manager's residence and office.

g. STANDARDS FOR MANUFACTURED HOME UNITS

(1) Size

(A) A manufactured housing unit, together with any other structure, shall not cover more than 60% of the lot size or be less than 920 square feet in area.

(B) A manufactured housing unit shall not have an originally manufactured living area greater than 2,000 square feet, nor less than 720 square feet except as otherwise approved by the Commission.

(C) Units shall not have deteriorated or been modified since manufacture in a way so as to materially detract from its aesthetic characteristics or its fitness for human habitation, specifically including fire safety.

(2) Additional structures

Cabanas, carports, patios, ramadas, utility closets, garages, and screened or glassed rooms shall be allowed in connection with manufactured home units.

(3) Skirting requirements

Manufactured housing unit shall be installed with skirting around the entire perimeter of the unit, from the lower edge of the unit to the ground, and skirting materials shall be similar in texture or appearance to a masonry product or to the materials used on the exterior of the unit.

h. PARK ADMINISTRATION

(1) It shall be the responsibility of the park owner and manager to ensure compliance with the provisions of this section.

(2) Manufactured home park spaces shall be rented or leased only.

(3) The management shall be held responsible for alterations and additions to the manufactured home park and the manufactured home units and shall confirm that all required permits and inspections are obtained.

(4) The owner of the park shall be responsible for maintaining the park free of brush, leaves, and weeds.

(5) The owner of the park shall be responsible for ensuring that combustible materials are not stowed in, around, or under manufactured home units.

(6) The owner, operator, resident manager, or similar supervisor or representative shall be available and responsible for the direct management of the manufactured home park on a daily basis.

H. R-UMS: RESIDENTIAL- UPTOWN MCCULLOCH MAIN STREET

1. PURPOSE

This district is the residential component of the Uptown McCulloch Main Street (UMS) area. It is intended to provide for a broad mix of medium- to high- density residential development near the portion of McCulloch Boulevard recognized as Lake Havasu City's "Main Street." This district is intended to encourage creative investment and densification of the area surrounding Uptown McCulloch Boulevard to encourage additional nighttime activity, spur economic development, and further distinguish this area as the city center. The principal land use is residential and all residential uses are permitted, as listed in Table 3-1 (Permitted Use Table).

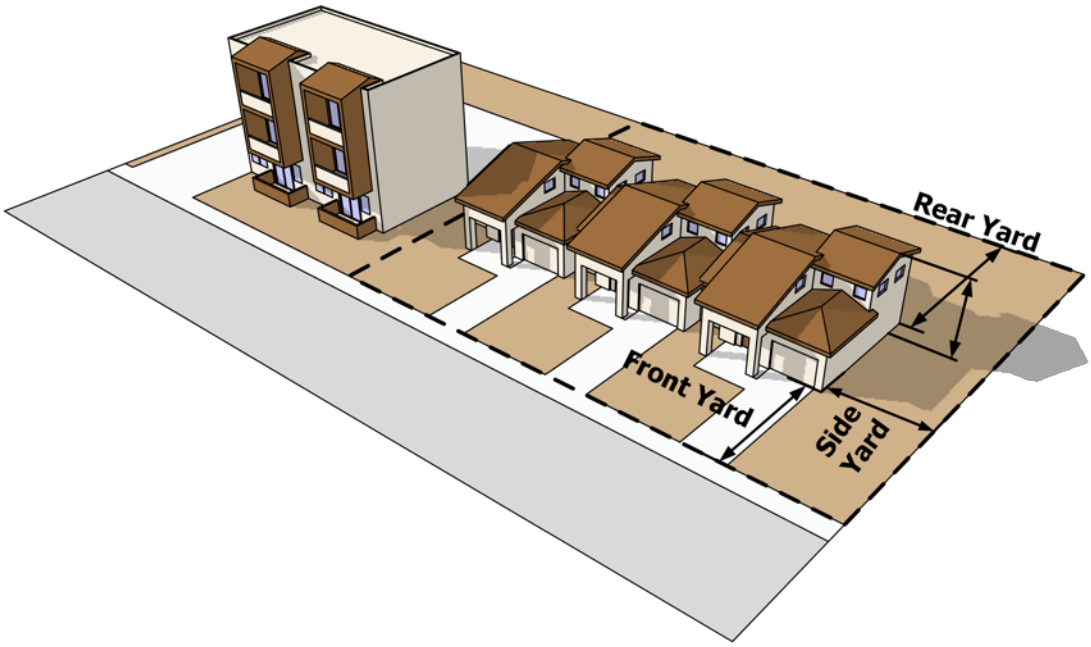
TABLE 2-10
R-UMS DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	20 ft.
Minimum % of front property line to be occupied by building	60%
Minimum width of side yard	General: 3 ft. Corner: 0 ft. Reverse: 0 ft.
Minimum depth of rear yard	General: 10 ft. Reverse: 0 ft.
Maximum height of primary building	42 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

I. R-CHD: RESIDENTIAL- COMMERCIAL AND HEALTH DISTRICT

1. PURPOSE

This district is the residential component of the Commercial and Health area. It is intended to provide for a wide variety of medium to high density residential development adjacent to the existing and future health care facilities on lower McCulloch Boulevard to accommodate both health care professionals and the senior population interested in living near to the medical and other basic services in the adjacent C-CHD district. The principal land uses in this district are residential and long-term medical care facilities, as listed in Table 3-1 (Permitted Use Table).

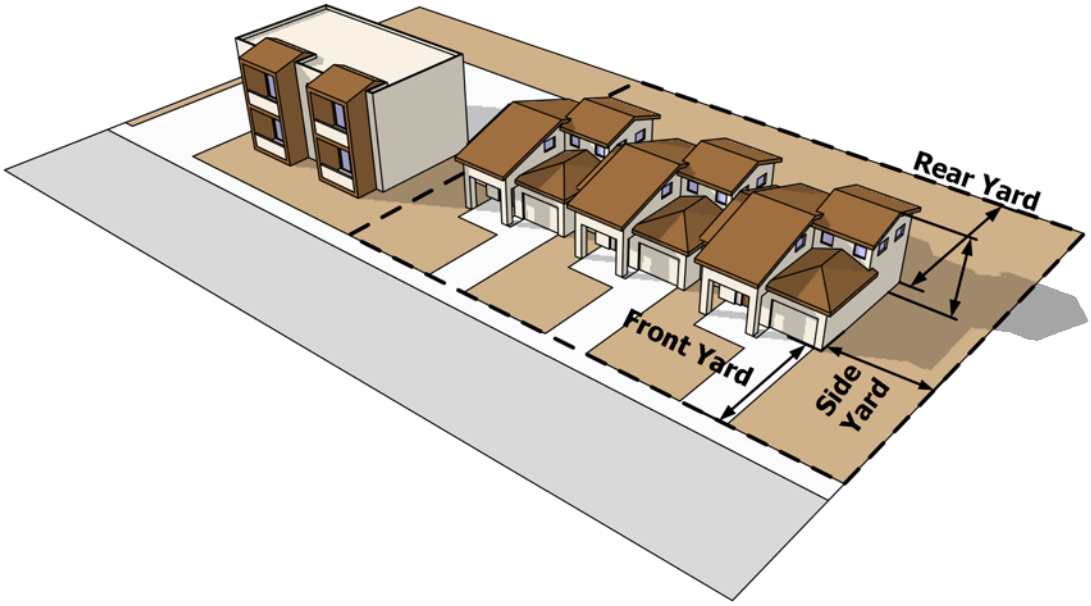
TABLE 2-11
R-CHD DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	10 ft.
Minimum % of front property line to be occupied by building	60%
Minimum width of side yard	General: 3 ft. Corner: 0 ft. Reverse: 0 ft.
Minimum depth of rear yard	General: 10 ft. Reverse: 0 ft.
Maximum height of primary building	42 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted use regulations in Article 3 and the Form and Development regulations in Article 4.

J. R-SGD: RESIDENTIAL- SOUTHGATE DISTRICT

1. PURPOSE

This district is the residential component of the Southgate area. It is intended to provide for high-density residential development adjacent to the prominent Southgate Commercial corridor along Highway 95 at the city's southern entrance. The highly visible location of this gateway residential district presents unique development opportunities and constraints. The development standards are intended to preserve the character of existing neighborhoods while encouraging creative and distinct reinvestment and densification of this character. Facilitating safe and convenient multimodal connections between these gateway neighborhoods and the Southgate Commercial district is a key site design principal. The primary land uses in this district are residential and community service, as listed in Table 3-1 (Permitted Use Table).

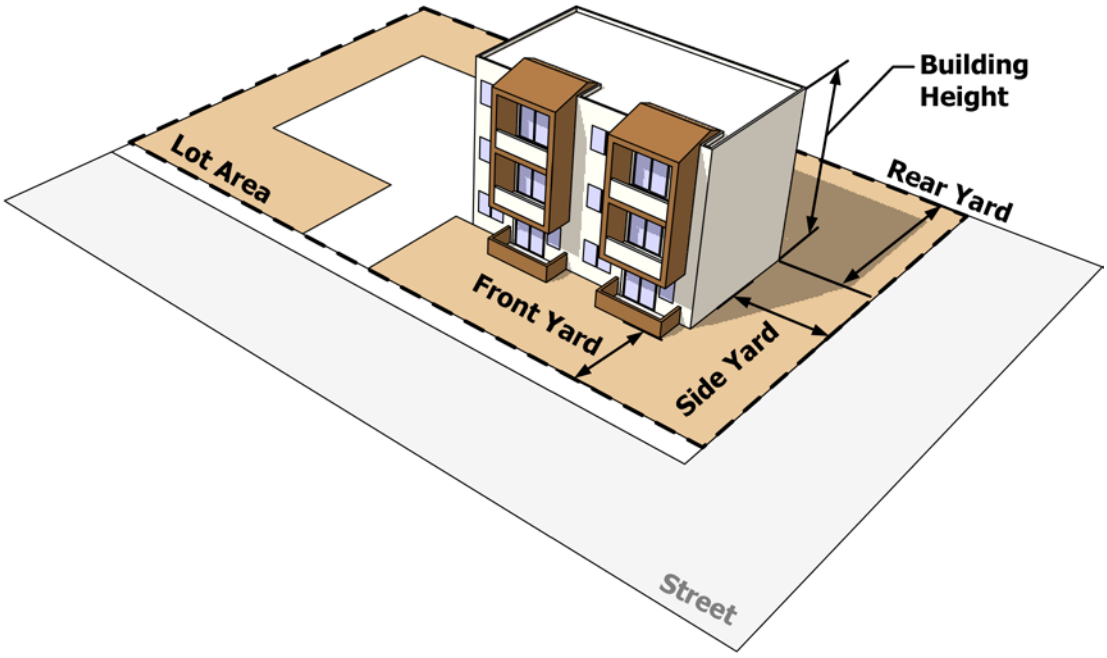
TABLE 2-12
R-SGD DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	10 ft.
Minimum % of front property line to be occupied by building	60%
Minimum width of side yard	General: 10 ft. Corner: 0 ft. Reverse: 0 ft.
Minimum depth of rear yard	General: 10 ft. Reverse: 0 ft.
Maximum height of primary building	42 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted use regulations in Article 3 and the Form and Development regulations in Article 4.

14.02.04. Mixed Use Zoning Districts

A. MU-N: MIXED USE – NEIGHBORHOOD

1. PURPOSE

This district is intended to accommodate a variety of convenient commercial, small-business, and personal or visitor-friendly services integrated with residential uses, in or near residential neighborhoods. District standards promote quality design approaches that respect and reflect nearby residential areas and encourage pedestrian-oriented local services with walkable connections to the surrounding neighborhoods. The principal uses are small-scale residential, commercial, and office, as provided in Table 3-1 (Permitted Use Table).

TABLE 2-13
MU-N DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	2,000 sq. ft.
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	60%
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	0 ft.
Minimum % of front property line to be occupied by building	N/A
Minimum width of side yard	0 ft.
Minimum depth of rear yard	0 ft.
Maximum height of primary building	25 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION

4. OTHER STANDARDS

a. General

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

b. Building and Site Design

All development shall comply with the following standards:

(1) A primary building must have at least one operable pedestrian door leading directly from the primary building onto a sidewalk. For primary buildings located on corner lots, the required pedestrian entrance may be located on the primary street façade or at the corner where the two streets intersect.
(2) Ground floor street frontages on each primary building may not be occupied by residential uses but may be occupied by a lobby or entrance to residential portions of the building.
(3) At least 50% of the building front façade area between three (3) and eight (8) feet above grade shall be of windows or other transparent materials allowing views into the building.
(4) No on-site loading requirements shall be required.

(5) Curb cuts shall only be permitted if access cannot be provided from an alley. Where curb cuts are permitted, they shall not exceed 24 feet in width.

B. MU-G: MIXED USE – GENERAL

1. PURPOSE

This district is intended to provide for a broad range of medium to high-intensity commercial uses, including retail, office, service, and resort-related facilities, integrated with high-density multi-family residential uses, with densities of up to 40 dwelling units/acre. Development standards facilitate pedestrian connections between residential and non-residential uses. The principal land uses are commercial, service, and recreational activities, as well as high-density residential, as provided in Table 3-1 (Permitted Use Table).

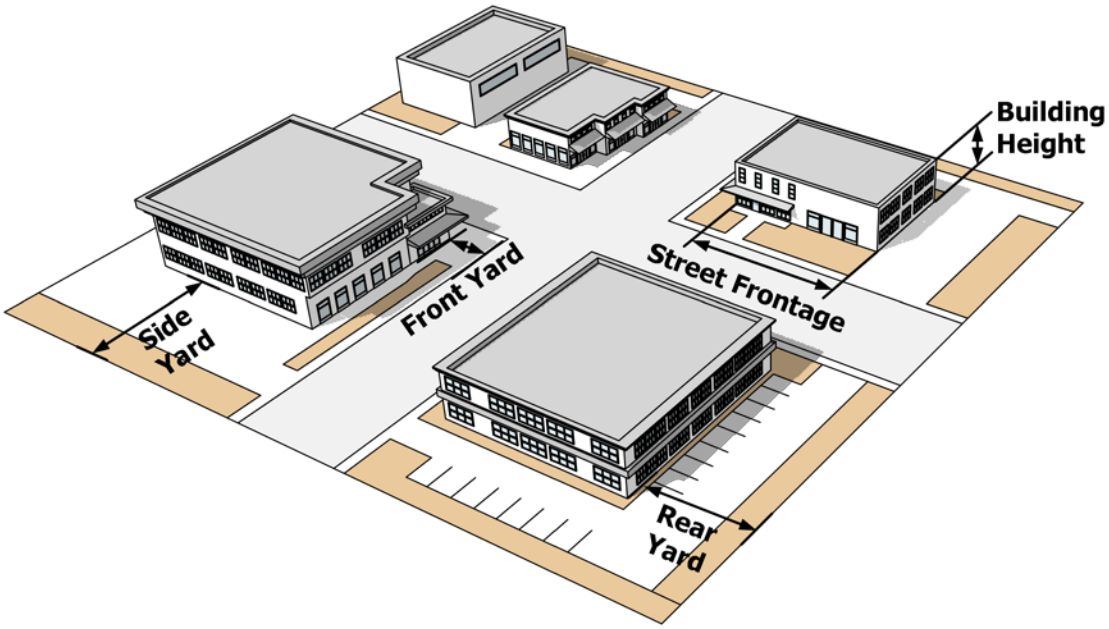
TABLE 2-14
MU-G DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	2,000 sq. ft.
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	40 du/ac
BUILDING STANDARDS	
Minimum depth front yard	0 ft.
Minimum % of front property line to be occupied by building	N/A
Minimum width of side yard	0 ft.
Minimum depth of rear yard	0 ft.
Maximum height of primary building	30 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

a. GENERAL

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

b. ADDITIONAL DEVELOPMENT STANDARDS

All development shall comply with the following standards:

(1) The primary building must have at least one operable pedestrian door leading directly from the primary building onto a sidewalk. For primary buildings located on corner lots, the required pedestrian entrance may be located on the primary street façade or at the corner where the two streets intersect.

(2) At least sixty-five (65) percent of the primary building frontage must be built no further than 20 feet from the front lot line.

(3) If the building is located on a corner lot, at least forty (40) percent of the secondary building frontage must be built no further than 20 feet from the side lot line adjacent to the secondary street.

C. MU-UMS: MIXED USE - UPTOWN MCCULLOCH MAIN STREET

1. PURPOSE

This district is the mixed-use component of the Uptown McCulloch Main Street (UMS) area. It is intended to provide for a wide and flexible variety of commercial, office, personal service, and residential uses along Lake Havasu City's "Main Street," and to encourage walkability and non-vehicular connections with the adjacent R-UMS district. The development standards are designed to respect the existing district character while also encouraging new and innovative forms of development. The principal land uses to be integrated in this district include commercial, office, personal and community service, and residential, as provided in Table 3-1 (Permitted Use Table).

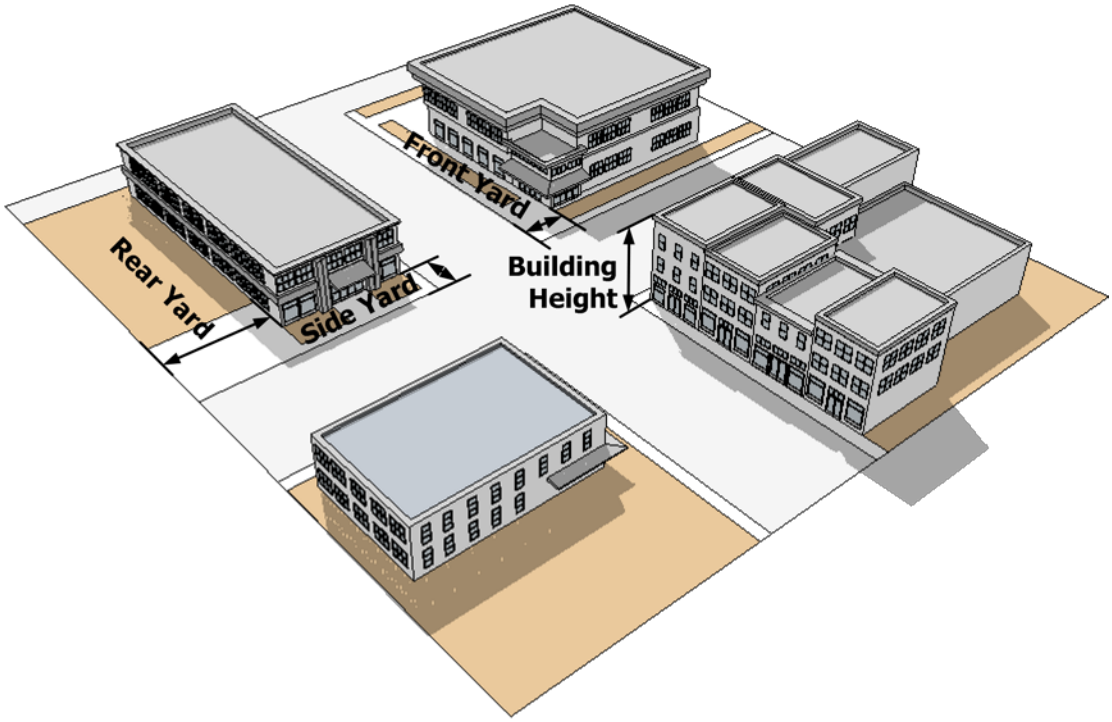
TABLE 2-15
MU-UMS DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth of front yard	0 ft.
Maximum depth of front yard	McCulloch: 0 ft. Swanson & Mesquite: 10 ft.
Minimum % of front property line to be occupied by building	65%
Minimum width of side yard	0 ft.
Minimum depth of rear yard	0 ft.
Maximum height of primary building	60 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

a. GENERAL

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted use regulations in Article 3 and the Form and Development regulations in Article 4.

b. N. MCCULLOCH BOULEVARD

All development with frontage on North McCulloch Boulevard shall comply with the following standards:

(1) Siting

All main floor businesses that front to N. McCulloch Boulevard shall have a primary entrance facing the street.

(2) Elements

(A) No neon or LED building accents are allowed.

(B) Each building is required to have an arcade, awning, canopy, colonnade, or similar type feature facing N. McCulloch Boulevard.

(C) Architectural features that require a column support must extend over the sidewalk area in front of the building 8 feet but no closer than 2 feet to face of curb and be a minimum of 12 feet in height.

(D) Architectural features that do not require a column support can extend over the sidewalk area in front of the building up to 10 feet but no closer than 2 feet to face of curb and be a minimum of 12 feet in height.

(E) Upper levels of the buildings may have balconies above 15 feet in height and not exceeding a depth of 5 feet.

c. Mesquite and Swanson Avenues

All development along Mesquite and Swanson Avenues shall comply with the following standards:

(1) Siting

(A) At least 65 percent of the front building line of each primary building must be built not more than 10 feet from property lines along the Mesquite or Swanson Avenue frontage, as applicable.

(B) Corner buildings must have their primary entrance face either Mesquite or Swanson Avenue, as applicable, or the corner where one of those streets intersects a side street.

(2) Elements

(A) Each primary building facade facing a public or private street shall have prominent cornice and expression lines and windows. Expression lines and cornices may be in the form of decorative molding or jogs in the surface plane of the building.

(B) No neon or LED building accents are allowed.

(C) Upper levels of the buildings may have balconies above 15 feet in height.

D. MU-CRW: MIXED USE-CHANNEL RIVERWALK DISTRICT

1. PURPOSE

This district is intended to provide for a mixture of commercial, resort-related, and medium to high density residential uses in the Bridgewater Channel area. District regulations are designed to preserve the district's striking natural, historic, and recreational resources while encouraging a unique combination of innovative mixed-use development that attracts full-time residents and visitors, and to encourage pedestrian and visual access to the shoreline and water-based activities. The principal uses are commercial, resort-related, including shoreline- and water-based uses, and medium to high density residential, as provided in the Table 3-1(Permitted Use Table).

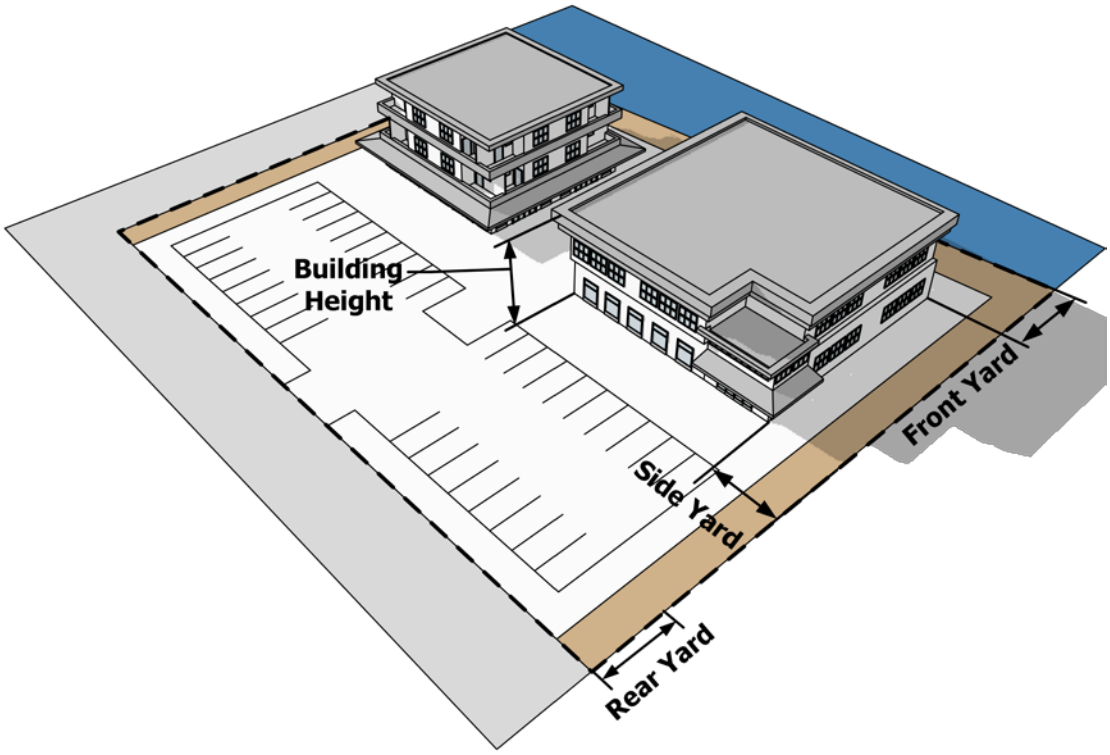
TABLE 2-16
MU-CRW DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	See Sec. 14-14-2-05.D.4
Minimum width of side yard	
Minimum depth of rear yard	
Maximum height of primary building	60 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLE

3. ILLUSTRATION



4. OTHER STANDARDS

a. All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted use regulations in Article 3 and the Form and Development regulations in Article 4.

b. Enclosed structures shall be setback from the property line along the channel or 450 elevation line at a ratio of one foot of building height to one foot of setback for the first 40 feet. Additional height above 40 feet will be allowed at a ratio of 1 foot of building height for every ½ foot of setback. Parking garages shall be setback a minimum of 100 feet inland from the channel or 450 foot elevation line, whichever is greater.

c. Enclosed structures and parking garages shall be setback a minimum of 10 feet from all right-of-way property lines. Additional height above 40 feet will be setback at a ratio of 1 foot of building height for every ½ foot of setback measured from the 10 foot right-of-way setback line. Parking garages shall be setback a minimum of 100 feet inland from the channel or 450 foot elevation line, whichever is greater.

14.02.05. Special Purpose Zoning Districts

A. C-CHD: COMMERCIAL-COMMERCIAL AND HEALTH DISTRICT

1. PURPOSE

This district is the commercial component of the Commercial and Health area. It is intended to provide for a broad range of public and institutional, commercial, office, and personal service uses focused on healthcare and related uses. Improved multimodal connectivity with the Uptown McCulloch Main Street (UMS) and Channel Riverwalk (CRW) areas is also encouraged. The principal land uses are public, institutional, and commercial, as provided in Table 3-1 (Permitted Use Table).

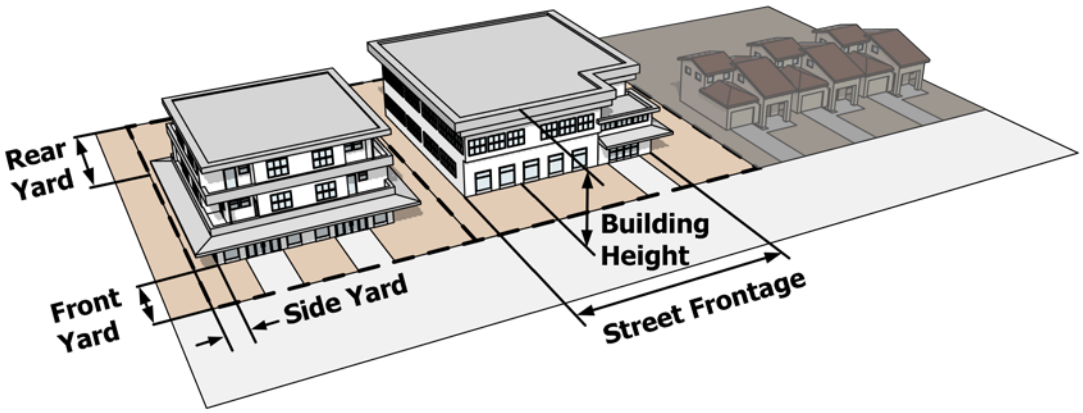
TABLE 2-17
C-CHD DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	10 ft.
Minimum width of side yard	N/A
Minimum depth of rear yard	N/A
Maximum height of primary building	General: 60 ft. Hospital: 100 ft. Parking Structure: 48 ft. or height of primary structure

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

a. General

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

b. Public Pedestrian Space

Developments shall provide the following public pedestrian space:

(1) The first 20 feet adjacent to the right-of-way for those lots abutting McCulloch Boulevard.
(2) The first 10 feet adjacent to the right-of-way for those lots abutting all other streets (excluding alleys).
(3) The public pedestrian space shall:
  (A) Include amenities that encourage public use of the space.
  (B) Be made available to the public at all times.
  (C) Be designed to provide linkages to building entrances.
  (D) Be developed in a manner that ensures linkage and continuity with adjacent properties.

B. C-SGD: COMMERCIAL-SOUTHGATE DISTRICT

1. PURPOSE

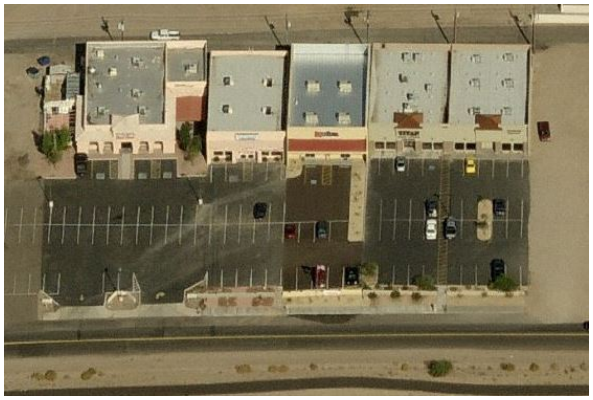
This district is the commercial component of the Southgate area and serves as the southern gateway into the city. It is intended to provide for a broad range of commercial and community service uses and encourage multimodal connections internally between permitted commercial uses and with the adjacent R-SGD district. Nearly all commercial uses are permitted in this district, except outdoor recreation and entertainment uses, as indicated in Table 3-1 (Permitted Use Table).

TABLE 2-18
C-SGD DISTRICT DIMENSIONAL STANDARD SUMMARY

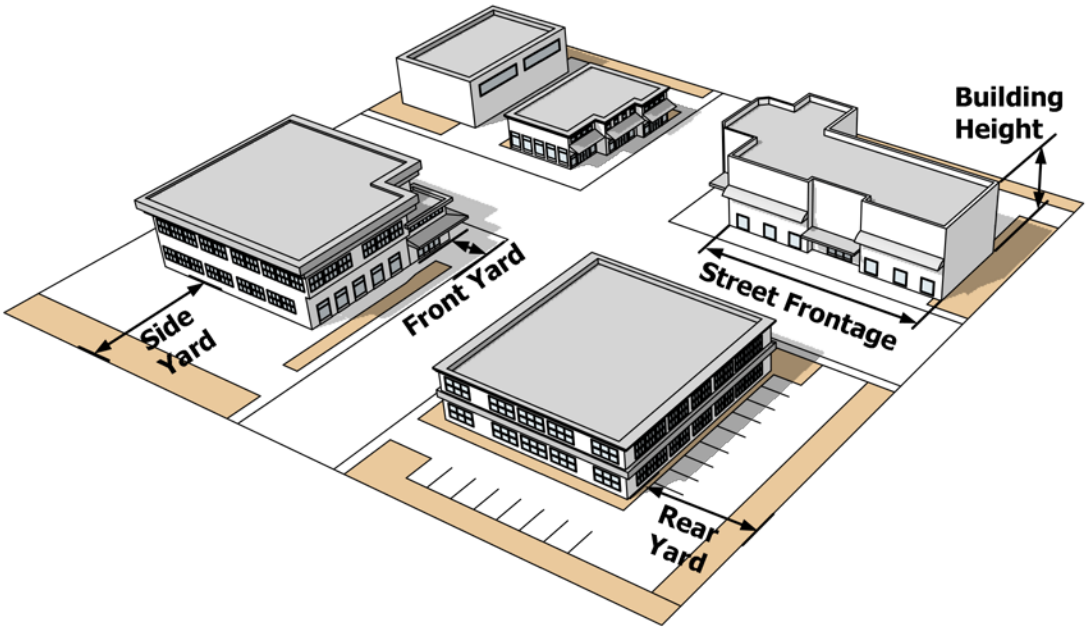
LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	10 ft.
Minimum width of side yard	N/A
Minimum depth of rear yard	N/A
Maximum height of primary building	36 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES



3. ILLUSTRATION



4. OTHER STANDARDS

a. General

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted use regulations in Article 3 and the Form and Development regulations in Article 4.

b. Building design and materials

(1) Any buildings fronting on a public street, excluding alleys, shall be constructed of painted or decorative masonry or stucco, and shall be designed to encourage covered pedestrian walkway connections between properties.
(2) Vehicle repair, upholstery, and other similar service bays shall not open onto a front building elevation.
(3) Any single horizontal building plane shall not exceed 50 feet unless it is designed to prevent long monolithic building frontages.
(4) Chain link fencing is prohibited in the front elevation or facing the Highway 95 right-of-way.

C. C-1: LIMITED COMMERCIAL DISTRICT

1. PURPOSE

This district is intended to provide for a limited range of smaller scale commercial activities that may often be oriented toward automobile access and visibility from arterial streets, but that also allow and encourage non-vehicular connectivity and walkability between the permitted uses. The principal land uses are commercial sales and service facilities, as provided in Table 3-1 (Permitted Use Table).

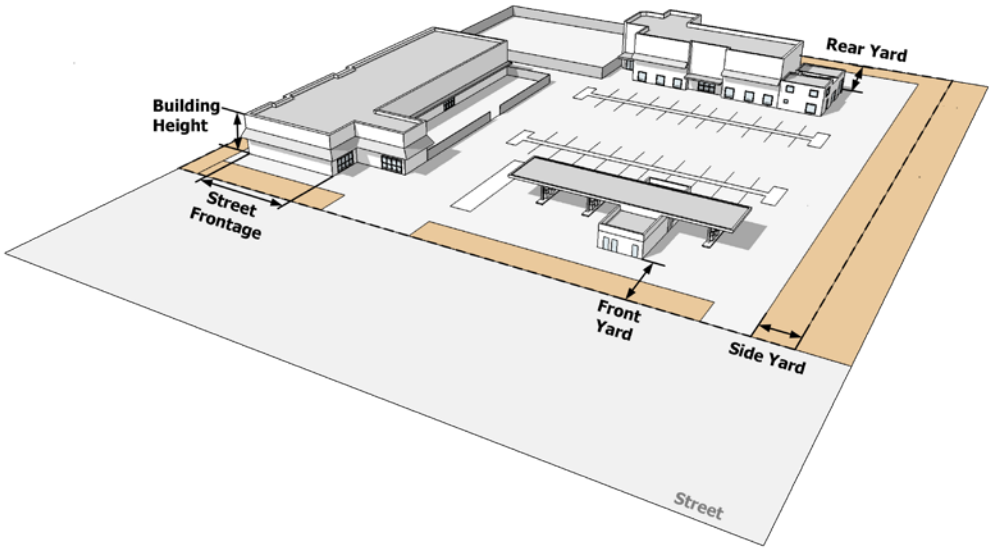
TABLE 2-19
C-1 DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	2,000 sq. ft.
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	N/A
Minimum width of side yard	N/A
Minimum depth of rear yard	N/A
Maximum height of primary building	25 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

D. C-2: GENERAL COMMERCIAL DISTRICT

1. PURPOSE

This district is intended to accommodate a broader range of commercial uses than C-1, including heavier vehicle-related sales, service, and repair facilities. The uses in this district are generally oriented toward automobile access and visibility from arterial streets. The district standards allow for adequate but controlled vehicular access and protect nearby residential areas from these higher intensity land uses. The principal land use is commercial, as provided in Table 3-1 (Permitted Use Table).

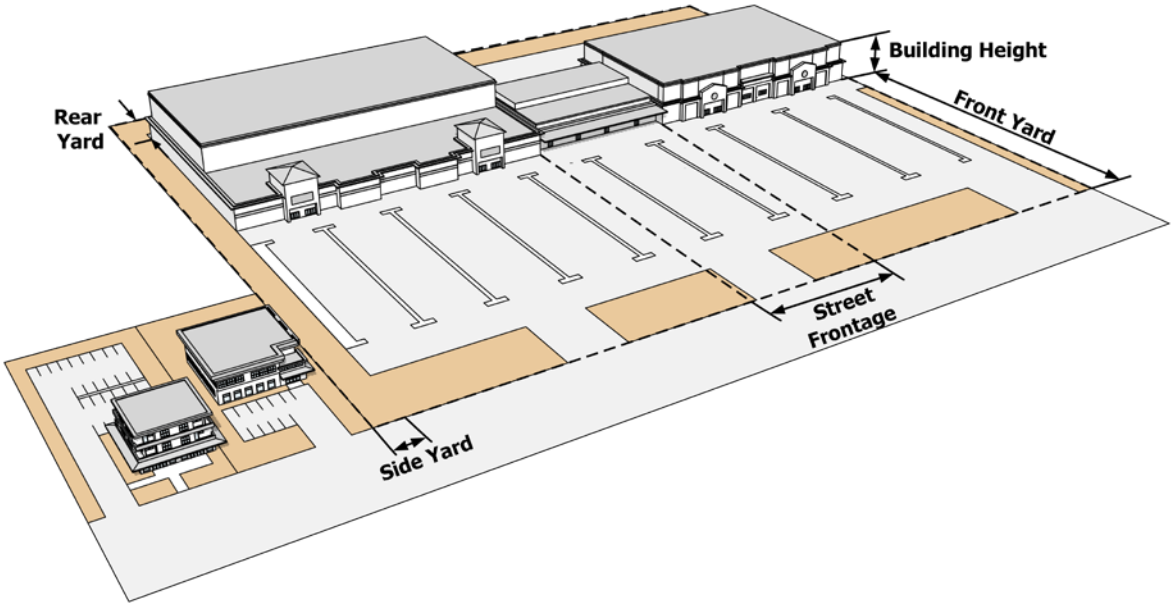
TABLE 2-20
C-2 DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	2,000 ft.
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	N/A
Minimum width of side yard	N/A
Minimum depth of rear yard	N/A
Maximum height of primary building	25 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

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E. LI: LIGHT INDUSTRIAL

1. PURPOSE

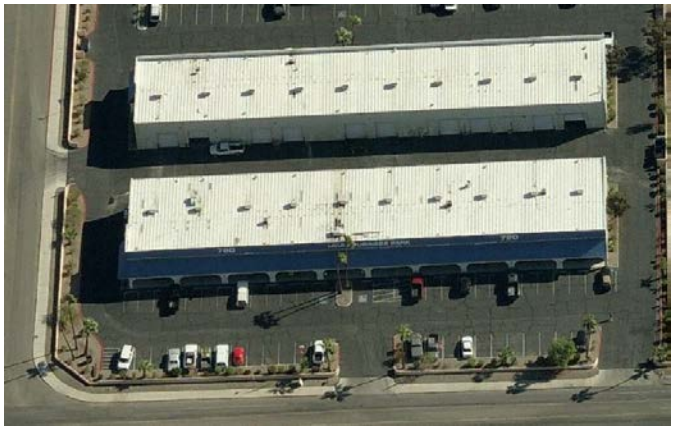
This district is intended to provide for a broad range of commercial, office, and light industrial uses in close proximity to each other. Development standards encourage the use of innovative and flexible designs, such as campus-type settings, to buffer potential impacts of each use from surrounding uses, protect adjacent residential areas, and foster efficient land use. The wide variety of commercial, office, research and development, and clean industrial uses permitted in this district are provided in Table 3-1 (Permitted Use Table).

TABLE 2-21
LI DISTRICT DIMENSIONAL STANDARD SUMMARY

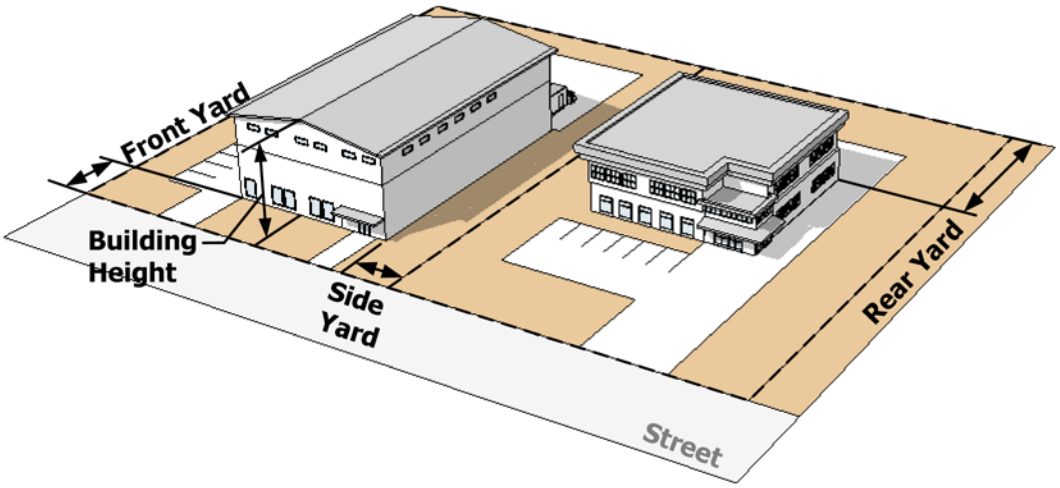
LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	60%
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard	N/A
Minimum depth of rear yard	N/A
Maximum height of primary building	30 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES



3. ILLUSTRATION



4. OTHER STANDARDS

a. GENERAL

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

F. I: INDUSTRIAL

1. PURPOSE

This district is intended to provide for a wide range of heavy commercial, industrial, and manufacturing activities, including extraction and processing of raw materials and hazardous waste storage. This district accommodates those land uses having greater than average impacts on the environment, or on the use and enjoyment of other surrounding properties. While development standards protect surrounding areas from the adverse impacts of these industrial activities, this district should be applied in locations away from residential areas. The commercial and industrial uses permitted in this district, as shown in Table 3-1 (Permitted Use Table), may also include accessory office uses.

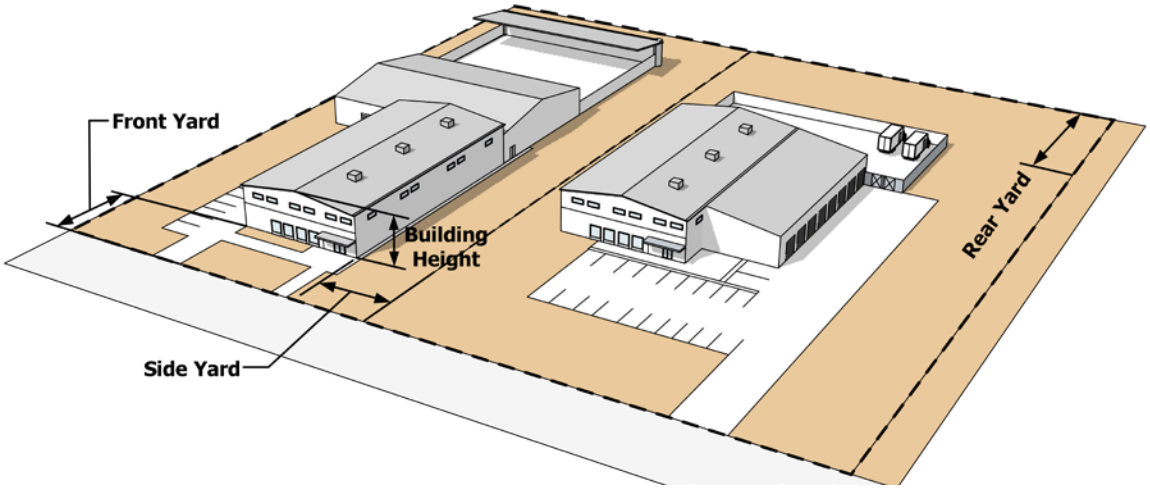
TABLE 2-22
I DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	50 ft.
Minimum width of side yard	General: 10 ft. Corner: 10 ft. Reverse: N/A
Minimum depth of rear yard	N/A
Maximum height of primary building	50 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

G. I-B: ISLAND-BODY BEACH:

1. PURPOSE

This unique district applies to the Island and Body Beach areas, most of which is owned or regulated by a state or federal government agency. The intent of this district is to permit all uses required by state law and to encourage uses of those lands that are consistent with the city's General Plan. The district serves multiple purposes, including:

- Making the city's natural, historic, and recreational resources publicly accessible.
- Encouraging high quality resort and lake-oriented resorts and tourism-related development.
- Promoting creative and context sensitive site and building designs that conserve and accentuate the natural landscape.

TABLE 2-23
I-B DISTRICT DIMENSIONAL STANDARD SUMMARY

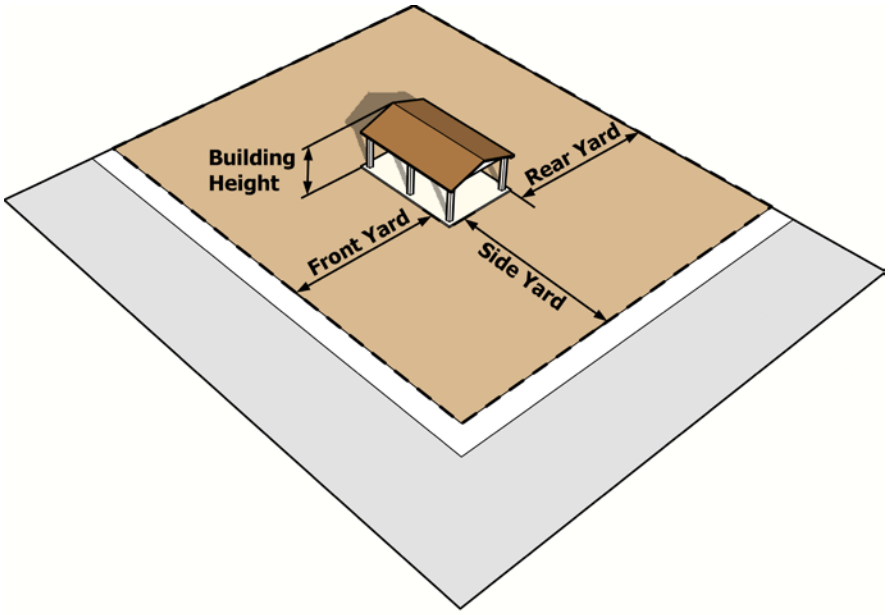
LOT STANDARDS	
Minimum lot area	Public: 1 acre New subdivision: 7,200 sq. ft.
Minimum lot width	Public: N/A New subdivision: 60 ft.
Minimum lot depth	Public: N/A New subdivision: 120 ft.
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	10 ft.
Minimum width of side yard	General: 10 ft. Corner: 20 ft. Reverse: N/A
Minimum depth of rear yard	N/A
Minimum area of structure	N/A
Maximum height of primary building	40 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

The principal land uses are agriculture, open space and parks, resorts, and outdoor recreation, as provided in Table 3-1 (Permitted Use Table).

2. EXAMPLE

3. ILLUSTRATION



4. OTHER STANDARDS

a. GENERAL

(1) All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.

(2) All development shall secure all applicable state and federal government approvals, in addition to all local approvals.

b. DEVELOPMENT ABOVE AND BELOW 455 FEET

(1) Areas at or above an elevation of 455 feet shall be developed in accordance with this Code.

(2) Areas below an elevation of 455 feet are governed by the United States Bureau of Reclamation and/or the Bureau of Land Management and shall be developed in accordance with their regulatory standards (e.g., landscaping and environmental design).

c. PUBLIC ACCESS ALONG THE LAKEFRONT

(1) A public easement of at least 15 feet wide shall provide public access along the shoreline in accordance with state law.

(2) A public access easement may include shaded areas, benches, and linkages to public rights-of-way.

(3) This requirement may be waived for properties separated from the 455 foot elevation by a public right-of-way, or if a sufficient amount of public access near the proposed development is already provided.

d. View Corridors to the Lake

The following provisions apply to buildings constructed after the effective date of this Code on lots that are located between the lake shoreline and the nearest public street inland from the shoreline that runs roughly parallel to the shoreline.

(1) Primary buildings shall be no more than 200 feet in width, measured parallel to the waterfront.
(2) A 40 foot view corridor, running from the nearest public street inland from the lakeshore to the lakeshore, shall be provided between each primary building. The width of the view corridor shall be measured from each building's lowest ground level elevation.

e. Landscaping and Open Space

(1) In addition to the requirements in Section 14.04.04 (Landscaping and Screening), landscaping and open space shall be provided in accordance with Table 2-24, below:

Table 2 – 24: Landscaping and Open Space Requirements

Building Height	Open Space (Min.)	Landscaping (Min.)	Total Minimum Landscape / Open Space Required
30 feet and less	25%	10%	35%
31 to 40 feet	30%	10%	40%
41 to 50 feet	35%	10%	45%
51 to 60 feet	40%	10%	50%

(2) Each square foot of a proposed development with public recreation facilities shall count as two square feet of the open space required in the above table.

f. Building Design and Materials

(1) Exterior building materials, colors, and treatments, including fences and walls, shall reflect the colors found in the surrounding natural land environment (i.e. browns, beiges, maroons, and muted shades of green, red, and orange).
(2) Innovative use of natural materials is encouraged.
(3) No single horizontal building plane shall exceed 100 feet unless it is designed to include changes in materials, colors, or wall alignment to prevent the appearance of a monolithic wall.
(4) Cornices, expression lines, or other architectural features shall be incorporated into building designs to define ground level spaces.
(5) No neon or LED building accents are allowed.
(6) Upper levels of buildings may project balconies and other architectural features above 15 feet in height into a shoreline access easement.

H. A-P: AGRICLUTURE-PRESERVATION

1. PURPOSE

This unique district applies to most of the land bounding the City on the northwest, north, and east sides, most of which is owned or regulated by a state or federal government agency. The intent of this district is to permit all uses required by state law and to encourage uses of those lands that are consistent with the city's General Plan. The district serves multiple purposes, including:

- Accommodating agricultural activities in more remote areas to reduce potential impacts on more urban development.
- Facilitating rural to urban transitions in a planned and orderly manner consistent with the environmentally sound and efficient extension of urban services.
- Making the city's natural, historic, and recreational resources publicly accessible from well-placed access easements.
- Increasing active or passive park, trail, or other recreational uses.
- Promoting creative and context sensitive site and building designs that conserve and accentuate the natural landscape.

TABLE 2-25
A-P DISTRICT DIMENSIONAL STANDARD SUMMARY

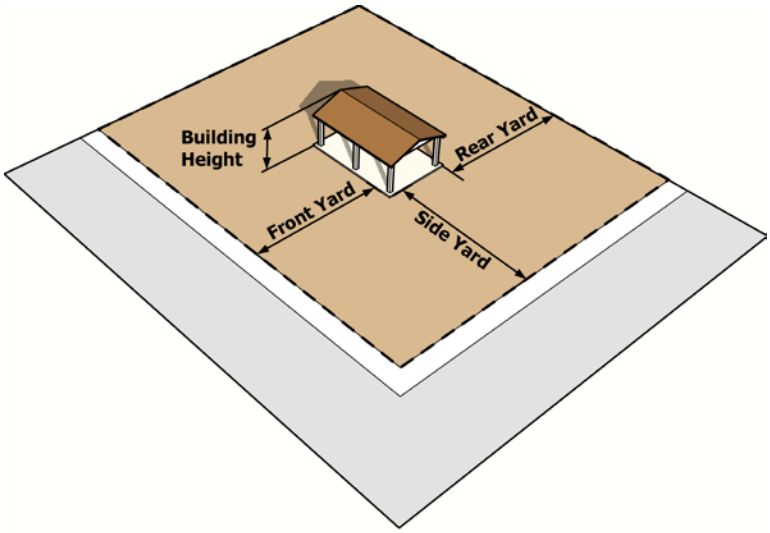
LOT STANDARDS	
Minimum lot area	Public: 1 acre New subdivision: 1 acre
Minimum lot width	Public: N/A New subdivision: 60 ft.
Minimum lot depth	Public: N/A New subdivision: 120 ft.
Maximum lot coverage	N/A
Maximum density	1 du/ac
BUILDING STANDARDS	
Minimum depth front yard	10 ft.
Minimum width of side yard	General: 10 ft. Corner: 20 ft. Reverse: N/A
Minimum depth of rear yard	N/A
Maximum height of primary building	40 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

The principal land uses are agriculture, open space and parks, and outdoor recreation, as provided in Table 3-1 (Permitted Use Table).

2. EXAMPLE

3. ILLUSTRATION



4. OTHER STANDARDS

a. All development shall comply with all other applicable regulations in this Development Code including, without limitation, the Permitted Use regulations in Article 3 and the Form and Development regulations in Article 4.
b. All development shall secure all applicable state and federal government approvals, in addition to all local approvals.

I. P-1: PUBLIC LANDS AND FACILITIES

1. PURPOSE

This district is intended to protect and reserve land for public, and institutional, that contribute to the community's health, safety, and welfare. Primarily intend to be applied to publicly-owned land, this district and may also be applied to private property with the landowner's consent. Additionally, a public, private, or non-profit entity can operate a community service facility in this district regardless of the land ownership. Principal land uses include schools, parks and open space, , community centers, and social services, public safety and utility facilities, as provided in Table 3-1 (Permitted Use Table).

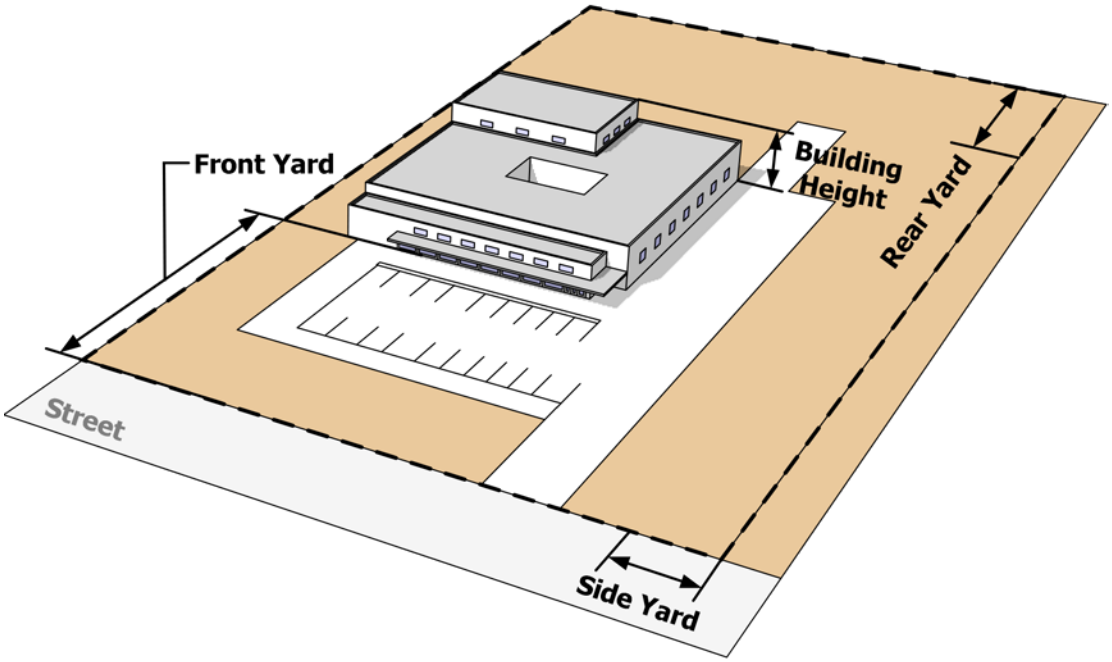
TABLE 2-26
P-1 DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	2,000 sq. ft.
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	25 ft.
Minimum width of side yard	General: 10 ft. Corner: 10 ft. Reverse: 25 ft.
Minimum depth of rear yard	General: 25 ft. Reverse: 10 ft.
Maximum height of primary building	30 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLES

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted use regulations in Article 3 and the Form and Development regulations in Article 4.

J. GC: GOLF COURSE

1. PURPOSE

This district is intended to protect the city's existing golf courses for golf course uses, and to be applied to any new golf courses constructed in the city. Principal land uses include a golf course and related accessory buildings, as provided in Table 3-1 (Permitted Use Table).

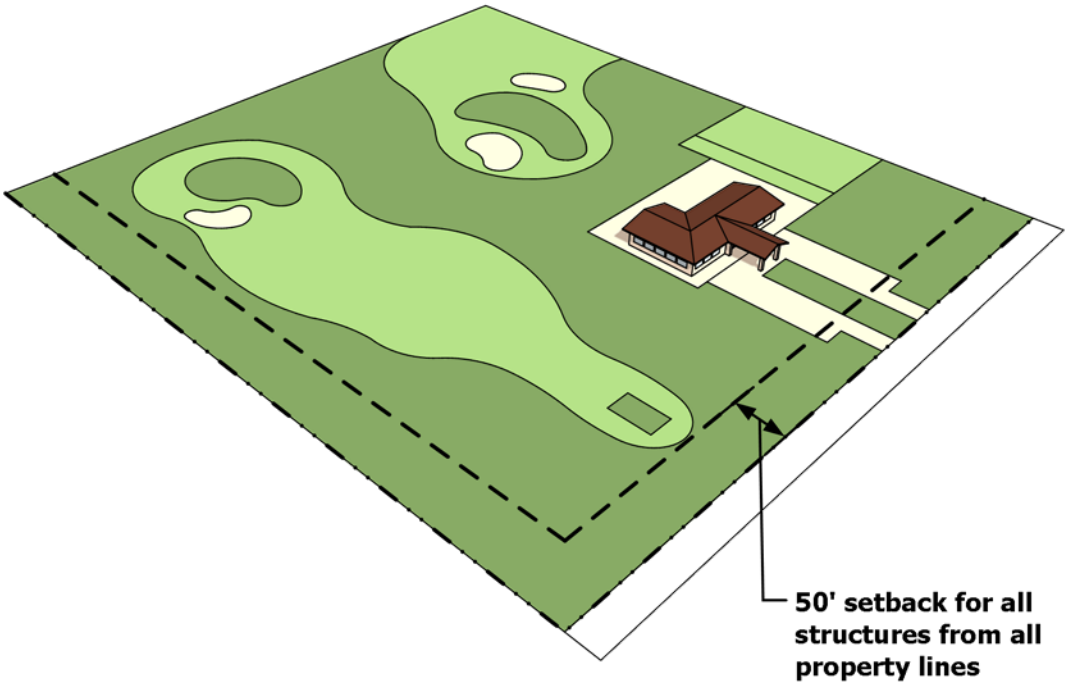
TABLE 2-27
GC DISTRICT DIMENSIONAL STANDARD SUMMARY

LOT STANDARDS	
Minimum lot area	N/A
Minimum lot width	N/A
Minimum lot depth	N/A
Maximum lot coverage	N/A
Maximum density	N/A
BUILDING STANDARDS	
Minimum depth front yard	50 ft.
Minimum width of side yard	50 ft.
Minimum depth of rear yard	50 ft.
Maximum height of primary building	30 ft.

This Table is a summary of selected standards; refer to Article 4 Dimension Standards, for additional regulations.

2. EXAMPLE

3. ILLUSTRATION



4. OTHER STANDARDS

All development shall comply with all other applicable regulations in this Development Code, including without limitation the Permitted use regulations in Article 3 and the Form and Development regulations in Article 4.

14.02.06. Overlay Zoning Districts

A. PURPOSE AND APPLICABILITY

1. This section regulates development and redevelopment in those overlay zoning districts established by Section 14.02.01, and having the boundaries shown on the Official Zoning Map.
2. An overlay district is distinguished from a base zoning district by an "O" as the last letter in the zone district designation.
3. The provisions of each overlay zoning district supplement or modify the standards and requirements of the underlying base zoning district.
4. In case of a conflict between the provisions of the overlay zone district and an underlying base zoning district, the provisions of the overlay zoning district shall apply, regardless of whether they are more or less restrictive than the provisions of the base zoning district.
5. If a property is included in two or more overlay districts, and the provisions of one or more overlay districts conflict, the more restrictive overlay district provision shall apply.

B. AP-O: AIRPORT OVERLAY

1. AIRPORT ZONES

This district establishes certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to Lake Havasu City Municipal Airport. These zones are shown on the Lake Havasu City Municipal Airport Approach Plan and Zoning Map consisting of one sheet, prepared as part of the Lake Havasu City Municipal Airport Master Plan, dated January, 1986, which is hereby incorporated into this section by reference as though it were fully set forth here. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:

a. UTILITY RUNWAY VISUAL APPROACH ZONE

The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

b. UTILITY RUNWAY NONPRECISION INSTRUMENT APPROACH ZONE

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

c. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN 3/4 MILE NONPRECISION INSTRUMENT APPROACH ZONE

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500

feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

d. Runway larger than utility with a visibility minimum as low as 3/4 mile nonprecision instrument approach zone-precision runway

The inner-edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

e. Precision instrument runway approach zone

The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

f. Transitional zones

The transitional zones are the areas beneath the transitional surfaces.

g. Horizontal zone

The horizontal zone is established by swinging arcs of 5,000 feet radii for all runway designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

h. Conical zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

2. AIRPORT ZONE HEIGHT LIMITATIONS

a. Established

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

(1) Utility runway visual approach zone

Slopes 20 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(2) Runway larger than utility with a visibility minimum greater than 3/4 mile nonprecision instrument approach zone

Slopes 34 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(3) Runway larger than utility with visibility minimum greater than 3/4 mile nonprecision instrument approach zone-precision runway

Slopes 34 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(4) Precision instrument runway approach zone

Slopes 50 feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

(5) Transitional zones

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

(6) Horizontal zone

Established at 150 feet above the airport elevation or at a height of 933 feet above mean sea level.

(7) Conical zone

Slopes 20 feet outward for each foot upward, beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 150 feet above the airport elevation.

3. USE RESTRICTION

Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in a manner so as to create electrical interference with navigational signals, or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

4. NONCONFORMING USES

a. REGULATIONS NOT RETROACTIVE

The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of October 26, 1988, the effective date of this Airport Overlay district, or

otherwise interfere with the continuance of a nonconforming use. Nothing contained in this section shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to October 26, 1988, and is diligently constructed.

b. MARKING AND LIGHTING

Notwithstanding the provisions of Subsection a, the owner of any existing nonconforming structure or tree is required to install, operate, and maintain thereon appropriate markers and lights as shall be deemed necessary by the Public Works Director to indicate to the operators of aircraft in the vicinity of the airport the presence of the airport obstruction.

C. NK-O: NORTH KIOWA OVERLAY

1. PURPOSE

The purpose of this section is to regulate commercial development along North Kiowa Boulevard between Catalina Drive and Havasupai Boulevard in order to protect the public interest in achieving distinctive and internally consistent architectural and site design elements. The North Kiowa corridor presents special development opportunities and constraints related to its association with the Central Business Park and its relationship with the surrounding residential development. The guidelines and standards in this section are designed to achieve a unified design treatment, to increase the buildable area, to allow for designated outdoor display or storage, and to provide a uniform street landscaping theme.

2. GENERAL DEVELOPMENT PLAN REQUIRED

Rezoning of property to the North Kiowa Overlay District shall include the adoption of a General Development Plan conforming to the standards and guidelines in this section and applicable standards of the underlying base zoning district and shall serve as a guide to further development within the overlay district.

3. DESIGN STANDARDS

a. GENERAL REQUIREMENTS

Site and building design shall comply with the applicable provisions of Section 14.04.07 (Site and Building Design Standards), unless otherwise noted within this section.

b. BUILDING DESIGN

(1) All building frontages on a public street, excluding alleys, shall be constructed of painted or decorative masonry or stucco, and shall include a pedestrian path connecting the front of the structure to North Kiowa Boulevard.
(2) The development shall contain a pedestrian sidewalk, covered by a projecting canopy mounted to the structure's wall, along the entire length of the front portion of the structure adjacent to the business entrance.
(3) Structures shall not conflict with the adopted master parking-in-common plan.

c. Screening of vehicle parking and maneuvering areas

(1) The vehicle parking and maneuvering areas shall be screened from the adjoining right-of-way with a three-foot high stucco masonry wall to similar in color to other screening walls on the block.
(2) The screen wall may be located on the front property line or be within the 10-foot buffer area inside of the property line.

d. Screening of outdoor uses

(1) Outdoor storage and display areas shall be designated with a perimeter masonry screen wall using materials and textures similar to those used on the primary façade of the primary structure.
(2) The perimeter screen wall shall be six feet in height and be completely sight obscuring where the outdoor use abuts single- or multi-family residential zoning districts.
(3) Materials may be stored to a maximum height of six feet.
(4) Fencing materials (e.g., chain link or wrought iron) may not be used, except for gates and loading areas. Where permitted, fencing materials shall include plastic lath or netting to obscure views into outdoor use areas and be of a similar color to adjacent screen walls.

4. ADDITIONAL PERMITTED USES

In addition to the uses allowed by the underlying C-1 Zoning District, the following uses are allowed if is sited in compliance with the design standards in this Section 14.02.06.C

(1) Accessory warehouse uses conducted entirely within an enclosed structure, but requiring some outdoor storage.
(2) Accessory outdoor uses in compliance with the following conditions:
  (A) The outdoor use shall be limited to storage materials or supplies directly related to the business use and shall be accessory and subordinate to the primary use on the property. The area of the outdoor use shall not exceed the area of the primary structure. Stand-alone storage without a primary structure shall not be allowed.
  (B) The area designated for accessory outdoor storage uses shall be located to the rear or side of the primary structure. No outdoor storage shall be located within the area designated as parking-in-common.
  (C) The accessory outdoor use shall be screened in compliance with 14.04.04 (Landscaping and Screening)

5. PROHIBITED USES AND MATERIALS

The following uses and materials shall be prohibited:

a. Chain link fencing in the front elevation or facing Kiowa Boulevard;
b. Exposed metal panel systems for the exterior of the front elevation of the primary structures facing Kiowa Boulevard;
c. Manufacturing;
d. Stand-alone outdoor storage uses;
e. Repair garages.

6. PARKING DESIGN STANDARDS

Parking design and layout shall be consistent with an approved typical master Parking-in-Common plan and approved General Development Plan and Site Plan and the following requirements:

a. GRADING

Parking lot designs on the same block shall be aligned to the greatest extent practicable. Grading activity shall not adversely affect existing topography of the adjoining properties, and shall maintain the existing slope or gradient of the entire block.

b. PAVING

Paving shall match and be consistent with the topographical elevations of any abutting paving on adjoining lots. Paving design shall include two inches of asphaltic concrete over six inches of aggregate base course.

c. PAINT STRIPING

Interim parking striping may be allowed until the block becomes 60% developed or as determined by the Zoning Administrator to implement striping and layout in compliance with the approved site plan.

d. DRIVEWAYS

Temporary driveways may be allowed on an interim basis, but shall be removed and standard off-site improvements installed by the owner when the block becomes 60% developed or as determined by the Director to provide common driveways to the parking-in-common areas in compliance with the approved site plan.

e. TRASH ENCLOSURES

Trash bins shall be screened by means of a five-foot high masonry wall on three sides and be located in the rear parking area behind the structure and conform to the adopted General Development Plan and general city standards.

7. LANDSCAPING

Landscaping shall comply with the following guidelines:

a. BUILDING LANDSCAPE

Special planting areas associated with the building (e.g., accents and entryways) may include any of the plant materials identified on the city's approved plant list available at the Community Investment Department.

b. SITE LANDSCAPE IRRIGATION

Irrigation of landscaping at the building or parking areas shall be provided by the private domestic water system.

8. MASTER GRADING PLAN

Pending the adoption of a master grading plan, each lot shall be graded in a manner not to impede the implementation of any adopted master grading plan over the entire block by

maintaining existing gradient across lots. The grading plan shall clearly indicate the maximum grades and pad heights.

9. SIGNS

a. General requirements

Signs shall comply with the provisions of Section 14.04.08 (Sign Standards) unless otherwise noted in this section.

b. Project Signs

(1) Each block shall be entitled to one project sign identifying the block as a commercial center located at each driveway entry to the master parking-in-common areas.
(2) The project sign shall be a monument-type sign limited to 50 square feet in area, including the base.

c. Wall signs

(1) In addition to the wall sign area allowed for each parcel in Section 14.04.08 (Sign Standards) an additional 30-square foot sign of consistent design and lettering shall be allowed on the parking area screen wall facing the right-of-way.
(2) No wall signs shall be allowed facing any abutting residential zoning district except for identification only, not to exceed six square feet in area.

10. PARKING LOT LIGHTING

a. Parking area lighting shall be serviced from underground utilities.
b. Light poles are allowed subject to a height limit of 20 feet.
c. Light emissions may not spread onto adjacent properties in compliance with Section 14.04.05 (Exterior Lighting).
d. The lighting fixtures shall be located only in landscape areas and may not be installed in the open paving of the parking lot.
e. One area lighting fixture shall be installed for each lot in the required landscape area as designated on the typical parking-in-common plan.

D. PD-O: PLANNED DEVELOPMENT OVERLAY

1. PURPOSE

a. A Planned Development Overlay (PD-O) is a development in which structures, land use, open space, transportation facilities, and utility systems are integrated through an overall design concept on a single parcel or aggregate parcels of land approved by City Council.
b. City review is accomplished by combining subdivision, conditional use, and design review into a single process designed to provide a framework for the development of a more desirable urban environment through application of contemporary site planning techniques and architectural forms.
c. The Planned Development process is aimed at permitting creativity and flexibility in site design that may not be achieved through a strict adherence to zoning district and subdivision standards applicable to the base zoning district.
d. The PD-O district is intended to encourage efficient use of land and resources that can result in savings to the community, consumers, and developers; preserve valuable landscape, terrain, and other environmental amenities; and provide diverse and innovative living, working, or shopping environments that consider community needs and activity patterns.

2. APPLICABILITY

In accordance with the requirements of this Code, the PD-O zoning district can be applied to any parcels, except parcels located in or adjacent to the R-A (Residential Agricultural), R-E (Residential Estate), R-1 (Single-Family) or the R-2 (Two-Family) zoning districts.

3. PERMITTED USES

In a PD-O district, any land uses allowed in the Permitted Use Table (Table 3-1) in Section 14.03.01 may be permitted if they can be shown to provide an orderly relation and function to other uses in the development and to existing land uses and is consistent with the approved General Plan. The permitted uses of property located in the PD-O shall be determined at the time the zoning overlay district and development plan are approved, and development within the district shall be limited to those uses specifically approved in those documents. Any addition of uses, change of plans, or increase in size or density shall require a separate application for amendment to the original approved PD-O and shall follow the same process as any other zoning ordinance amendment, unless they qualify as a minor change under Section 15.5.03(N) (Changes to Approved Projects).

4. GUIDELINES FOR DESIGN

The following principles for proposing and mixing land uses are recommended:

a. The proposed development shall be designed so as to produce an environment of stable and desirable character not out of harmony with its surrounding neighborhood.
b. Personal and individual privacy shall be maintained and balanced with the provision of public and common areas.
c. Interest and variety within the development shall be sought by means of street design and changes in and mixtures of building types, heights,

facades, setbacks, planting, or size of open space, and the design shall be harmonious as a whole and not simply from street to street.

d. Natural amenities of the land shall be preserved through maintenance of conservation areas and open spaces. A minimum of at least 20% of the gross area of the site shall be retained in open space.
e. Building heights shall be consistent with the reasonable enjoyment of neighboring property and the efficiency of existing public services and facilities.
f. Within a primarily residential development, commercial and office uses, if proposed, shall be scaled and integrated into the overall design. Commercial and office uses within the development shall be along the street of the development and be accessed by an arterial or collector road when possible.
g. Structures or buildings located at the perimeter of the development shall be permanently screened in a manner that sufficiently protects the privacy and amenities of the adjacent, existing and proposed uses.

5. DIMENSIONAL STANDARDS

a. This Code does not establish minimum lot sizes, minimum lot widths, maximum lot coverage, minimum yards and building setbacks, or minimum/maximum height requirements for properties in PD-O zoning districts. Dimensional requirements shall be approved in the PD-O rezoning ordinance and General Development Plan.
b. Maximum structure height may exceed those of the underlying base zoning district to a maximum height of 60 feet, or 90 feet in the Channel Riverwalk Zoning District, except that the Black Rock Preserve area is not eligible for a height exception. Structures within 100 feet of the R-1, R-2, R-E and R-A zones shall be limited to the maximum height allowed in the underlying base zoning district.

6. DENSITY

This Code does not establish minimum residential density or non-residential development intensity in PD-O zoning districts. Maximum numbers of dwelling units and/or building gross square footage shall be approved in the PD-O rezoning ordinance and General Development Plan.

Article 3. Permitted Uses

14.03.01. General – Using the Permitted Use Table

Table 3-1 (Permitted Use Table) lists each land use available in the City and indicates whether it is allowed by right, with a Conditional Use Permit, as an accessory or temporary use, or prohibited, in each base zoning district. References to additional regulations (i.e., use-specific standards) applicable to a certain land use are also included in the right hand column. Other property uses or restrictions on uses may be contained in the City's base or overlay zoning district regulations in Article 2 (Zoning Districts). If a property is located in a PD-O (Planned Development Overlay) district, the permitted uses, conditional use, and any conditions on those uses are contained in the rezoning ordinance and related documents for that property.

A. PERMITTED USES

A "P" in a cell of the Permitted Use Table indicates that the land use is allowed by right in that zoning district, subject to compliance with the use-specific standards referenced in the right hand column for that use.

B. CONDITIONAL USES

A "C" in a cell of the Permitted Use Table indicates that the land use is allowed in that zoning district only upon approval of a Conditional Use Permit as described in Section 14.05.04.G (Conditional Use Permit, Minor and Major) and subject to compliance with any use-specific standards referenced in the right hand column for that use.

C. PROHIBITED USES

A blank cell in the Permitted Use Table indicates that the land use is prohibited in that zoning district.

D. ACCESSORY USES

An "A" in a cell of the Permitted Use Table indicates that the land use is allowed in that zoning district only if it is incidental and subordinate to a permitted primary use of the land in that district (i.e., a P or C use that has been approved for the site).

E. TEMPORARY USES

A "T" in a cell of the Permitted Use Table indicates that the use is permitted in that zoning district for a temporary amount of time and only after approval of a Temporary Use Permit (Section 14.05.04.F) and subject to compliance with any use-specific standards referenced in the right hand column for that use.

F. OVERLAY DISTRICT PROVISIONS GOVERN

When a property is located within the boundaries of one or more of the overlay districts listed in Section 14.02.06 (Overlay Zoning Districts), the provisions for that overlay district prevail over

those in the base zoning district. For example, if a use is prohibited in the base zoning district where the property is located, but is a permitted use in an overlay district applicable to the same property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the base zoning district but is listed as a conditional use in an overlay zoning district applicable to the same property, then the use is a conditional use for that property. Where a property is located in more than one overlay district, then the most restrictive use provision in those overlay zoning districts shall apply to the property.

G. USE-SPECIFIC STANDARDS

When a land use is allowed in a zoning district, there may be additional standards that apply to that specific use. Those additional standards (use-specific standards) are cross-referenced in the right hand column of the Permitted Use Table. These cross-referenced standards appear in Section 14.03.03 (Use-Specific Standards) immediately following the Permitted Use Table.

H. UNLISTED USES

When a proposed land use is not explicitly listed in the Permitted Use Table, the Zoning Administrator shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. Any such interpretation shall be made available to the public and shall be binding on future decisions of the City until the Director makes a different interpretation or this Development Code is amended to treat the use differently.

I. LICENCES AND PERMITS REQUIRED

All uses required by the State of Arizona or the federal government to have an approval, license, or permit to operate, issued by the State or by another public, quasi-public, or regulatory agency, are required by Lake Havasu City to obtain and maintain that State approval, license, or permit at all times. Failure to do so constitutes a violation of this Code.

14.03.02. Permitted Use Table

Table 3-1: Lake Havasu City Permitted Use Table
P = Permitted Use | C = Conditional Use | A = Accessory Use | T = Temporary

	Residential Use										Mixed Use					Special Purpose									
Proposed Zoning District	**R-A**	**R-E**	**R-1**	**R-2**	**R-3**	**R-M**	**R-MH**	**R-UMS**	**R-CHD**	**R-SGD**	**C-CHD**	**MU-N**	**MU-G**	**MU-UMS**	**MU-CRW**	**C-SGD**	**C-1**	**C-2**	**LI**	**I**	**I-B**	**A-P [1]**	**P-1**	**GC**	**Use-Specific Standards**
Land Use Category																									
RESIDENTIAL USES																									
Household Living																									
Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P		P									A	A			14.03.03.A.1, 14.02.03.G.4.g
Dwelling, single-family attached				P	P	P		P	P	P		P													14.03.03.A.2
Dwelling, two-family				P	P	P		P	P	P		P													
Dwelling, co-housing				P	P	P		P	P	P		P	P	P											14.03.03.A.3
Dwelling, live/work								P	P	P		P	P	P	P				P						14.03.03.A.4
Dwelling, multi-family				P	P	P		P	P	P	P	P	P	P	P						P				14.03.03.A.5
Dwelling, vacation rental	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P	A/P		A/P	A/P	A/P	A/P										14.03.03.A.6
Manufactured housing park							P																		14.03.03.A.7
Group Living																									
Continuing care retirement community				C	C	C		C	C	C		C		C											14.03.03.A.8
Residential care facility				C	C	C		P	P	P												C			14.03.03.A.9
PUBLIC AND INSTITUTIONAL USES																									
Community Service																									
Cemetery or mausoleum																						P			14.03.03.B.1
Clubs, lodges, and private meeting halls												C	P			P	P	P	P						
College or university											C		C	P									P		14.03.03.B.2
Community centers	P	A		A	A	A	A	P	P	P	P	P	P	C									P		
Day care facility	P	P	P	P	P	A	A	A	A	P	P	P	P	A		P	A	A	P		P	P	P		14.03.03.B.3
Elementary and secondary school	P	P	P	P	P	P	P	P	P	P		P											P		
Funeral home or mortuary											P							C	P						
Golf course	P	P											P						P		C	C	P	P	14.03.03.B.4
Hospital											P	P				P	P	P	P				P		14.03.03.B.5
Library, museum, or gallery				C	C	C		C	C	C	P	P	P		P	P	P	P			A		P		
Long-term medical care facility	P					P			P	P	P														
Open space, park, or playground	P	P	P	P	P	P	P	P	P	P		P	P	P	P						P	P	P		14.03.03.B.6
Public safety facility													P			P		P	P	P	P		P		
Religious facility	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C						
Water-related facility															A						P				14.03.03.B.7
Utilities & Communications																									
Public utility facility, major																P		P	P	P			P		
Public utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	14.03.03.B.8
Telecommunications facility			C			A		A	A	A	A	A	A	A	A	C	A	C	C	C	C	C	C	A	14.03.03.B.9
COMMERCIAL USES																									
Agriculture and Animal Related																									

Table 3-1: Lake Havasu City Permitted Use Table
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	Residential Use										Mixed Use					Special Purpose									
Proposed Zoning District	R-A	R-E	R-1	R-2	R-3	R-M	R-MH	R-UMS	R-CHD	R-SGD	C-CHD	MU-N	MU-G	MU-UMS	MU-CRW	C-SGD	C-1	C-2	LI	I	I-B	A-P [1]	P-1	GC	**Use-Specific Standards**
Agriculture	P																					P			14.03.03.C.1
Animal care and boarding	C												C			C	C	C	P	P		C			14.03.03.C.2
Community gardens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		14.03.03.C.3
Plant nursery or garden supply	P															P		P	P			P			
Veterinary hospital											P	P	P			P	P	P	P	P					14.03.03.C.4
Food & Beverage Service																									
Bar or nightclub											P		P	P	A	P	P	P	P					A	14.03.03.C.5
Restaurant											P	P	P	P	P	P	P	P	P		A		P	A	14.03.03.C.6
Lodging																									
Bed and breakfast				A	A	C		P	P	P		P		P	P						C	C			14.03.03.C.7
Hotels, motels, and conference facilities											P		P	P	P	P	P	P	P		A				14.03.03.C.8
Resort													P		P						P				
Office																									
Business, art, or vocational schools											P	C	P	C		P	P	P	P						
Offices											P	P	P	P	P	P	P	P	P	P			P		
Medical offices and clinics											P	P	P			P	P	P	P						
Research and development laboratory											P		P			P	P	P	P	P					
Personal Services																									
Personal services											P	P	P	P	P	P	P	P	P	P	A				14.03.03.C.9
Self-storage (mini-storage)													P			P		P	P	P					14.03.03.C.10
Recreation & Entertainment																									
Entertainment, Adult																			C						14.03.03.C.11
Indoor recreation or entertainment											P	P	P	P	P	P	P	P	P		A				14.03.03.C.12
Motorsports facility																			C	C					14.03.03.C.13
Outdoor recreation or entertainment												A	P	P	P			P	P	P	A	A	P		
Shooting range																							C		
Studio											P	P	P	P		P	P	P	P						
Theaters and auditorium													P	P	P	P	P	P					C		
Retail																									
Alcohol beverage sales												P	P	P	P	P	P	P			P				14.03.03.C.14
Building material store																P		P	P	P					
Convenience store (with fuel sales)													P			C	C	C	P	P	A				14.03.03.C.15
General retail, small											P	P	P	P	P	P	P	P	P		A				14.03.03.C.16
General retail, large													P			P	P	P	P						14.03.03.C.16
Medical marijuana dispensary or infusion facility																		P	P						14.03.03.C.17
Retail, adult													P			P		P	P	P					14.03.03.C.11
Retail, big box																P	P	P	P	P					
Vehicles & Equipment																									
Airport and support services																							P		
Car wash													P			C		P	P	P					
Heavy vehicle and equipment sales, rental, or service																		C	C	P					
Light vehicle sales or rental													C			P		P	P						
Light vehicle service or repair																P		P	P						

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Light watercraft sales, rental, or service adjacent to water															C						C				
Marina													C		C						A		P		
Marine equipment sales, rental, service, and storage																P		P	P	P					
Parking facility											A	A	P	P	P	P	A	P	P	A	P		P		14.03.03.C.18
Recreational vehicle park																		C	C	C	C				14.03.03.C.19
Vehicle and freight terminals																			P	P					
INDUSTRIAL USES																									
Commercial Services																									
Outdoor storage																A		C	P	P		A	A		14.03.03.D.1
Warehouse and wholesale distribution																		P	P	P					
Manufacturing & Processing																									
Heavy industry																				P					
Light industry																			P	P					
Medical marijuana cultivation facility																		C	C			P			14.03.03.C.17
Storage or use of hazardous materials																				C					
Waste & Salvage																									
Recycling, large collection or light processing facility																			P	P					
Recycling, small collection facility						A	A	A	A	A	A	A	P	A	A	C	A	P	P	P	A	A	A		
ACCESSORY USES																									
Accessory automated teller machine (ATM)											A	A	A	A	A	A	A	A	A		A		A		
Accessory drive-in or drive-through											A		A			A	A	A	A						
Accessory dwelling unit	A	A	A	A	A	A		A	A	A		A	A						A	A	A	A			14.03.03.E.1
Accessory heliport											A														
Accessory home occupation	A	A	A	A	A	A	A	A	A	A		A	A	A								A			14.03.03.E.2
Accessory navigational use															A										14.03.03.E.3
Accessory outdoor dining											A	A	A	A	A	A	A	A	A		A				14.03.03.E.4
Accessory outdoor retail sales																A		A	A		A				14.03.03.E.5
Accessory residential care home	A	A	A	A	A	A	A	A	A	A		A	A	A								A			14.03.03.E.6
Accessory residential recreation facility				A	A	A	A																		
Accessory structure, not for occupancy	A	A	A	A	A	A	A	A	A	A		A	A	A							A	A			14.03.03.E.7
Accessory swimming pools	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	14.03.03.E.8
Accessory water related use													A		A						A				
Accessory use, other customary	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			
Temporary Uses																									
Temporary construction office or yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	14.03.03.F.1
Temporary event or sales	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	14.03.03.F.2
Temporary real estate sales office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		14.03.03.F.3
Temporary use, other customary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	14.03.03.F.4

Table 3-1: Lake Havasu City Permitted Use Table
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	Residential Use										Mixed Use					Special Purpose									
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[1] In the A-P District, land uses are permitted as indicated, provided the applicant obtains any required federal, state, or county permits for the activity.

14.03.03. Use-Specific Standards

A. RESIDENTIAL USES

1. DWELLING, SINGLE-FAMILY DETACHED

a. In the I-B and A-P districts, this use may only be an accessory use to principal agricultural and open space uses.
b. A single-family dwelling serving six or more persons protected under the federal Fair Housing Act (as amended and interpreted by the courts) or the laws of the State of Arizona shall not be located within a 1,200 foot radius of another single-family dwelling unit serving the same purpose in any residential dwelling district.
c. Manufactured housing units shall comply with Sections 14.02.03.G.4.a and h above.

2. DWELLING, SINGLE-FAMILY ATTACHED

Each attached dwelling must be located on a separate legal lot.

3. DWELLING, CO-HOUSING

a. Co-housing projects must be organized as condominium developments meeting all requirements of State law, or as developments on a single parcel of land on which individual structures are rented or leased from the land owner, and individual lots or portions of the project may not be subdivided for sale.
b. The maximum size of each dwelling unit is 1,000 sq. ft. of gross floor area.
c. Zoning district lot requirements and setback requirements shall apply to the project site as a whole, but not to individual co-housing dwelling sites.
d. Each project site shall maintain a vegetated buffer at least 10 ft. wide, meeting the requirements of Section 14.04.04 (Landscaping and Screening) along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.
e. Each applicant shall submit a Site Plan identifying individual co-housing dwelling sites, streets, parking areas, storm drainage facilities, common areas and facilities, and any other features required to be identified by Arizona condominium law. The Site Plan shall be subject to approval by the Commission prior to development, and shall be binding upon all development once approved.

4. DWELLING, LIVE/WORK

a. Not more than three people may be engaged in the making, servicing or selling of goods, or provision of personal and professional services, within a single unit.
b. At least one person shall reside in the dwelling unit where the nonresidential activity or activities occur.

c. The residential unit must be located above or behind the non-residential areas of the structure.

5. DWELLING, MULTI-FAMILY

a. In MU-N, MU-G, MU-UMS and MU-CRW districts, at least 25 percent of the gross floor area in the structure must be occupied by non-residential uses; and dwelling units shall not be located on the ground floor.
b. In the C-CHD district, this use is limited to housing for medical staff and students.

6. DWELLING, VACATION RENTAL

a. The operator of this use must have a valid local business license.

7. MANUFACTURED HOUSING PARK

This land use must comply with Section 14.02.03.G (Residential Manufactured Home District standards).

8. CONTINUING CARE RETIREMENT COMMUNITIES (CCRC)

This use shall be subject to the following standards:

a. A CCRC shall be planned and constructed as a unified development.
b. Uses located within a CCRC shall be owned and operated by a single, properly licensed entity or provided under a direct contract with the owner.
c. A 25 foot landscaped perimeter setback shall be provided along the side and rear lot lines of a CCRC. Landscaping shall meet the requirements of Section 14.04.04 (Landscaping and Screening).

9. RESIDENTIAL CARE FACILITIES

a. No residential care facility shall be located within a 1,200 foot radius of another residential care facility.
b. Residential care facilities for children shall provide a five-foot high fence around outdoor play areas.
c. The exterior appearance of this facility and property shall be similar to the size, scale, and exterior finish materials and façade articulation levels commonly used in the neighborhood in which it is located.
d. Residential care facilities shall comply with all state licensing and certification requirements.

B. PUBLIC AND INSTITUTIONAL USES

1. CEMETERY OR MAUSOLEUM

This use is not permitted in the I-B zone district unless established before the effective date of this Code.

2. COLLEGE OR UNIVERSITY

In the C-CHD district, a medical college or university is permitted without a Conditional Use Permit.

3. DAY CARE FACILITY

a. Facilities for more than ten persons require a Conditional Use Permit.
b. Day care facilities for children shall accommodate no less than five children but no more than ten children through the age of 12 years and shall provide a fence at least five feet in height around outdoor play areas.
c. Day care facilities shall comply with all state licensing and certification requirements.

4. GOLF COURSE

This land use is subject to the following barrier standards for the purpose of protecting residential homes adjacent to a golf course from the adverse visual impacts that a poorly designed golf course protective barrier may have on surrounding land uses.

(1) Location

A protective barrier shall only be located on lots immediately adjacent to a golf course.

(2) Setbacks

No setbacks required. Protective barriers may be located on the property line, but shall not encroach onto adjoining properties.

(3) Design standards

(A) Wooden poles, natural vegetation, or steel poles are allowed.
(B) Poles shall be spaced a minimum of 15 feet apart, except as required by an engineer's report.
(C) Steel poles shall be painted to harmonize with the color of the netting.
(D) Netting shall be one-inch poly twine rope.
(E) Cabling and hardware shall be color coordinated to the netting.
(F) Guy wires shall not be located outside of the fence line.

(4) Design review

A protective barrier that is not more than 30 feet in height shall not require design review approval in compliance with Section 14.05.04.H (Site/Design Review).

(5) Building permits

A building permit shall be required for any protective barrier if required by the adopted Building Code.

5. HOSPITAL

In the C-CHD district this use shall be 100 feet in height (maximum).

6. OPEN SPACE, PARK, OR PLAYGROUND

In the MU-CRW, I-B, and A-P districts, open space corridors shall be maintained to the greatest extent practicable to provide safe and convenient public access along the lake and from city rights-of-way to the lake.

7. WATER-RELATED FACILITIES

a. In the MU-CRW and I-B districts, water-related facilities shall be:

(1) Set back 50 feet from the vertical face of London Bridge, and 35 feet from projecting bridge supports.
(2) Constructed from all-weather durable materials and maintained in a safe condition.
(3) Attached to pilings in compliance with the adopted Building Code, as necessary.
(4) Be similar in appearance, including materials and façade articulation, with the color and design of surrounding structures, to the greatest extent practicable.

b. On the Island, this use must be accessory to a permitted or approved conditional use.

8. PUBLIC UTILITY FACILITIES, MINOR

a. Underground requirement

Minor utilities that provide direct service to a property shall be installed underground. The developer or owner shall be responsible for complying with this requirement and making the necessary arrangements with the utility companies for installation of necessary facilities, unless the Commission or Council waives this requirement when approving a development project.

b. Residential Exemption

This requirement does not apply to residential structures constructed within the A-P, R-A, R-E, R-1, R-2, or RMH zoning districts.

c. Aboveground exceptions

For the purposes of this section, appurtenances and associated equipment may be placed aboveground. These appurtenances shall not be placed in required front or side yard setbacks and shall be adequately screened to prevent visibility from the street.

9. TELECOMMUNICATIONS FACILITIES

a. Purpose

It is the intent of these standards to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, while not unreasonably interfering with the development of the competitive wireless communications marketplace in the city and to comply with federal and state legislation regarding telecommunications facilities. This is done by:

(1) Protecting residential areas and land uses from potential adverse impact of the facilities and towers;
(2) Minimizing adverse visual impacts of towers through careful design, siting, landscaping, and innovative camouflaging techniques;
(3) Promoting and encouraging shared use/collocation of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
(4) Promoting and encouraging the use of technology that either eliminates or reduces the need for new tower structures;

(5) Avoiding potential property damage from a tower by ensuring that tower structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or found to be structurally unsound;
(6) Ensuring that towers are compatible with surrounding land uses; and
(7) Complying with the federal Telecommunications Act of 1996, and related regulations promulgated by the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA), as amended and interpreted by the federal courts.

b. PERMITTING REQUIRED

(1) Existing telecommunications facilities

(A) Requests for collocation, removal, or replacement, or eligible facilities requests, as defined in this Code and under federal law, for a modification of an existing wireless telecommunications facility that does not substantially change the physical dimension of the facility shall be granted.
(B) An applicant shall file an eligible facilities request with the Community Development Department demonstrating that the proposed modification will not substantially change the physical dimensions of the facility, as the term "substantial change" is defined in federal laws and regulations.
(C) The Community Development Department shall determine whether the application constitutes an eligible facilities request, and grant the request within 60 days. Applications for collocations that do not qualify as eligible facilities requests shall be granted within 90 days. These review periods include the review for determining whether the application is complete. This timeframe may be extended by mutual agreement or if the City informs the applicant in timely manner that the application is incomplete.

(2) New telecommunications facilities

All new freestanding telecommunication towers shall require the approval of a Conditional Use Permit by the Commission, except telecommunications facilities of one meter in diameter or less, in any zoning district, and facilities of two meters in diameter or less in commercial and industrial districts, which are permitted by right. The application for a Conditional Use Permit for a freestanding tower shall include the following information:

(A) Technical documentation that a new telecommunications facility is required to provide service and that the collocation of facilities on an existing structure is not technically feasible.
(B) If the proposed facility will exceed the height limit of the underlying zoning district, technical documentation must be provided explaining the reason for the requested height, and that no other alternative is technically feasible.
(C) To eliminate attempts to gain approval of telecommunications facilities based on speculation, applicants for proposed facilities shall provide affidavit of intended lease or use from a cellular provider at the time an application is submitted.
(D) The Commission shall decide a Conditional Use Permit request for a new wireless telecommunications facility 150 days from the time the application

is received unless this time period has been mutually extended or tolled because the applicant was informed, within 30 days of submitting the application, that it is incomplete.

(E) Failure to demonstrate that the criteria in subsections 14.03.03.B.9.b(2)(A) and 14.03.03.B.9.b(2)(B) above are true shall be considered grounds for disapproval of a Conditional Use Permit application.

C. DEVELOPMENT STANDARDS

(1) General

(A) Telecommunications facilities are subject to any applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) standards.

(B) Telecommunications facilities shall meet the dimensional criteria of the underlying zoning district unless varied by the terms of a Conditional Use Permit. For purposes of determining whether the installation of an antenna or tower complies with zoning district standards (e.g., lot coverage requirements, setback requirements, and other requirements) the dimensions of the entire parcel shall control even though the antenna or tower may be located on leased parcels within existing lots.

(C) Antennae and towers may be considered either primary or accessory uses, but shall only be considered a primary use within residential zoning districts on property of 2.5 acres or greater.

(D) An existing primary use or an existing communications structure on the same parcel shall not preclude the installation of a new communications structure on the same parcel.

(E) Antennae that are installed and towers that are constructed in compliance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) Setbacks

The proposed tower shall be set back at least the height of the tower from any property line, except when located in the public right-of-way or in a building architectural feature such as an enclosed tower, steeple, or clock tower. The distance shall be measured from the center of the tower's base to the nearest property line.

(3) Fall zone

All applications shall include engineer-certified fall zone calculations.

(4) Safety certification

If the proposed antenna will be added to an existing structure, the applicant shall provide an engineer's report that the existing structure is structurally sound and is capable of supporting the additional antenna.

(5) Security screening

Telecommunications facilities shall be screened from unauthorized access in accordance with the following:

(A) Installation of a solid view-obscuring, decorative, and gated masonry security screen or wall, not less than six feet in height, constructed of

similar material and/or finish to the primary structures on the site or adjacent properties, and with a sight-obscuring gate that shall not be constructed of chain link.

(B) In residential areas, the area around the tower shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base from residential properties. The standard buffer shall consist of a landscaped strip of at least five feet wide outside the perimeter of the fence, in accordance with Section 14.04.04 (Landscaping and Screening).

d. ABANDONMENT AND REMOVAL

(1) A tower or antenna that is not operated for a continuous period of 90 days shall be considered abandoned and the owner of the antenna or tower shall remove same within 120 days of receipt of a notice of abandonment from the city.

(2) If the antenna or tower is not removed within 120 days, the city may remove the antenna or tower at the owner's expense.

(3) If there are 2 or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

C. COMMERCIAL USES

1. AGRICULTURE

a. In the R-A district, the keeping of horses is allowed on lots having an area of one acre or more, provided that the number of horses on any one lot or parcel shall not exceed one horse for every one-quarter acre.

b. Horses shall not be housed or continuously kept in a structure within 50 feet of any dwelling or other building used for human habitation, or within 50 feet of the front lot line of the lot upon which it is located.

2. ANIMAL CARE AND BOARDING

a. CONDITIONAL USE PERMIT

If a Conditional Use Permit is required:

(A) Applicants shall state the maximum number, sizes, and types of animals to be accommodated in their Conditional Use Permit request.

(B) Animal limits shall be assessed during the Conditional Use Permit process based on the property size, location, and facility design.

(C) Proposed mitigation strategies can be attached to the Conditional Use Permit application.

b. DESIGN

(1) All activities shall be completely contained within an enclosed building, except in the LI, I, and A-P districts, where outdoor kennels, runs, and exercise areas are permitted.

(2) Kennels shall be constructed to prevent direct access by animals to the outside areas of the buildings.

(3) Buildings shall be designed and constructed to mitigate noise and odors to limit negative impacts on adjacent properties. Additional noise

mitigation will be required for existing buildings not originally built for boarding of animals.

c. Operation

(1) The keeping and treatment of animals shall be in compliance with State Law (A.R.S. 13-2910).
(2) Transfer of animals shall occur during regular business hours, unless for reasons of a medical emergency, except for the Human Society and/or other non-profit animal rescue facilities/shelters.
(3) Animal breeding is prohibited, except as described in subsection d below.
(4) Animals must be accompanied by a facility employee at all times when outside of the building.
(5) All walking and exercising of animals must take place on facility grounds, except for the Humane Society and/or other non-profit animal rescue facilities/shelters.
(6) Solid waste shall be removed from the outdoor areas during periods when these areas are in use. Solid waste must be stored within secure and odor-free solid waste receptacle.

d. In the LI, I and A-P districts

(1) Outdoor runs and/or exercise areas must maintain a minimum setback of at least 10 feet from any lot line.
(2) A six foot solid masonry wall is required to enclose all outdoor activity areas.
(3) The breeding of domesticated animals may be allowed by a Conditional Use Permit.

e. In the R-A District

The keeping or boarding of horses is allowed in accordance with the Sections 14.03.03.C.1.a and 14.03.03.C.1.b above.

3. COMMUNITY GARDENS

a. This use shall be limited to the propagation and cultivation of plants.
b. Accessory structures such as hoop houses and storage sheds are permitted, but no such structure shall be more than eight feet in height or located closer than ten feet to a property line, and the total area covered by structures shall not exceed 20 percent of the site area.

4. VETERINARY HOSPITAL

This use is subject to the animal care and boarding standards in Section 14.03.03.C.1 above if the veterinary hospital offers animal boarding services.

5. BAR OR NIGHTCLUB

a. All required state permits and licenses must be obtained and maintained to serve alcohol.
b. A nightclub is not permitted in the GC district.

6. RESTAURANTS

a. In the I-B district, this use is only permitted as an accessory use to a permitted or approved conditional use.
b. Accessory drive-in/drive-through facilities are only permitted as shown in the Accessory Use portion of Table 3-1.
c. All necessary state permits and licenses must be obtained and maintained to serve alcohol.

7. BED AND BREAKFAST

This use is subject to the following standards:

a. No more than six habitable units, including any unit occupied by the owner or operator shall be allowed;
b. Each guest stay shall be limited to a maximum of 21 consecutive days;
c. The structure shall appear outwardly to be a one-family dwelling;
d. The use shall have no greater impact on surrounding public areas or infrastructure or natural resources than a fully occupied private home with house guests;
e. Food service shall only be provided to residents and overnight guests;
f. Signage shall be limited to one sign not exceeding 8 sq. ft. in size and four feet in height.

8. HOTELS, MOTELS, AND CONFERENCE FACILITIES

a. In the C-CHD district and in the Island area if the I-B district, conference facilities are only permitted as accessory use to a permitted or approved conditional use.
b. Parking for the facility shall not be provided in a parking-in-common area.

9. PERSONAL SERVICES

In the I-B district, this use is limited to the Island.

10. SELF STORAGE (MINI-STORAGE)

a. All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, which shall be stored only in exterior areas screened from view from any street frontage.
b. The storage of hazardous materials is prohibited.
c. Where the site is adjacent to residentially-zoned land:

    (1) Loading docks are prohibited on the side of the facility facing the residentially zoned land;
    (2) A permanent screen shall be required and shall conform to landscaping and screening requirements in Section 14.04.04;
    (3) Public access shall only be permitted between 6:00 a.m. and 10:00 p.m.

11. ADULT ENTERTAINMENT & RETAIL

a. PURPOSE

These standards are not intended to interfere with legitimate self-expression, but to avoid and mitigate the secondary effects found to be associated with these Adult

Business uses, including drug use and dealing, health risks, and infiltration by organized crime, that are detrimental to the public health, safety, and welfare.

b. Location

(1) An Adult Business shall not locate within 500 feet of any of the following uses:
   (A) A religious facility;
   (B) A public or private elementary or secondary school;
   (C) A public or private day care center, preschool, nursery, kindergarten, or similar child care facility;
   (D) The boundary of a residential zoning district or residential use;
   (E) A public park, playground, or recreational facility; or
   (F) An establishment having an Arizona Spirituous Liquor License.

(2) The measurement for subsection 14.03.03.C.11.b(1) above shall be made using a straight line, without regard to intervening structures or objects, from the nearest portion on the property line of a parcel containing an Adult Business, to the nearest point on the property line of a parcel of one of the indicated uses.

(3) An Adult Business shall not locate within 1,000 feet of any other Adult Business. The measurement shall made using a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(4) No more than one Adult Business shall be located in any structure or portion of a structure.

c. Operation

An Adult Business shall be closed during the following days and times, in accordance with state law:

(1) Monday through Saturday from 1:00 a.m. to 8:00 a.m.; and
(2) Sunday from 1:00 a.m. to 12:00 p.m.

d. Enforcement

A person who violates a provision of this section or who establishes an Adult Business without required approval shall be in violation of this development code.

12. INDOOR RECREATION OR ENTERTAINMENT

In the I-B district, this use is limited to the Island.

13. MOTORSPORTS FACILITY

The minimum lot size for this use is 10 acres.

14. ALCOHOL BEVERAGE SALES

This use shall be permitted in retail establishments in compliance with Arizona Spirituous Liquor License requirements.

15. CONVENIENCE STORE (WITH FUEL SALES)

In the I-B district, this use is limited to the Island.

16. GENERAL RETAIL

a. In the MU-CRW and I-B districts, general retail does not include furniture, home furnishings, and equipment establishments; hardware stores; or pet supply stores.
b. In C-1, MU-G, and MU-UMS districts, hardware stores with outdoor storage are not permitted.

17. MEDICAL MARIJUANA BUSINESS

a. PURPOSE

The purpose of this section is to facilitate the implementation of the Arizona Medical Marijuana Act (A.R.S. § 36-2801, et seq.," as amended and interpreted by state courts) and to promote and protect the public health, safety, and welfare of Lake Havasu City residents by regulating the location and operation of medical marijuana facilities, as permitted under the Act. This is done by:

(1) Providing for the safe sale and distribution of marijuana to patients or designated care givers who qualify to obtain, possess, and/or use marijuana for medical purposes under the Arizona Medical Marijuana Act.
(2) Protecting public health and safety through reasonable limitations on medical marijuana business operations.

b. LOCATION

(1) Medical marijuana dispensaries and infusion facilities may be located at the same location as medical marijuana cultivation facilities or at separate locations.
(2) No person shall operate or cause to be operated a medical marijuana business within 500 feet of any of the following:
    (A) A religious facility;
    (B) The boundary of a residential zoning district or residential use;
    (C) A public park, playground, or recreational facility;
    (D) An establishment having an Arizona Spirituous Liquor License.
(3) No person shall operate or cause to be operated a medical marijuana business within 1,000 feet of a school or day care center.
(4) The measurements in subsection 14.03.03.C.11.b(3) above shall be made using a straight line, without regard for intervening structures or objects, from the nearest property line of the premises where a medical marijuana business is located to the nearest property line of one of the indicated land uses.
(5) No person shall operate, cause to be operated, and/or establish a medical marijuana business within 1,000 feet of another medical marijuana business regardless of ownership status.
(6) The distance between any two medical marijuana businesses shall be measured in a straight line, without regard to intervening structures or objects, from the property line of the premises in which each business is located.

(7) A medical marijuana dispensary, with or without an infusion facility shall be located in an establishment with a store front and windows visible to the public and only one entrance. This one entrance must be from a public street or parking lot.

c. Operation

(1) On-site consumption of medical marijuana is prohibited.
(2) A notice shall be clearly, conspicuously and legibly posted in the medical marijuana dispensary indicating that ingesting or consuming marijuana in any public area within the city is prohibited and that ingesting or consuming marijuana on the premises is prohibited.
(3) Operating hours shall be limited to between 8:00 a.m. and 8:00 p.m.
(4) A transaction privilege (sales) tax license shall be required.
(5) All medical marijuana businesses shall provide for proper disposal of medical marijuana remnants or by-products and are prohibited from placing those remnants or by-products in exterior refuse containers.
(6) A medical marijuana business must obtain and maintain all necessary state certifications, licenses, and permits and the business owner or operator must sign an affidavit attesting to state licensure prior to development approval.

18. PARKING FACILITY

a. In the C-SGD district, this use is limited to short-term facilities, allowing vehicles to park for no more than 24 hours.
b. In the I-B district, this use is limited to the Island and it must be a public facility.

19. RECREATIONAL VEHICLE PARK

a. Space requirements

(1) Recreational vehicle spaces shall have a minimum width of 20 feet. Two manufactured home spaces each having an area of not less than 3,000 square feet and a width of not less than 40 feet may be allowed for use by park management.

b. Setbacks and distances

(1) The setbacks and separation distances for manufactured home units and recreational vehicles within recreational vehicle parks shall be in compliance with Table 3-2, below.

Table 3-2: RV Park Setbacks and Separation Distances

Type	Minimum Distance for	
	Manufactured Homes	Recreational Vehicles
Setback from property line abutting public right-of-way	20 ft.	20 ft.
Setback from other property line	10 ft.	10 ft.
Setback from edge of interior driveway	8 ft.	4 ft.

Table 3-2: RV Park Setbacks and Separation Distances		
Type	**Minimum Distance for**	
	Manufactured Homes	**Recreational Vehicles**
Setback from manufactured home space not on interior driveway	5 ft.	5 ft.
Setback from manufactured home space on 2 or more interior driveways	20 ft. on home entry side; 5 ft. on other side	20 ft. on RV entry side; 3 ft. on other side
Distance from wall/fence when adjacent to residential zoning district	20 ft.	20 ft.
Distance between manufactured homes or recreational vehicles	15 ft.	
Distance between manufactured home or recreational vehicle and a building within the park	10 ft.	

(2) Minimum setback distances shall be measured from the sidewall of the manufactured home unit or recreational vehicle, or from the cabana, carport, patio cover, ramada, or similar appurtenance.
(3) Except as noted in subsection 17.a(2) above, the location of manufactured home units on recreational vehicle spaces is prohibited.
(4) Manufactured homes shall be located a minimum of 20 feet from a property line abutting a public street or highway, 100 feet from a centerline of a state highway, and 10 feet from other property lines.
(5) Accessory structures shall be placed only in the rear yard. They shall be a minimum of 3 feet from another manufactured home unit or other structure on the same space and a minimum of 5 feet from the rear of the space line.

c. Site Access and Circulation

(1) Recreational vehicle parks shall abut and have access from a public street with a minimum of 70 feet of right-of-way.
(2) The minimum dimension of interior private streets within a recreational vehicle park shall be in compliance with Table 3-3.

Table 3-3: Minimum Width of RV Park Interior Private Streets		
Type of Parking	One-way Streets	Two-way Streets
No side parking	15 ft.	20 ft.
Parking on one side	22 ft.	27 ft.
Parking on both sides	Not allowed	34 ft.

(3) Adequate space for turnarounds shall be provided within the park property.
(4) Private accessways and individual spaces shall be sited and designed to accommodate the frequent movement of recreational vehicles.
(5) Private accessways, recreational vehicle spaces, and vehicular parking areas shall be paved.
(6) Lighting shall be provided to illuminate interior accessways and walkways.

d. Accessory structures

(1) A community building shall be provided that includes restroom and laundry facilities to meet the service needs of occupants of the park.
(2) Accessory structures shall not exceed 15 feet.

e. Recreational areas

A recreational area containing at least 4 percent of the gross site area shall be provided, and shall not include any areas included in required setback areas or similar areas not usable for recreational activities.

f. Boat storage areas

Boats shall be stored in a designated storage area.

g. Fences and walls

The exterior property lines of the recreational vehicle park shall be bounded by a solid fence or wall with a minimum height of 5 feet and a maximum height of 6 feet.

h. Landscaping

Areas not covered by structures, paved accessways, and approved parking spaces shall be landscaped and maintained in compliance with the approved plans.

i. Utilities

Electricity, sewer, telephone, and water utilities shall be provided on the site.

(1) Utilities, wires, and cables shall be located underground.
(2) This use is subject to the requirements of state and county sanitary codes unless those requirements are less restrictive than City requirements.
(3) A means for emptying sewage holding tanks that is approved by the Mohave County Health Department shall be provided.

j. Fire protection

Fire protection facilities shall be provided in compliance with the requirements of the Fire Department and Water Department.

D. INDUSTRIAL USES

1. OUTDOOR STORAGE

a. For primary and approved conditional uses:

(1) Outdoor storage and display areas shall be designated with a perimeter masonry screen wall architecturally compatible with the primary structure.
(2) The perimeter screen wall shall be 6 feet in height and be completely sight obscuring where the outdoor use abuts residential zoning districts.
(3) Materials may be stored to a maximum height of 6 feet.
(4) Fencing materials (e.g., chain link or wrought iron) may not be used, except for gates and loading areas, which shall be sight obscured with

plastic lath or netting and shall be a compatible color to adjacent screen walls.

b. For Accessory Uses

(1) Use shall be limited to storage materials or supplies directly related to the primary business use and shall be accessory and subordinate to the primary use on the property.
(2) The area of the outdoor use shall not exceed the area of the primary structure.
(3) In all districts other than LI and I, the area designated for accessory outdoor storage uses shall be located to the rear or side of the primary structure. No outdoor storage shall be located in front of the structure. The accessory outdoor use shall be screened in compliance with Section 14.04.04 (Screening and Landscaping).

E. ACCESSORY USES

1. ACCESSORY DWELLING UNITS

a. A maximum of one accessory dwelling unit is allowed per parcel.
b. The use shall not alter the character of the premises as a single-family residence.
c. The use shall be a minimum of 400 square feet in area and a maximum of 1,000 square feet in area or 50% of the living area of the primary structure, whichever is less.
d. No accessory structure shall be located within five feet of a side or rear property line or into or onto a public utility easement.
e. Detached structures may occupy not more than 50% of the required rear yard, may not exceed 15 feet in height. The minimum separation from the closest structural projection of the primary structure shall be 3 feet or the minimum required by the adopted building code, whichever is greater.
f. The use shall comply with all applicable Building and Fire Code requirements.
g. The use may be serviced with separate utility meters for electric, gas, sewer, telephone and water. The second electrical and gas meter shall be identified by the placement of metal plaques with a letter designation of 1/2-inch in height on each meter clearly identifying the total number of service meters.
h. Structures for detached accessory living quarters shall be architecturally compatible with the primary structure through the use of similar architectural features, building materials, and colors.

2. ACCESSORY HOME OCCUPATIONS

a. Purpose and intent

These standards are intended to provide peace, quiet, and domestic tranquility within all residential neighborhoods within the city, and to guarantee to all residents freedom from excessive noise, excessive traffic, fire hazard, nuisance, and other possible effects of commercial uses being conducted in residential areas.

b. Secondary to principal use

The carrying on of any business within the home shall be clearly incidental and secondary to the principal use of the residence and requires a zoning clearance.

c. Area of home occupation

The business or occupation shall be carried on wholly within the principal structure and garage and shall not occupy more than 25% of the total combined floor area of the principal structure and garage.

d. Employee

No employees or assistants shall be engaged for services on the premises other than the immediate members of the family, except as may otherwise be authorized by this subsection.

e. Sale of goods and services from premises

(1) No commodities shall be displayed for sale or rent to the public on the premises, except for garage sales as provided in subsection 14.05.04.F.2.d (Exempt Temporary Uses).
(2) Customer or client contact at the business premises shall be limited to not more than 1 business caller or visitor at a time and not more than 1 visitor per hour. All customer or client contact shall be restricted to the hours of 7:00 a.m. through 7:00 p.m.
(3) Commercial deliveries or outside services are restricted to those normal and incidental to the residential uses in the subject zoning district.
(4) No home occupation that serves as a headquarters or dispatch center, where employees come to the site to be dispatched to other locations, is allowed.
(5) On-street parking connected with the home occupation shall not be allowed.

f. Boarding of horses within the R-A Zoning District

Horses may be boarded within the R-A district provided the size of the property and the total number of horses on the property, whether privately owned or boarded, does not exceed the allowances provided within Section 14.03.03.C.2.e.

g. Prohibited home occupations

The following uses shall be prohibited as home occupations:

(1) Ambulance services;
(2) Automotive, ATV, boat, electronics, or equipment repair, parts sales, detailing, upholstery, or washing;
(3) Beauty salons and barber shops;
(4) Cabinet shop;
(5) Commercial fungicide, herbicide, insecticide, or rodenticide applicators;
(6) Large appliance repair;
(7) Medical or dental office;
(8) Pet grooming;

(9) Repair or service at the business license address of mobile operator;
(10) Restaurant;
(11) Taxi service with more than 1 vehicle; or
(12) Veterinary uses.

h. Other uses not expressly allowed or prohibited

All uses not identified as prohibited in subsection 14.03.03.E.2.g above, shall require a determination of zoning compliance by the Zoning Administrator:

(1) The application shall provide the Zoning Administrator with a description of the home occupation in sufficient detail to evaluate compliance with this section. This information would normally be provided in the application for a business license and/or supplemental applications for the home occupation.
(2) The Zoning Administrator shall decide whether the home occupation complies with the provisions of this section.
(3) The decision of the Zoning Administrator in the determination of zoning compliance may be appealed to the Board of Adjustment in compliance with 14.05.03.O.

i. Advertising

(1) No advertisement shall be placed in any media containing the address of the subject property.
(2) No external business signs shall be allowed unless authorized by the sign regulations for residential districts. Window areas shall not intentionally or purposely be used to display or offer merchandise for sale to the exterior of the residence or allowed accessory structure.

j. Hazardous materials

None of the following materials shall be used or stored on the subject premises:

(1) Class A, B, or C explosives, with the exception of hobby reloading as defined by the Uniform Fire Code;
(2) Class A or B poisons, no exceptions;
(3) Corrosive/oxidizing chemicals, other than what is normally consumed on the premises for normal use (e.g., drain cleaner, pool chemicals, and the like);
(4) Flammable/combustible liquids over 5 gallons, unless in a licensed vehicle or watercraft;
(5) Hazardous materials as defined by the Environmental Protection Agency; or
(6) Pesticides registered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1979 that are not used around the home for personal consumption.

k. Performance standards

(1) Maintenance of character, peace, and quiet

No use shall be allowed that by reason of color, construction, design, dust, glare, heat, lighting, materials, noises, signs, smoke, sounds, or vibrations alters the residential character of the premises or unreasonably disturbs the peace and quiet of the surrounding residents.

(2) Traffic and parking

The use shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zoning district in which the use is located. The home occupation shall not displace or impede use of parking spaces required for the residential use, and business materials shall not be stored in required covered parking areas.

(3) Service requirements

The use shall not create excessive demand for municipal or utility services or community facilities beyond those actually and customarily provided for residential uses.

(4) Equipment and materials use.

No electrical or mechanical equipment or stock material shall be used other than that customarily found in the home, and any electrical, machinery, or stock material used in connection with the home occupation shall not create, emit, or generate excessive electrical interference, dust, fire hazard, glare, heat, noise, odor, smoke, vibration, or any other hazard or nuisance to any greater or more frequent extent than normally experienced in an average residential neighborhood.

I. ENFORCEMENT

(1) Inspection

The city inspectors and code enforcement officers shall have the right of reasonable inspection as with any other business within the city for the purpose of protecting the general health, safety, welfare, peace, and enjoyment of the residential neighborhood.

(2) Nonconforming home occupations

Nonconforming uses, legal under this Development Code, shall continue as legal nonconforming uses under the current Code until:

(A) The operator ceases to do business for a period of 60 days or more;
(B) The operator fails to maintain a proper business license for more than 30 days; or
(C) The business is moved to a new location.

3. ACCESSORY NAVIGATIONAL USES

Only uses, equipment, or facilities approved by the U.S. Coast Guard and the Lake Havasu City Police Department may be installed.

4. ACCESSORY OUTDOOR DINING

Permitted and approved conditional Food and Beverage Service uses are permitted to have outdoor dining areas. The outdoor dining area:

a. Must be located and operated adjacent to and incidental to the operation of the Food and Beverage Service use;

b. May not have any entertainment stages, music/DJ areas, dance areas, or speakers unless a special events permit or a temporary use permit has been obtained from the city.
c. Sidewalks may be used for outdoor seating/dining during regular business hours with the following conditions:

(1) All services to support the outdoor dining shall be supplied from within the building and no additional advertising or signage will be allowed within the public right-of-way.
(2) The outdoor seating area shall extend no wider than the building frontage of the business with which it is associated.
(3) The outdoor seating shall not obstruct pedestrian traffic on public sidewalks or private walkways or create public health and safety hazards. A minimum clear distance of four feet shall be maintained along any walkway or pedestrian area.
(4) At the close of each business day, all equipment, furniture, and other appurtenances shall be removed entirely from the public right-of-way.
(5) No permanent structures may be erected in the public right-of-way.
(6) The approval of the City Engineer, based on considerations of public safety, shall be required before approval of this use.
(7) The operator of an accessory outdoor dining area within the sidewalk right-of-way shall execute an indemnification agreement in favor of the city in a form approved by the City Attorney.

5. ACCESSORY OUTDOOR RETAIL SALES

a. This use shall be subordinate to the primary use on the property
b. Any area designated for this use shall be located to the rear or side of the primary structure.
c. No outdoor use shall be located within an area designated as parking-in-common.
d. This use shall be screened in compliance with Section 14.04.04(Landscaping and Screening).

6. ACCESSORY RESIDENTIAL CARE HOME

Accessory residential care homes may have one non-resident employee for each shift or the number of employees mandated by county, state, or federal law, in addition to the resident care giver; provided, the accessory residential care home complies with the following criteria:

a. It has and maintains a current license as required by the county, state, or federal government;
b. It conforms to all applicable Building and Fire Codes and Development Code requirements as determined in conjunction with the business license and home occupation compliance review procedure;
c. The care provider is a resident of the facility;
d. The maximum number of unrelated residents in any accessory residential care home is limited to six persons for each dwelling unit. This number does not include the operator or employees of the facility, but the total number of people living at the home cannot exceed eight.
e. It complies with all other use-specific standards applicable to Accessory Home Occupations in Section 14.03.03.E.2 .

7. ACCESSORY STRUCTURE, NOT FOR OCCUPANCY

a. Accessory structures may occupy not more than 50% of the required rear yard, may not exceed 15 feet in height. The minimum separation from the closest structural projection of the primary structure shall be 3 feet or the minimum required by the adopted building code, whichever is greater.
b. No accessory structure shall be located within 5 feet of a side or rear property line or into or onto a public utility easement.
c. Accessory structures and structures not to be used for living purposes may be serviced with separate utility meters for electric, gas, sewer, telephone, and water. Second electrical and gas meters shall be identified by the placement of a metal plaque with letters a minimum of ½ inch in height on each meter clearly identifying the total number of service meters.
d. These structures shall be architecturally compatible with the primary structure through the use of similar architectural features, building materials, and colors.

8. ACCESSORY POOLS AND SPAS

A swimming pool, spa, or other contained body of water, whether belowground, aboveground, permanent, or portable, that is 18 inches or more in depth at any point and is intended for human use, shall be protected as provided for in this section.

a. Exemptions. The following shall be exempt from this section:

(1) A system of sumps, irrigation canals, irrigation, flood control, or drainage works constructed or operated for the purpose of conveying, delivering, distributing, or storing water;

(2) Livestock operations, livestock watering troughs, stock ponds, storage tanks, or other structures used in normal agricultural practices;

(3) Public or semi-public swimming pools.

b. Enclosure.

(1) Swimming pools, spas, or other contained bodies of water shall be entirely enclosed by at least a 5-foot high permanent fence, wall, wire fencing at least 11.5 gauge, or other barrier.

(2) Enclosure height shall be measured on the exterior side of the wall, fence, or barrier.

(3) Enclosures shall have no openings through which a spherical object 4 inches in diameter can pass.

(4) The horizontal components of the enclosure shall be spaced not less than 45 inches apart, measured vertically or shall be placed on the pool side of the enclosure as long as the enclosure does not provide any opening greater than 1.75 inches measured horizontally.

(5) Wire mesh or chain link enclosures shall be a maximum mesh size of 1.75 inches measured horizontally.

(6) Enclosures shall be placed at least 20 inches from the water's edge.

(7) Enclosure gates shall be self-closing, self-latching, and open outward from the pool. An unsecured latch shall be located at least 54 inches above grade if on the exterior of the enclosure. If on the pool side of the enclosure, the release mechanism shall be at least 5 inches below the top of the gate and no opening greater than 0.5 inches shall be within 24 inches of the release mechanism or be secured by a padlock or similar device that requires a key, electric opener, or integral combination which may have the latch located at any height.

(8) Above ground spas less than 8 feet wide may substitute an electronically or manually placed cover designed and intended for use with a spa in lieu of an enclosure. This cover shall meet the National Safety Council minimum specifications with a locking mechanism that is secured by a padlock or similar device that requires a key, electric opener, or integral combination.

c. Access from residence or living areas. If a residence or other living structure constitutes a part of the required enclosure, allowing direct access from the residence or living area into the enclosure, 1 of the following methods shall be used to restrict access for safety purposes in lieu of the requirements of Subsection B, except as noted:

(1) Between the swimming pool, spa, or other contained body of water and the residence or living structure, a wall, fence, or barrier a minimum of 4 feet in height shall be constructed in compliance with Subsection B above.

(2) Pools shall be protected by a motorized safety cover that meets the American Society of Testing and the Materials Emergency Standards 13-89 and that requires the operation of a key switch as the only manual operation necessary.

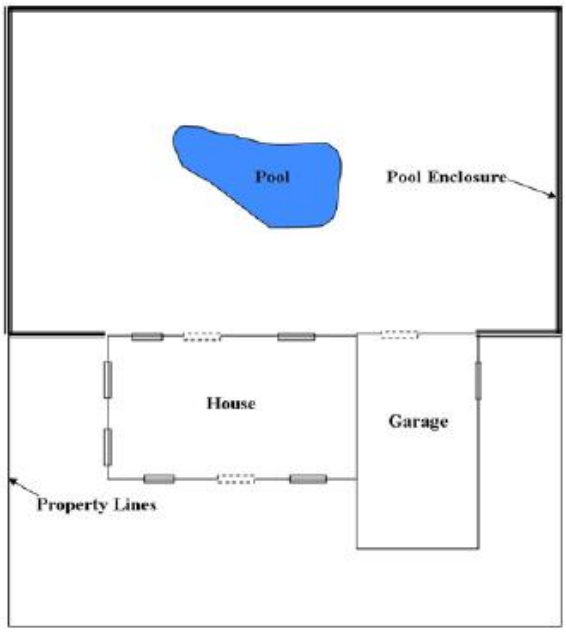
(3) Spas shall be protected by a manually placed safety cover designed and intended for use with a spa.

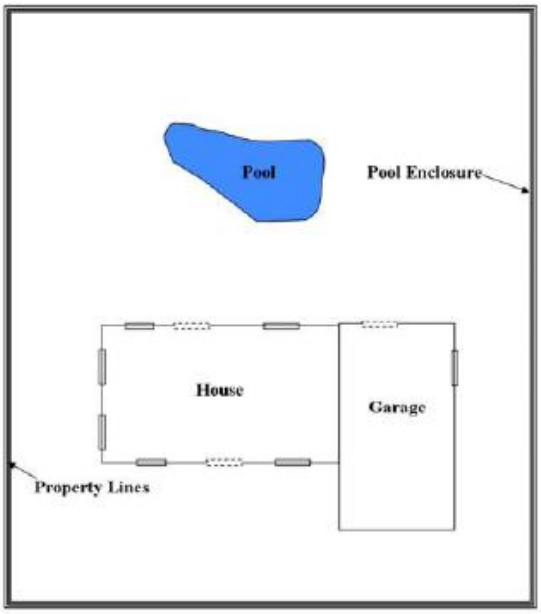
(4) Doors with direct access to a swimming pool, spa, or other contained body of water shall be equipped with a self-latching device that meets the requirements of Subparagraph B.7 above or shall be equipped with an audible alarm which shall be listed in accordance with United Laboratories Standard 2017. Emergency escape or rescue windows from

sleeping rooms with access to a swimming pool, spa, or other contained body of water shall be equipped with a latching device not less than 54 inches above the floor. All other openable windows with similar access shall be equipped with a screwed-in-place wire mesh screen, keyed lock that prevents the window from being opened more than 4 inches, or a latching device not less than 54 inches above the floor.

(5) The swimming pool or spa shall be aboveground with non-climbable exterior sides that are a minimum of 4 feet high. Any access ladder or steps shall be removable without tools and be secured in an inaccessible position with a latching device located not less than 54 inches above the ground when the pool is not in use.

The following are graphic examples of when Subsection C applies:





d. Notice of responsibilities. A person on entering into an agreement to build a swimming pool, spa, or other contained body of water, or to sell, rent, or lease a dwelling with a swimming pool, spa, or other contained body of water shall give the buyer, lessee, or renter a notice explaining safety education and responsibilities of pool ownership as approved by the Department of Health Services.

e. Approval of enclosures. Applications for swimming pools, spas, or other contained bodies of water shall include detailed plans of the enclosure to be provided. The enclosures will be considered a part of the installation. A temporary fence or warning ribbon shall be installed around all in-ground pools, spas, or other contained bodies of water during construction. Pools, spas, or other contained bodies of water shall not be filled with water until the enclosure is in place and approved by the building inspector.

f. Violations. A person who violates this section is guilty of criminal violation of this Development Code in compliance with 14.05.06 "Violation, Enforcement, and Penalties" except that no fine may be imposed if a sufficient showing is made that the person has subsequently equipped the swimming pool, spa, or contained body of water with an enclosure in compliance with this section within 45 days of citation.

F. TEMPORARY USES

1. TEMPORARY CONSTRUCTION OFFICE OR YARD

a. The use must be in conjunction with an approved construction project either on the same site, or within one-quarter mile of the site.
b. The use is limited to one month before construction begins to one month after construction ends, or the expiration of the associated building permit, whichever occurs first, unless this time period is extended for good cause by the building department.

2. TEMPORARY EVENT OR SALES

a. Within a 12-month period, this use is limited to the following:

(1) 4 to 10 consecutive days, or
(2) 6 two-day weekends.

b. Outdoor events in parking areas are limited to 4 to 7 consecutive days, in a 90-day period.
c. Seasonal sales activities, including temporary residence/security trailers, on non-residential properties, may occur for no more than 30 days within a 12-month period, for each seasonal product.
d. No more than 25% of the existing parking spaces in a parking lot may be used for a temporary outdoor sale.
e. All parking lot entrances and exits shall remain unobstructed.
f. Any outdoor event proposed within the public right-of-way requires a special event permit.

3. TEMPORARY REAL ESTATE SALES OFFICE

a. GENERAL

(1) This use shall not be represented by more than 5 builder and/or sales representatives on a full-time basis. The primary function of these representatives is to promote the siting, contracting, sales, and sales support operations of the home builder's products and contracting. Licensed real estate sales representatives may perform other real estate activities arising from and incidental to the primary function of selling the builder's product.
(2) No construction or builder's contracting equipment shall be stored or kept on the site of the use.
(3) Signs advertising the development are allowed in compliance with Section 14.04.08. Anything incidental to the use, including banners, flags, and other signs shall be removed upon the removal of the use. .

(4) No other unrelated business activity may be operated from the temporary office.

b. Model Home or Residential Unit

(1) In residential and mixed-use districts, this use may be contained within a model home or a residential unit, subject to the standards proved in this subsection and subsection a. above.
(2) Model residences may be furnished.
(3) Architectural changes to model residences to allow access by the public shall be done using standard residential type building materials (e.g., no commercial store fronts). Any changes should have only minimal visual impacts on the surrounding neighborhood.

4. TEMPORARY USE, OTHER

The Community Investment Director has the authority to approve other temporary uses, not listed in the Permitted Use Table (Table 3-1) if the Director determines that the proposed use will not adversely impact the surrounding land uses, and is necessary due to unusual or unique circumstances beyond the control of the applicant.

Article 4. Form and Development Controls

14.04.01. Dimensional Standards

A. GENERAL DIMENSIONAL STANDARDS

The following Tables 4.01-1 to 4.01-3 include the dimensional standards for residential, mixed-use, and special purpose zoning districts contained in Article 2 (Zoning Districts). Exceptions and encroachments to these standards are contained in Section 14.04.01.B. In case of conflict between the dimensions shown in this Section and the dimensions shown for individual zoning districts in Article 2, the provisions of this Section shall apply. In each table, a blank cell indicates that there is no standard for that dimension or measurement.

1. RESIDENTIAL SUMMARY TABLE

Table 4.01-1: Dimensional Standards for Residential Districts
Note: Dimensions may be modified by Neighborhood Protection Standards in Sec. 14-4-06

PROPOSED ZONING DISTRICT	R-A	R-E	R-1	R-2	R-3	R-MH	R-M	R-UMS	R-CHD	R-SGD
LOTS and DENSITY										
MIN. AREA (SF.)	1 acre [1]	15,000[1]	10,000 [1]	12,000[1]	7,200	7,200	7,200	N/A	N/A	N/A
MIN. WIDTH (FT.)	60	60	60	60	60	60	60	N/A	N/A	N/A
MIN. DEPTH (FT.)	120	120	120	120	120	120	120	N/A	N/A	N/A
MIN-MAX. DENSITY (DUS/ACRE)	0-1	0-3	0-4.5	5-7	4-10	4-10	10-20	N/A	N/A	N/A
MIN. AREA OF DWELLING UNIT (SQ. FT.)	N/A	N/A	N/A	900	500	N/A	400	N/A	N/A	N/A
MAX. LOT COVERAGE	N/A	50%	50%	60%	60%	60%	60%	N/A	N/A	N/A
BUILDING SETBACKS AND FRONTAGE										
MIN. FRONT YARD (FT.)										
MIN. % OF FRONT SETBACK LINE THAT MUST BE OCCUPIED BY BUILDING	N/A	N/A	N/A	N/A	N/A	N/A	N/A	60%	60%	60%
MIN. BUILDING SETBACK	50	20[2][3]	20[2]	20	20	10	15	10[2]	10[2]	10[2]
MIN. SIDE YARD (FT.)	See Also Sec. 14.04.06 (Neighborhood Protection Standards)									
GENERAL INTERIOR	10 [6]	10 [4][6]	5	5	5	5	5	3	3	3
CORNER LOT [5]	20	10	10	10	10	10	10	0	0	0
REVERSE CORNER LOT	50	20	20	20	20	N/A	15	0	0	0
MIN. REAR YARD (FT.)	See Also Sec. 14.04.06 (Neighborhood Protection Standards)									
GENERAL	50[6]	20 [6]	20 [6]	20 [6]	20 [6]	10[6]	15 [6]	10 [6]	10 [6]	10 [6]
REVERSE CORNER LOT	10	10	5	5	5	5	5	0	0	0
MAX. BUILDING HEIGHT (FT.)										
PRIMARY RESIDENTIAL BUILDING										
GENERAL	30	30	15	15	15	15	30	42	42	42
ADJACENT TO SINGLE-FAMILY ZONING	SEE ALSO SECTION 14.04.06 (NEIGHBORHOOD PROTECTION STANDARDS)						18	18	18	18

Table 4.01-1: Dimensional Standards for Residential Districts
Note: Dimensions may be modified by Neighborhood Protection Standards in Sec. 14-4-06

PROPOSED ZONING DISTRICT	R-A	R-E	R-1	R-2	R-3	R-MH	R-M	R-UMS	R-CHD	R-SGD
ADJACENT TO SINGLE AND TWO-FAMILY USES EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS CODE							30	42	42	18
Accessory Structure										
GENERAL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	18 [7]	20[7]	20[7]
ADJACENT TO SINGLE-FAMILY ZONING	SEE ALSO SECTION 14.04.06 (NEIGHBORHOOD PROTECTION STANDARDS)						15	15 [7]	15[7]	15[7]

[1] Lot width times depth must equal or exceed minimum lot area.

[2] Garages, carports, or any structure used to park vehicles that face a front yard right-of-way must be set back a minimum of 25 feet. On a reverse corner lot, the front yard is defined by the shorter of the two street frontages, but a 25-foot garage setback is required from any "front" or "side" street right-of-way that the lot's parking structure faces.

[3] A lot with an average depth of 100 feet or less may maintain a 20-foot front yard setback for a garage.

[4] A lot with an average width of 80 feet or less may have a side yard of 5 feet, or 10 feet if it is a corner lot.

[5] If a garage is to be accessed from a corner lot with a street side setback, the minimum setback for the garage shall be 20 feet, regardless of the minimum setback identified in this table.

[6] Detached accessory structures may be built within 5 feet of the side and rear property lines.

[7] Accessory buildings are limited to garages and must be located in the rear of the primary structure. Garages may not face the street.

2. MIXED-USE SUMMARY TABLE

Table 4.01-2: Dimensional Standards For Mixed Use Districts
Note: Dimensions may be modified by Neighborhood Protection Standards in Sec. 14-4-06 and Landscaping and Screening Standards in Sec. 14.04.04

PROPOSED ZONING DISTRICT	MU-N	MU-G	MU-UMS	MU - CRW
LOTS				
MIN. AREA (SQ. FT.)	2,000	2,000	N/A	N/A
MIN-MAX. DENSITY (DUS/ACRE)	N/A	40	N/A	N/A
MAX. COVERAGE	60%	N/A	N/A	N/A
BUILDING FRONTAGE & SETBACKS				
FRONT YARD/STREET FACING (FT.)	0	0	0 Min to 10 Max [1]	See Section 14.02.05.D.4
MIN. % OF FRONT PROPERTY LINE OCCUPIED BY BUILDING	N/A	N/A	65%	
MIN. SIDE YARD (FT.)	0	0	0	
MIN. REAR YARD (FT.)	0	0	0	
BUILDINGHEIGHT (MAX. FT.)				
PRIMARY BUILDING (FT.)	25	30	60 [2]	60
PARKING STRUCTURE (FT.)	N/A	N/A	48 [3]	48

[1] Buildings along McCulloch shall be built to the property line, but those along Swanson and Mesquite may be built up to 10 ft. from the property line (max.).
[2] Heights are limited to 42 feet on sites adjacent to or across the street from R-UMS zone district.
[3] Heights are limited to 20 feet on sites adjacent to or across the street from R-UMS zone district.

3. SPECIAL PURPOSE SUMMARY TABLE

Table 4.01-3: Dimensional Standards for Special Districts
Note: Dimensions may be modified by Neighborhood Protection Standards in Sec. 14-4-06 and Landscaping and Screening Standards in Sec. 14.04.04

PROPOSED ZONING DISTRICT	C-CHD	C-SGD	C-1	C-2	LI	I	I-B	A-P	P-1	GC
LOTS										
MIN. AREA (SQ. FT.)	N/A	N/A	2,000	2,000	2,000	N/A	Public: 1 acre New subdivision: 1 acre		2,000	N/A
MIN. WIDTH (FT.)(MIN.)	N/A	N/A	N/A	N/A	N/A	N/A	Public: N/A New subdivision: 60 ft.		N/A	N/A
MIN. DEPTH (FT.)(MIN.)	N/A	N/A	N/A	N/A	N/A	N/A	Public: N/A New subdivision: 120 ft.		N/A	N/A
MAX. COVERAGE	N/A	N/A	N/A	N/A	60%	N/A	N/A		N/A	N/A
BUILDING FRONTAGES & SETBACKS										
MIN. FRONT YARD/ STREET FACING (FT.)										
ALL	General: 10 Adjacent to McCulloch: 20	10	N/A	N/A	25[1]	50	50	10	25	50
MIN. SIDE YARD (FT.)										
GENERAL INTERIOR	N/A	N/A	N/A	N/A	N/A[1]	10	10		10	50
CORNER LOT	N/A	N/A	N/A	N/A	N/A[1]	10	20		10	50
REVERSE CORNER LOT	N/A	N/A	N/A	N/A	N/A[1]	N/A	N/A		25	50
MIN. REAR YARD (FT.)										
GENERAL	N/A	N/A	N/A	N/A	N/A[1][2][3]	N/A	N/A		25	50
REVERSE CORNER LOT	N/A	N/A	N/A	N/A	N/A	N/A	N/A		10	50
MAX. BUILDING HEIGHT (FT.)										
ALL BUILDINGS	General: 60; Hospitals: 100 Parking structure: 48 or height of primary structure, whichever is lower	36	25	25	30	50	40		30	30

Notes

[1] 50 ft. if across a street from a residential zone district or use.
[2] The required setback may be used for parking.
[3] When the site is across an alley from a residential zone, the required setback may be used for parking or storage.

B. EXCEPTIONS AND ENCROACHMENTS

1. YARD AREAS

Table 4.01-4 identifies exceptions and encroachments to required yard areas. Except for permitted exceptions in the table, each yard shall be open and unobstructed from the ground upward.

Table 4.01-4: Yard Area Exceptions and Encroachments

STRUCTURE, FEATURE, OR USE	MAX. YARD ENCROACHMENT	CONDITIONS OR LIMITS
Site design elements placed directly upon the average lot grade that are less than 18 inches above the surrounding average lot grade including: ▪ Decks ▪ Free-standing solar devices ▪ Steps ▪ Terraces	▪ Decks and Free-standing solar devices: Not closer than 3 feet to property line ▪ Steps and Terraces: May encroach any amount	
Chimney or fireplace	3 ft., but not closer than 3 ft. to side property line	
Cantilevered architectural features that do not increase the floor area of the enclosed structure including: ▪ Awnings ▪ Balconies ▪ Bay windows ▪ Canopies ▪ Cornices ▪ Eaves ▪ Solar devices	▪ Front: 3 ft. ▪ Side: 2 ft. and no closer than 3 ft. to side property line ▪ Rear: 3 ft.	
Courtyard entries	▪ Front: Within 10 ft. of property line	▪ 1 per front yard ▪ Height: 12 ft. (max.) ▪ Width: 20 ft. (max.) o 12 ft. of width can be at max height of 12 ft. o Additional 8 ft. must transition to wall height ▪ Depth: 2 ft. (max.)
Non-habitable, shade providing building features including: ▪ Stoops ▪ Porches ▪ Canopies ▪ Etc.	▪ Front: 5 ft.	
Walls	▪ May encroach any amount	No construction over any easement unless City encroachment permit is obtained

2. HEIGHT

Table 4.01-5 identifies exceptions to height limits provided in this Code.

Table 4.01-5: Height Exceptions		
STRUCTURE, FEATURE, OR USE	MAX. HEIGHT	CONDITIONS OR LIMITS
▪ Stairways ▪ Parapets ▪ Elevator shafts ▪ Air conditioners ▪ Mechanical rooms ▪ Other similar features	▪ 6 ft. above maximum height limit of zone district ▪ **Other:** 20% of the roof area may be used to exceed the building height for these features in R-UMS, R-CHD, R-SGD, MU-UMS, C-CHD, and C-SGD	
Solar Collectors	3 ft. above maximum height limit of zoning district	▪ Requires building permit ▪ Shall be setback 2 ft. (min.) from roof perimeter
Flagpoles and Religious Institution towers or steeples	Exempt from height limit if not exceeding 20% of ground floor footprint of building	▪

3. REVERSE CORNER LOT LINES

Where the secondary street frontage of a corner lot line is subject to a reverse corner lot setback in Tables 4.01-1, 4.01-2, or 4.01-3, but the lot immediately to the rear of the corner lot is not improved with a permanent structure, or is improved with a non-residential permanent structure, the Zoning Administrator may adjust the required reverse corner lot setback, provided that the adjustment does not create a significant adverse impact on the use or development of the lot immediately to the rear of the corner lot.

14.04.02. Parking and Loading

A. PURPOSE AND APPLICABILITY

It is the intent of this Section 14.04.02 to provide adequate parking and loading facilities to prevent street and traffic congestion while allowing for efficient use of land. The standards of this Section shall apply to all development and redevelopment unless specifically excepted or modified by another provision of this Code.

B. EXCEPTIONS AND EXEMPTIONS

1. CHANGE IN PERMITTED USE OR STRUCTURE

a. Whenever the use of a property is changed to a new type of permitted or conditional use, parking and loading spaces required for the new use shall be provided in compliance with this Section 14.04.02.
b. Whenever a structure is enlarged resulting in a net increase of gross floor area, seating capacity, dwelling units, or any other unit of measurement used to determine the required number of parking spaces, parking and loading spaces for the additional capacity shall be provided in compliance with this Section 14.04.02.

c. Notwithstanding the provisions of subsections a and b above, a permitted use that does not meet the parking requirements of this section may be converted to another permitted use without full compliance with the required number of parking spaces provided:

(1) The amount of parking available is at least 75 percent of the parking required for the new use in Table 4.02-1; and
(2) The applicant provides the maximum number of parking spaces able to be accommodated on the site while complying with all other provisions of this Code and without being required to remove or partially remove an existing structure.

2. SMALL NON-RESIDENTIAL LOTS

No off-street parking shall be required for any non-residential primary use on a lot in any Mixed Use District that is smaller than 5,000 square feet where no portion of the front lot line is located within 100 feet of a Residential district.

3. PLANNED DEVELOPMENT

a. The off-street parking requirements of this Section 14.04.02 shall serve as the standard from which to request different parking requirements for a PD-O (Planned Development Overlay) district.
b. Following approval of a PD-O district and General Development Plan, the parking requirements in those documents shall apply instead of the parking requirements in this Section 14.04.02.
c. If an approved PD-O zoning district General Development Plan or site plan is silent on any aspect of parking addressed by this Section, the provisions of this Section shall apply to that aspect of parking.

4. PARKING-IN-COMMON

a. Development and redevelopment of lots subject to a Parking-in-Common agreement, on the effective date of this Code, shall comply with the terms of that agreement instead of the parking requirements in this Section. A list of Parking-in-Common agreements known to the City, and the properties included in those agreements, is available from the Department.
b. The off-street parking requirements of this Section shall serve as the standard from which to request different parking requirements for Parking-in-Common areas existing on the effective date of this Code, or for the creation of a new Parking-in-Common agreement after the effective date of this Code.
c. Owners of properties subject to an existing Parking-in-Common agreement may not physically separate or bar access to any part of the Parking-in-Common area in a manner not permitted by the Parking-in-Common agreement unless the owner first obtains modifies that agreement pursuant to Section 14.05.04.I. (Parking in Common Plan).

C. PARKING REQUIREMENTS

1. REQUIRED PARKING SPACES

a. The minimum off-street parking requirements for the uses allowed by this Code are listed in Table 4.02-1.
b. When calculating parking spaces, requirements for a fraction of a parking space shall be ignored.
c. A reduction in the minimum off-street parking requirements may be permitted in accordance with Section 0 (Parking Alternatives).
d. For any uses not listed in Table 4.02-1, the required minimum number of off-street parking spaces shall be determined by the Zoning Administrator based on parking requirements for similar uses and any anticipated neighborhood and traffic congestion impacts.

2. ACCESSIBLE PARKING

Within the requirements of Table 4.02-1, accessible parking shall be provided for all multi-family and non-residential uses as required by the City Building Code and the Americans with Disabilities Act (ADA).

3. MIXED USES

Where several uses occupy a single structure or parcel of land, the total requirement for off-street parking and loading shall be calculated based on Section 0.1.b

TABLE 4.02-1: MINIMUM REQUIRED OFF-STREET PARKING SF = SQUARE FEET; GFA = GROSS FLOOR AREA	
LAND USE CATEGORY	STANDARD (ALL MINIMUMS UNLESS OTHERWISE LISTED)
RESIDENTIAL USES	
HOUSEHOLD LIVING	
DWELLING, SINGLE-FAMILY DETACHED	2 spaces/dwelling unit. At least one space shall be covered.
DWELLING, TWO-FAMILY DWELLINGS	
DWELLING, SINGLE-FAMILY ATTACHED	1 space/dwelling unit
DWELLING, CO-HOUSING	
DWELLING, LIVE/WORK	
DWELLING, MULTI-FAMILY	**R-UMS and MU-UMS districts:** 1 parking space per unit. All required spaces must be covered. **All other districts** 1 space/dwelling unit containing 1 or fewer bedrooms; 1.5 spaces/dwelling unit containing more than 1 bedroom; and 1 space/5 dwelling units for visitor parking Plus guest parking at 10% of resident parking standards above. At least 1 space per unit must be covered
DWELLING, VACATION RENTAL	See respective dwelling type
MANUFACTURED HOUSING PARK	2 spaces/dwelling unit. At least one space shall be covered.
GROUP LIVING	
CONTINUING CARE RETIREMENT COMMUNITY	1 space/3 habitable units. Plus guest parking at 10% of resident parking standards above. At least 50% of required spaces shall be covered.

TABLE 4.02-1: MINIMUM REQUIRED OFF-STREET PARKING SF = SQUARE FEET; GFA = GROSS FLOOR AREA	
LAND USE CATEGORY	STANDARD (ALL MINIMUMS UNLESS OTHERWISE LISTED)
RESIDENTIAL CARE FACILITY	1 space/3 beds design capacity. Plus guest parking at 10% of resident parking standards above. At least 50% of required spaces shall be covered.
PUBLIC AND INSTITUTIONAL USES	
COMMUNITY SERVICE	
CEMETERY OR MAUSOLEUM	No requirement
CLUBS, LODGES, AND PRIVATE MEETING HALLS	1 space/300 sf gfa
COLLEGE OR UNIVERSITY	1 space/ 500 sf gfa of classroom, office, research, and library area Auditorium must meet Theater/Auditorium parking standard
COMMUNITY CENTERS	1 space/500 sf gfa
DAY CARE FACILITY	1 space/800 sf gfa.
ELEMENTARY SCHOOL	1 space per classroom plus 1 space per 250 sf in largest auditorium or meeting space
SECONDARY SCHOOL (JUNIOR HIGH AND HIGH SCHOOL)	1 space per classroom plus 1 space per 200 sf in largest auditorium or meeting space
FUNERAL HOME OR MORTUARY	1 space 200 sf gfa in main assembly area
GOLF COURSE	6 spaces/hole or 1 space/400 sf of clubhouse area, whichever is greater
HOSPITAL	1 space/3 beds design capacity or 1 space/500 sf gfa, whichever is greater
LIBRARY, MUSEUM, OR GALLERY	1 space/1,000 sf gfa, but not less than 2 spaces
LONG-TERM MEDICAL CARE FACILITY	1 space/3 beds design capacity or 1 space/500 sf gfa, whichever is greater
OPEN SPACE, PARK, OR PLAYGROUND	No requirement
PUBLIC SAFETY FACILITY	1 space/300 sf gfa
RELIGIOUS FACILITY	1 space/6 fixed seats or per 200 sf gfa in the main assembly area, whichever is greater
WATER-RELATED FACILITY	As determined by the zoning administrator based on proposed use, traffic impacts, multi-modal transportation options, site constraints, and surrounding land uses
UTILITIES & COMMUNICATIONS	
PUBLIC UTILITY FACILITY, MAJOR	No Requirement
PUBLIC UTILITY FACILITY, MINOR	
TELECOMMUNICATIONS FACILITY	
COMMERCIAL USES	
AGRICULTURE AND ANIMAL RELATED	
AGRICULTURE	No Requirement
ANIMAL CARE AND BOARDING	1 space/500 sf gfa
COMMUNITY GARDENS	No Requirement
PLANT NURSERY OR GARDEN SUPPLY	1 spaces/500 sf gfa
VETERINARY HOSPITAL	1 space/500 sf gfa
FOOD & BEVERAGE SERVICE	Refer to Table 4.02-5 for drive-up/through facility stacking space requirements
BAR OR NIGHTCLUB	**R-UMS and MU-UMS districts:** 1 space/150 sf gfa **All other districts:** 1 space/100 sf gfa No additional parking for approved outdoor eating areas
RESTAURANT	

TABLE 4.02-1: MINIMUM REQUIRED OFF-STREET PARKING SF = SQUARE FEET; GFA = GROSS FLOOR AREA	
LAND USE CATEGORY	STANDARD (ALL MINIMUMS UNLESS OTHERWISE LISTED)
LODGING	
BED AND BREAKFAST	1 space/dwelling unit, plus 1 space/ rentable bedroom
HOTELS, MOTELS, AND CONFERENCE FACILITIES	2 spaces/3 guest rooms, plus 1 space/300 sf in all accessory uses including restaurants and meeting rooms; 10% of the required spaces shall be designed and dimensioned for RV parking
RESORT	As determined by the zoning administrator based on proposed use, traffic impacts, multi-modal transportation options, site constraints, and surrounding land uses
OFFICE	Refer to Table 4.02-5 for drive-up/through facility stacking space requirements
BUSINESS, ART, OR VOCATIONAL SCHOOLS	1 space/400 sf gfa
OFFICES	**R-UMS and MU-UMS districts:** 1 space/500 sf gfa **All other districts:** 1 space/300 sf gfa
MEDICAL OFFICES AND CLINICS	**R-UMS and MU-UMS districts:** 1 space/400 sf gfa **All other districts:** 1 space/250 sf gfa
RESEARCH AND DEVELOPMENT LABORATORY	1 space/600 sf gfa
PERSONAL SERVICES	Refer to Table 4.02-5 for drive-up/through facility stacking space requirements
PERSONAL SERVICES	**R-UMS and MU-UMS districts:** 1 space/400 sf gfa **All other districts:** 1 space/250 sf gfa
SELF-STORAGE (MINI-STORAGE)	2 spaces
RECREATION & ENTERTAINMENT	
ENTERTAINMENT, ADULT	1 space/300 sf gfa
INDOOR RECREATION OR ENTERTAINMENT	1 space/300 sf gfa
MOTORSPORTS FACILITY	As determined by the zoning administrator based on proposed use, traffic impacts, multi-modal transportation options, site constraints, and surrounding land uses
OUTDOOR RECREATION OR ENTERTAINMENT	
SHOOTING RANGE	
STUDIO	1 space/400 sf gfa
THEATERS AND AUDITORIUM	1 space/6 seats or per 200 sf gfa in main auditorium, whichever is greater
RETAIL	Refer to Table 4.02-5 for drive-up/through facility stacking space requirements
ALCOHOL BEVERAGE SALES	1 space/300 sf gfa
BUILDING MATERIAL STORE	1 spaces/500 sf gfa
CONVENIENCE STORE (WITH FUEL SALES)	1 space/250 sf gfa
GENERAL RETAIL, SMALL	**R-UMS and MU-UMS districts:** 1 space/400 sf gfa **All other districts:** 1 space/300 sf gfa
GENERAL RETAIL, LARGE	1 space/400 sf gfa
MEDICAL MARIJUANA DISPENSARY OR INFUSION FACILITY	1 space/300 sf gfa
RETAIL, ADULT	1 space/300 sf gfa
RETAIL, BIG BOX	1 space/500 sf gfa
VEHICLES & EQUIPMENT	Refer to Table 4.02-5 for drive-up/through facility stacking space requirements
AIRPORT AND SUPPORT SERVICES	As determined by Lake Havasu City airport management

TABLE 4.02-1: MINIMUM REQUIRED OFF-STREET PARKING SF = SQUARE FEET; GFA = GROSS FLOOR AREA	
LAND USE CATEGORY	STANDARD (ALL MINIMUMS UNLESS OTHERWISE LISTED)
CAR WASH	No Requirement, but refer to Table 4.02-4 for drive-up/through facility stacking space requirements
HEAVY VEHICLE AND EQUIPMENT SALES, RENTAL, OR SERVICE	1 space/1,000 sf gfa
LIGHT VEHICLE SALES OR RENTAL	1 space/500 sf gfa in showroom
LIGHT VEHICLE SERVICE OR REPAIR	1 space/500 sf gfa
LIGHT WATERCRAFT SALES, RENTAL, OR SERVICE	1 space/500 sf gfa in showroom
MARINA	As determined by the zoning administrator based on proposed use, traffic impacts, multi-modal transportation options, site constraints, and surrounding land uses
MARINE EQUIPMENT SALES, RENTAL, SERVICE, AND STORAGE	1 space/500 sf gfa of sales, rental, and service area
PARKING FACILITY	No requirement
RECREATIONAL VEHICLE PARK	1 space/ RV site Plus guest parking at 10% of standard above.
VEHICLE AND FREIGHT TERMINALS	1 space/2,000 sf gfa
INDUSTRIAL USES	
COMMERCIAL SERVICES	
OUTDOOR STORAGE	No requirement
WAREHOUSE AND WHOLESALE DISTRIBUTION	1 space/2,000 sf gfa
MANUFACTURING & PROCESSING	
HEAVY INDUSTRY	1 space/1,000 sf gfa
LIGHT INDUSTRY	
MEDICAL MARIJUANA CULTIVATION FACILITY	
STORAGE OR USE OF HAZARDOUS MATERIALS	No Requirement
WASTE & SALVAGE	
RECYCLING, LARGE COLLECTION OR LIGHT PROCESSING FACILITY	1 space/1,000 sf gfa
RECYCLING, SMALL COLLECTION FACILITY	No Requirement
ACCESSORY USES	
ACCESSORY AUTOMATED TELLER MACHINE (ATM)	No requirement; refer to Table 4.02-4 or drive-up/through facility stacking space requirements
ACCESSORY DRIVE-IN OR DRIVE-THROUGH	No requirement; refer to Table 4.02-4 for drive-up/through facility stacking space requirements
ACCESSORY DWELLING UNIT	1 space/dwelling unit in addition to primary dwelling requirement
ACCESSORY, OTHER	No requirement
TEMPORARY USES	
TEMPORARY CONSTRUCTION OFFICE OR YARD OR REAL ESTATE SALES OFFICE	2 spaces
TEMPORARY EVENT OR SALES OR OTHER CUSTOMARY USE	No requirement

D. PARKING ALTERNATIVES

In mixed-use and non-residential zoning districts, the Zoning Administrator may approve applications containing alternatives to the number of off-street parking spaces required by Table 4.02-1, if the application meets the following standards.

1. SHARED PARKING

a. LOCATION

Shared parking shall be located within 600 feet of the primary entrance of all uses served.

b. REDUCTION

Where a shared parking area or facility meets the location requirement of subsection a. above, the off-site parking required for those uses may be reduced by the factors shown in Table 4.02-2. Off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors for that combination of uses. If more than two uses share a parking lot or structure, the required parking shall be calculated by applying Table 4.02-2 to the two uses with the largest parking requirements and then adding the required parking for the additional uses.

Table 4.02-2: Shared Parking Reduction Factors

PROPERTY USE	RESIDENTIAL	PUBLIC AND INSTITUTIONAL	FOOD, BEVERAGE, AND INDOOR ENTERTAINMENT, LODGING, RELIGIOUS ASSEMBLY	RETAIL SALES AND PERSONAL SERVICES	OFFICE & OTHER COMMERCIAL
Residential					
Public and Institutional	1.1				
Food, Beverage, Indoor Entertainment, Lodging, Religious Assembly	1.1	1.2			
Retail Sales and Personal Services	1.2	1.3	1.3		
Office & Other Commercial	1.3	1.5	1.7	1.2	

c. OTHER SHARING PERMITTED

As an alternative to the parking reduction factors in Table 4.02-2, the Zoning Administrator may allow the following reductions in required parking:

(1) Up to 50% of the parking spaces required for food, beverage, and indoor entertainment uses located within 600 feet of a non-residential use that is not normally open, used, or operated during the same hours; and

(2) Up to 100% of parking spaces required for religious assembly uses located within 600 feet of a non-residential use that is not normally open, used, or operated during the same hours.

d. AGREEMENTS

If the Zoning Administrator determines that there is significant doubt that shared parking facilities will remain available for the uses they serve, and the loss of those shared parking spaces would cause significant neighborhood impacts or traffic congestion, the Zoning Administrator may require a written agreement assuring the continued availability of the shared parking spaces for the uses they serve. If required by the Zoning Administrator, the agreement shall be on a form approved by the city and shall be filed with the application for a building permit.

2. BICYCLE FACILITIES

Any parking lot or structure containing ten or more parking spaces shall provide adequate and safe on-site bicycle parking facilities in accordance with the following standards:

a. REQUIRED BICYCLE SPACES

(1) Bicycle parking facilities shall be designed to accommodate the number of bicycle parking spaces set forth in Table 4.02-3 below.

Table 4.02-3: Required Bicycle Parking Spaces

VEHICLE SPACES	REQUIRED BICYCLE SPACES
10 – 50	4
51 - 99	8
100 – 199	12
200 – 299	15
300 or more	5 percent of the number of vehicle spaces

(2) For parking lots required to have more than 25 vehicle parking spaces, the required number of vehicle parking spaces may be reduced by one space for each required bicycle parking space installed.

b. DESIGN

(1) Location

Bicycle parking facilities shall be:

(A) Located near the main customer and employee entrances to the principle use;
(B) Clearly designated;
(C) Safely separated from vehicle maneuvering areas, and
(D) Located on the ground level when in a parking structure.

(2) Minimum Dimensional Standards

Each bicycle parking space shall be at least:

(A) Six feet long;
(B) Two feet wide; and
(C) A minimum five foot wide access aisle is required beside or between each row of bicycle racks.

(3) Materials

Bicycle parking facilities shall be surfaced with all-weather material and maintained in a safe and neat condition that avoids dust.

(4) Security

Bicycle parking facilities shall be equipped with either a lockable enclosure (bicycle locker) or a permanent, secure, and stationary structure (bicycle rack) that supports the bicycle frame and to which the frame and both bicycle wheels can be locked.

3. CREDIT FOR MOTORCYCLE PARKING

a. The Zoning Administrator may credit parking spaces for motorcycles or other small motorized vehicles against required off-street parking requirements in an amount of up to 5% of the standard vehicle spaces required.

4. CREDIT FOR PUBLIC PARKING

Some or all of the required off-street parking spaces for a non-residential use may be waived by the Zoning Administrator if publicly owned off-street parking is located within a 600 foot walking distance from the main entrance of the proposed use, and the Zoning Administrator also determines that adequate parking spaces are available within the publicly owned parking area to accommodate the anticipated use.

5. CREDIT FOR ON-STREET PARKING

The Zoning Administrator may credit on-street parking spaces against required off-street parking requirements if the on-street spaces are located within 600 feet of an entry of the building in which the use is located, if the Zoning Administrator determines that those parking spaces are frequently available for residents, patrons, or employees of the proposed use and structure.

6. ADDITIONAL PARKING REDUCTIONS

The Zoning Administrator may allow an additional reduction in the required number of parking spaces if the applicant submits a parking demand study, prepared in accordance with the City's guidelines, by a qualified parking or traffic consultant, documenting the basis for granting a reduced number of spaces, and the Zoning Administrator determines the study accurately reflects the parking demand for the use or structure.

E. PARKING DESIGN STANDARDS

In mixed-use and special purpose districts, parking area and facility designs shall comply with the following standards:

1. PARKING LAYOUT DIMENSIONS

a. STANDARD SPACES

All required parking spaces must be a minimum of 9 feet in width by 18.5 feet in length and must comply with the minimum dimensions for spaces and aisles shown in the following Table 4.02-4 and Figure 4.02-1.

Table 4.02-4: Off-Street Parking Layout Dimensions						
	ONE-WAY DRIVE AISLE			TWO-WAY DRIVE AISLE		
Parking Angle	**Stall Row Depth**	**Aisle Width**	**Stall Width**	**Stall Row Depth**	**Aisle Width**	**Stall Width**
30°	17' 10"	12' 0"	9' 0"	13' 11"	18' 0"	9' 0"
45°	20' 6"	13' 0"	9' 0"	17' 4"	18' 0"	9' 0"
60°	21' 10"	18' 0"	9' 0"	19' 7"	18' 0"	9' 0"
90°				24'0" for interior; 20'0" for end of row	24' 0"	9' 0"

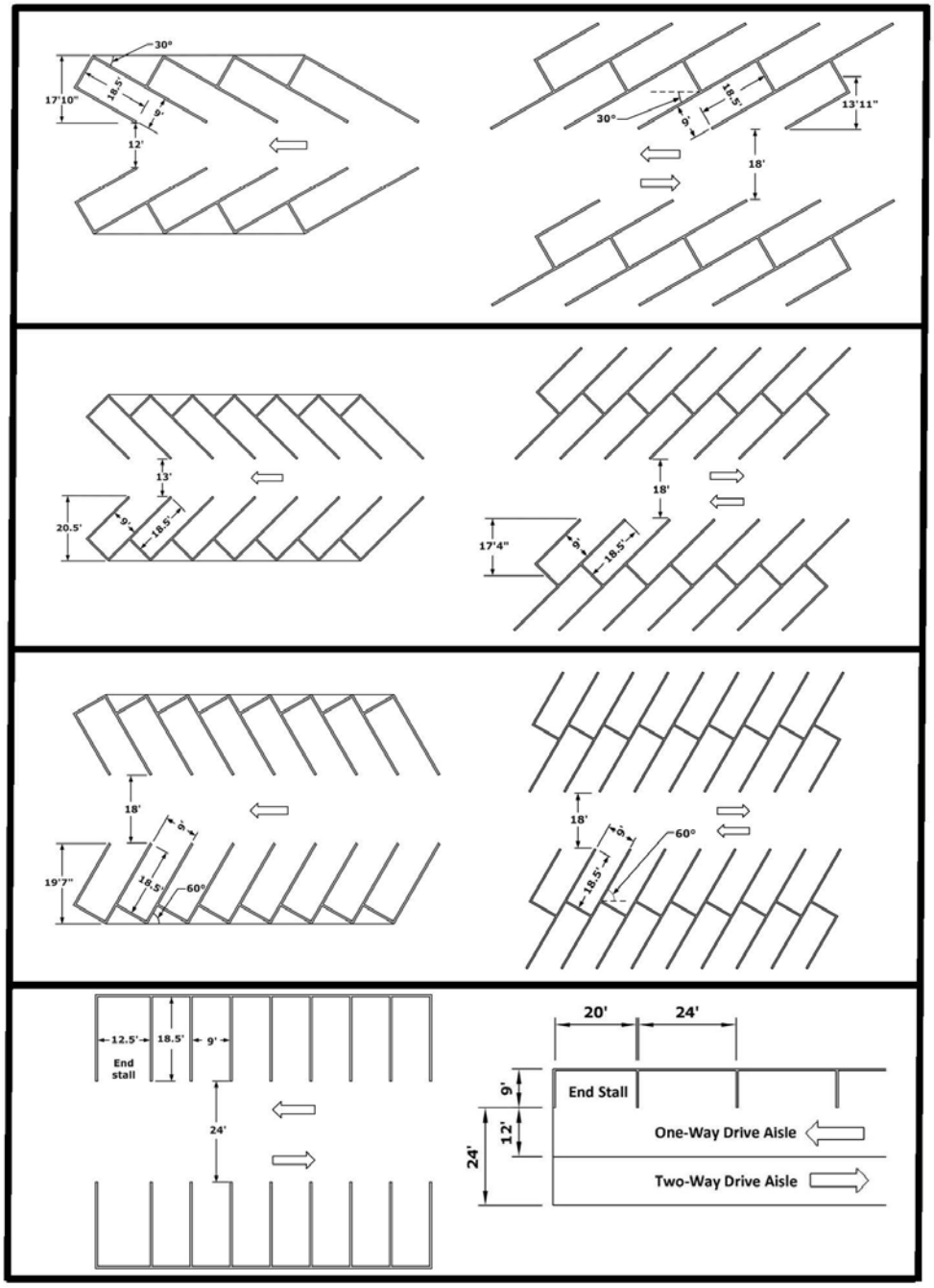


Figure 4.02-1: Parking Space and Aisle Dimensions

b. Accessible Parking

All required accessible parking spaces must comply with the following standards and minimum dimensions, as illustrated in Figure 4.02-2.

(1) Slope Requirements

(A) A five foot square area cannot exceed 1:50 slope ratio in any direction if a raised sidewalk situation exists.

(B) Curb ramps are required with a raised sidewalk situation. Ramps cannot exceed a 1:12 slope ratio.

(C) An 11 foot space and five foot access aisle cannot exceed a 1:50 slope ratio in any direction.

(2) Wheel Stops

(A) Wheel stops are optional with curbed sidewalks.

(B) Wheel stops shall be setback a minimum of three feet from the edge of a curbed sidewalk.

(3) Markings

(A) Accessible spaces shall be distinguished from standard parking spaces using different colors or physical barriers to outline the accessible spaces, and shall meet the requirements of Figure 4.02-2.

(B) The international handicap symbol shall mark the accessible space, with a blue background and yellow symbol.

(C) A minimum three inch outline striping is required. This striping shall be white on asphalt and traffic yellow on concrete. Measurements shall be taken from center to center.

(D) The access aisle adjacent to an accessible space shall be clearly marked with cross-hatching stripes spaced two feet apart on center.

(E) Access aisle must be clearly marked with diagonal stripes spaced 2 ft. on center.

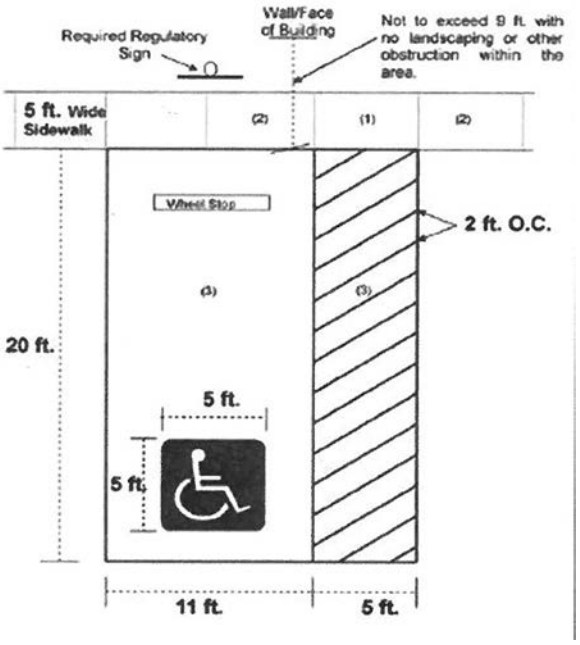


Figure 4.02-2: Universal Handicap Space Standards

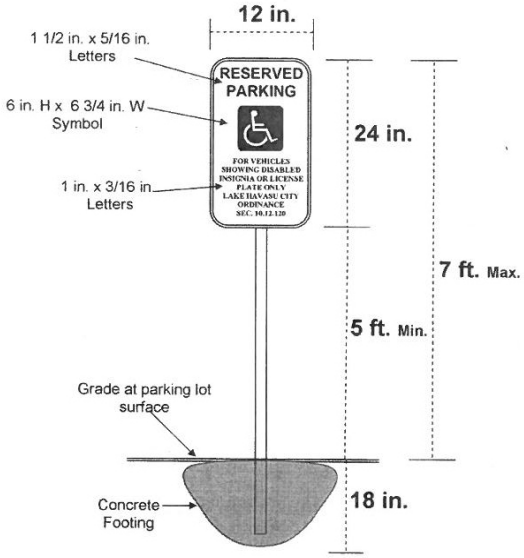


Figure 4.02-3: Universal Handicap Space Signage Standards

(4) Signage

(A) The accessible space shall be identified by a standard regulatory sign (0.80 reflective aluminum with blue letters on a white background) meeting the requirements of Figure 4.02-3.

(B) The sign shall be mounted on a custom or decorative post, or may be mounted on a wall if located within four feet of the edge of a sidewalk.

(C) No landscaping or other obstruction is permitted to block the view of the sign from the accessible parking space.

(D) The height of the sign shall not be more than seven feet above grade level).

c. Recreational Vehicle spaces

Recreational vehicle and boat trailer parking spaces shall be a minimum of 10 feet in width by 36 feet in length or 360 square feet in area.

d. Motorcycle Spaces

Motorcycle spaces shall be a minimum of 5 feet in width by 12 feet in depth and appropriately identified.

2. SURFACING, MARKING, AND DRAINAGE

a. Areas used for the parking and maneuvering of any vehicle, boat, or trailer shall be improved with asphalt or concrete surfaces, or an alternate paving material approved by the Zoning Administrator.

b. Pervious or semi-pervious parking area surfacing materials may be approved alternatives, if the Zoning Administrator determines that they are appropriate for the City's climate and the durability required for their intended use. Permitted materials may include, but are not limited to grass, mulch, "grasscrete," ring and grid systems used in conjunction with grass seed or sod, permeable concrete or asphalt, porous or grid pavers, or recycle materials such as glass, rubber, used asphalt, brick, block, and concrete.

c. Vehicle storage areas may be surfaced with a permanent, dust-free pavement in lieu of concrete or asphalt pavement.

d. Required off-street parking spaces, drive aisles, and traffic flow indicators shall be clearly marked using reflectorized paint on the parking area pavement to maintain vehicular and pedestrian safety.

e. All on-site parking and loading areas shall include drainage facility designs that channel runoff to off-site drainage facilities as approved by the City.

3. PARKING STRUCTURES

a. Parking structures are permitted up to the maximum height of the zoning district where they are located, or 48 feet, whichever is lower.

b. In the MU-CRW district, a parking structure must comply with the following setback requirements:

(1) The parking structure shall be setback a minimum of 100 feet inland from the channel or 455 foot elevation line.

(2) The parking structure shall be setback a minimum of 10 feet from all right-of-way property lines.

(3) Any parking structure height above 40 feet requires a setback ratio of one foot of building height for every half foot of setback measured from the 10 foot right-of-way setback required in subsection (2) above.
(4) The design of the structure façade shall screen the lower 4 feet of each level of parking visible from any of the public streets bounding the block on which the parking structure is located, so that portions of automobiles below hood height are not visible from those public streets.

F. RESIDENTIAL STANDARDS

1. The following standards apply to parking for residential dwellings constructed in any residential district:

   a. Required parking spaces shall be hard surfaced, located off-street, and have access from a public street.
   b. Required parking spaces shall be a minimum of 9 feet in width by 20 feet in length if uncovered and 10 feet by 20 feet if covered.
   c. Driveways and parking access ways shall not occupy more than 50% of the required front setback area.

2. The following standards apply to residential dwellings constructed in the R-3, R-M, R-UMS, R-CHD, R-SGD districts and any mixed-use district:

   a. Required parking spaces shall not be located within the front setback of a lot.
   b. The parking area shall be designed to prevent a vehicle from backing onto, into, or over a public right-of-way.

G. PARKING OF OVERSIZED VEHICLES

The following standards apply to all properties in the Residential and Mixed Use zone districts.

1. OVERSIZED VEHICLES

Vehicles with a rated chassis capacity in excess of two tons, a gross vehicle weight in excess of 10,500 pounds, or any vehicle with more than two axles, may not be parked on any lot, except for the purpose of loading or unloading of goods, except as provided in Subsection 2 below.

2. RECREATIONAL VEHICLES

A recreational vehicle exceeding 10,500 pounds that is owned by the lot owner, or the lessee of the lot, may be parked on the lot if the property is developed with a primary use (e.g. a house).

H. DRIVE-THROUGH VEHICLE STACKING

The following standards apply to all properties with a drive-through facility.

1. STACKING SPACE REQUIREMENTS

Table 4.02-5: Drive-Through Stacking Space Requirements		
ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM
Bank, Financial Institution, or ATM	3	Teller of Window
Restaurant/Retail Store	3	Pick-Up Window
Full Service Car Wash	3	Outside of Washing Bay
Self-Service Car Wash	1	Outside of Washing Bay
Other	Determined by the Zoning Administrator based on anticipated need to avoid traffic congestion on adjacent streets	

2. LOCATION AND DESIGN OF STACKING LANES

a. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.
b. Drive-through stacking lanes shall have a minimum width of 10 feet.
c. Stacking lanes shall be set back 15 feet from each right-of-way.

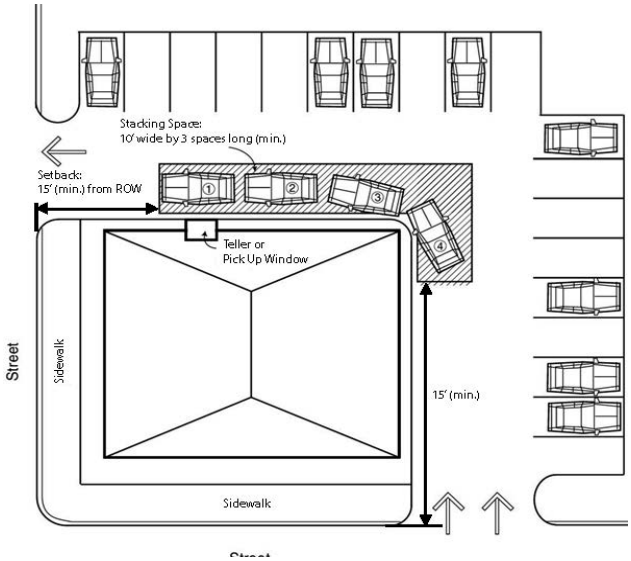


Figure 4.02-3: Stacking Lanes

I. OFF-STREET LOADING REQUIREMENTS

1. MINIMUM REQUIREMENTS FOR OFF-STREET LOADING SPACE

a. A required off-street loading space shall not be less than 10 feet in width by 25 feet in length and shall have an unobstructed height of 14 feet.
b. Off-street loading space shall be provided as set forth in Table 4.02-6 below, except as provided in subsection 2 below.

Table 4.02-6: Off-Street Loading Space Standards For Buildings Exceeding 20,000 sq. ft. of gross floor area	
TYPE OF USE OR FACILITY	OFF-STREET LOADING REQUIREMENT
▪ Office or Lodging ▪ Personal services and repair ▪ Retail store (large)	1 space for each 50,000 sf of gross floor area in the structure, or part thereof, up to a maximum of 3 spaces
▪ Building material sales ▪ Garden material sales ▪ Furniture and floor covering sales ▪ Industrial Services and Manufacturing Light vehicle sales, rental, storage, repair, or service ▪ Heavy vehicle and equipment sales, rental, storage, repair, or service ▪ Wholesaling	1 space for each 50,000 sf of gross floor area in the structure, or part thereof, up to a maximum of 2 spaces
▪ Bus and Truck Terminals	As determined by the Zoning Administrator to accommodate the maximum number of buses or trucks to be stored or loading/unloading at the terminal at any one time

2. EXISTING STRUCTURES

If the aggregate gross floor area of any existing building is increased by more than 50%, off-street loading space shall be provided in accordance with Table 4.02-6 above, to the extent required for the original gross floor area and its expansion. If the aggregate gross floor area of any existing building is increased by 50% or less, then the new off-street loading space shall be provided to the extent required for the expansion only.

3. DESIGN AND USE OF OFF-STREET LOADING AREAS

a. Off-street loading space shall be located on the same lot occupied by the use served and shall be accessible from a public street or alley.
b. Off-street loading space shall not be occupied by or considered as any part of the required off-street parking areas.
c. No portion of an off-street loading space shall be located within any fire lane required by city ordinance or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.
d. Off-street loading space and the aisles or driveways leading to them shall not be used for the sale, repair, dismantling, or servicing of any vehicles, equipment, materials or supplies.
e. Any off-street loading area located within 100 feet of the boundary of a residential zone district shall be screened from view from the district by a masonry wall at least eight feet in height of a color matching one of the primary colors used on the primary façade of the building.

J. LANDSCAPING AND SCREENING

All parking areas and facilities shall comply with the screening and landscaping requirements of Section 14.04.04.

14.04.03. Access and Circulation

A. PUBLIC STREETS

1. FRONTAGE

a. All lots, structures, and uses shall have frontage upon a public street. In context sensitive situations, where actual frontage is not feasible, the Director may permit a lot, structure, or use, with accessible street frontage, using a public or private easement or access agreement, if the public health, safety, and general welfare is not compromised.

b. Owners of two or more lots, uses, or structures may agree to share access to a public street if the length of the combined access way is as short as practicable and the combined access way complies with all other requirements in this Code.

2. CONNECTIVITY

a. General Requirement

All subdivisions shall comply with the City Subdivision Regulations (Title 13 of the City Code).

b. Sidewalks

All development shall include sidewalks as required by Chapter 11, Article IX (Sidewalks).

c. Internal Pedestrian Walkways

(1) Multi-family dwelling units shall be connected to vehicular parking stalls, common open-space, and recreation facilities through a pedestrian pathway system having a minimum width of three feet and constructed of all-weather material.

(2) Mixed-use and nonresidential developments containing more than one principal building on a single lot or parcel shall include an unobstructed walkway or pathway, of at least six feet in width, providing access between the principal buildings.

B. MAJOR ROADWAYS

Points of ingress or egress to and from Highway 95 and arterial streets shall be limited as follows:

1. SINGLE-FAMILY USES

a. Single-family dwellings shall not be granted permanent driveway ingress to or egress from Highway 95 or designated arterials unless the Commission determines that no other public street access is or can be made available.

b. If alternative public access is not available at the time of development, provisions shall be made for temporary access, but the temporary access shall be discontinued upon the availability of alternative public access.

2. DIRECT ACCESS

a. Direct private ingress to or egress from Highway 95 and designated arterials shall be minimized.
b. Where alternatives to the use of Highway 95 or designated arterials exist, new or altered uses shall be required to use those alternative connections to other public streets.
c. The Commission may take action to restrict or prohibit an expanded use of existing private ingress to or egress from Highway 95 and designated arterials if it finds that the expanded use is contrary to the purposes of the transportation element of the General Plan.

C. DRIVEWAYS

Driveways shall be fully improved with a hard surface pavement and shall meet the standards in Table 4.03-1 below:

Table 4.03-1: Minimum Driveway Standards

LAND USE	NUMBER OF DRIVEWAYS	ACCESS	WIDTH (FT)	LENTH (FT)
Single-Family	1	N/A	10	20
Two-Family	1	N/A	20	20
	2	N/A	10 each	20
Multi-Family	1	1-way	12	N/A
		2-way	18 (9 each)	N/A
Nonresidential	1	1-way	15	N/A
		2-way	24 (12 each)	N/A

D. VISION CLEARANCE

1. CORNER LOTS

a. Corner lots shall be developed to ensure visibility across the corners of the intersecting streets, alleys, and private driveways.
b. The corner cutback area shall be designed as a triangular shaped area on a corner lot formed by measuring 25 feet from the intersection of the front and street side property lines, or an intersecting alley or driveway, and connecting the lines diagonally across the property making a 90-degree triangle, as shown in the following diagram.

2. HEIGHT OF OBSTRUCTIONS

a. The maximum height of any structure, fence or landscaping located in the corner cutback area shall be two feet, measured from the elevation at the property line.

b. The two-foot height limit shall not apply to traffic safety devices, trees trimmed to eight feet above the adjacent top of curb, utility poles, and other government or utility installed devices.

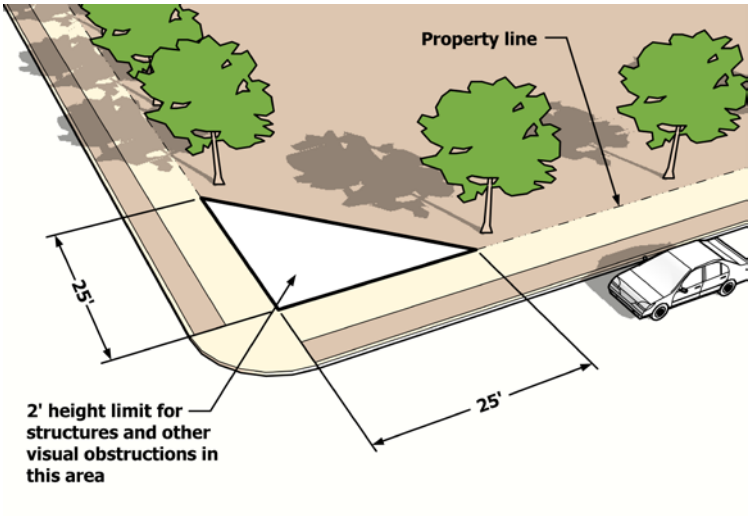


Figure 4.03-2: Corner Vision Clearance Area[1]

E. OFF-SITE PUBLIC IMPROVEMENTS

All development shall provide those public improvements required by the City Subdivision Regulations (Title 13 of the City Code), other sections of the City Code, and all adopted city regulations.

F. BICYCLE AND PEDESTRIAN ROUTES

Where adopted city or regional plans show bicycle, pedestrian, or multi-use pathways, a proposed site plan shall provide connections to those paths and trails unless the Director determines that site or topography constraints, public safety considerations, or legal concerns related to the impacts of the proposed development require that connections not be provided.

14.04.04. Landscaping and Screening

A. PURPOSE

The intent of this section is to:

1. Lessen the environmental impacts of the built environment on the city's natural resources;
2. Establish healthy environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, less stormwater runoff, erosion control, and noise, glare, and heat abatement;
3. Provide visual buffering from streets, buffering of potentially incompatible land uses, and enhanced quality and appearance of a development site, and the city in general;
4. Where landscaping is required, the installed materials should include live vegetation in addition to rock or inorganic matter;

5. Encourage the use of low-impact development measures, including drought-tolerant plant material, water-conserving automatic irrigation systems, and pervious pavement materials.

B. APPLICABILITY

The provisions of this section shall apply to lots and parcels in any zone district that contain (i) more than 10,000 square feet of lot area, and (ii) a primary structure with a primary use other than a single family detached, single-family attached, two-family residential, or live-work use, when the following conditions occur after the effective date of this Code:

1. A new primary structure is constructed;
2. The floor area in an existing primary structure is increased by more than 25 percent;
3. An existing primary structure is relocated on the lot or parcel;
4. The primary structure is renovated or redeveloped (including but not limited to reconstruction after fire, flood, or other damage), and the value of that renovation or redevelopment, as indicated by building permits, is more than 25 percent of the actual value of the property, as indicated by tax assessor's records;
5. A new primary use parking lot containing 25 or more spaces is constructed; or
6. An existing primary use parking lot containing 25 or more spaces is redesigned or reconstructed with significant changes to the layout of parking spaces, driving aisles, and access drives.

C. GENERAL LANDSCAPING STANDARDS

1. LANDSCAPE PLAN REQUIRED

A landscaping plan meeting City requirements shall be submitted as part of all applications for development or redevelopment requiring a site plan/design review process under Section 14.05.04.H, unless the Zoning Administrator determines that landscaping required under this section can be demonstrated without the use of a landscaping plan. A landscaping plan may be combined with other required application materials.

2. MINIMUM REQUIRED LANDSCAPING

Landscaping shall be installed to comply with the specific requirements for Street Trees, Property Edge Buffering, and Parking Area Landscaping standards in this Section to meet the following minimum landscape requirements:

a. R-3, R-M, R-CHD, R-SGD, AND R-UMS ZONING DISTRICTS

In multi-family residential zoning districts, a minimum of 20% of the total lot area shall be landscaped.

b. MIXED-USE ZONING DISTRICTS

In all Mixed-use zoning districts, a minimum of 15% of the total land area shall be landscaped.

c. SPECIAL PURPOSE ZONING DISTRICTS

In all Special Purpose zoning districts, a minimum of 10% of the total land area shall be landscaped.

d. PARKING IN COMMON

Minimum landscape area requirements for properties within the approved PIC Plans shall be met by complying with landscape element of PIC Plan.

3. PLANT MATERIALS

a. Plant materials shall be from the City's approved Water Conserving Plant list, or as otherwise approved through the Site Plan/Design Review process. All plant material shall be hardy to northwestern Arizona (USDA hardiness Zone 10a), free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
b. Except for plantings used for screening, no one species of tree or shrub may make up more than 50% of the total amount of landscape plantings.
c. Invasive species, as identified by the Arizona Department of Agriculture Plant Services Division and the Arizona Invasive Species Advisory Council, are prohibited.
d. At least 50% of all landscaped areas containing trees and shrubs shall be planted with ground cover, and remaining areas shall incorporate a minimum two inch layer of inert ground cover.
e. The use of artificial plant material is prohibited, unless approved by the Director based on considerations of similarity of appearance to live vegetation, durability appropriate for its anticipated use, and public safety.

4. MINIMUM PLANT SIZES

When included as part of the required landscaping, non-ornamental deciduous trees shall have a minimum caliper of 2.5 inches, ornamental deciduous trees shall have a minimum caliper of 1.5 inches, coniferous trees shall be a minimum of six feet in height, and shrubs shall be a minimum five gallon container size. The above dimensions apply to sizes at time of planting.

5. PLANT MATERIAL SPACING

Except for the provisions of Section 14.04.04.F (Property Edge Buffering), plant materials shall not be placed closer than four feet from any fence line or property line. Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and any trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas unless prohibited by minimum spacing requirements for that species.

6. LANDSCAPE FEATURES

Landscaped areas may include architectural features that add visual interest and a public amenity to the site including rock groupings, sculptures, public art, water features and benches.

7. CITY RIGHT-OF-WAY

Property owners are encouraged to install landscaping on portions of the public right-of-way located between the front property line and the vehicle travel lanes not occupied by sidewalks, above-ground utility structures, or curb and gutter structures. However, all

planting or removal of trees or vegetation in city rights-of-way is subject to approval by the City.

8. FLEXIBILITY FOR REDEVELOPMENT

Where the requirements of this section are applied to a redevelopment or reconstruction project, rather than a new development, the Zoning Administrator may authorize a reduction of minimum off-street parking requirements established in Section 14.04.02.C by up to 10 percent, if necessary, to accommodate street frontage landscaping required by Section 14.04.04.D or parking area landscaping required by Section 14.04.04.E.

9. INSTALLATION AND PERFORMANCE BOND

Landscaping shall be installed prior to issuance of the Certificate of Occupancy, unless a security equal to 100% of the anticipated cost of landscaping is filed with the city, assuring installation within six months after occupancy. Security may consist of a performance bond payable to the city, cash, certified check, or other assurance of completion approved by the City Attorney. If the installation of the landscaping is not completed within the six month period, the security may be used by the city to complete the landscape installation.

D. STREET FRONTAGE LANDSCAPING

The street frontage of a property subject to this Section 14.04.04 shall meet the following landscaping requirements:

1. REQUIRED DEPTH

Street yard landscaping strips within private yards adjacent to city rights-of-way shall be at least 10 feet in width.

2. STREET TREES AND SHRUBS

Street trees and shrubs shall be planted along a property's street frontage in accordance with the following:

a. One tree per 40 feet of linear street frontage, planted on center, and in alignment with any similar street frontage landscaping on adjacent lots, or if that is not possible or adjacent lots do not contain front yard landscaping, then within 10 feet of the front property line.
b. One shrub per 25 feet of linear frontage.
c. No more than 50% of required trees shall be from one tree species.
d. Street trees may be clustered and placed at uneven intervals, to increase visual appeal or to avoid utility or site obstructions, with approval from the Zoning Administrator during the site plan/design review process.

E. PARKING AREA LANDSCAPING

1. PURPOSE

The purpose of this section to provide landscaping areas internal to parking lots to break up large expanses of pavement, provide shaded areas, delineate

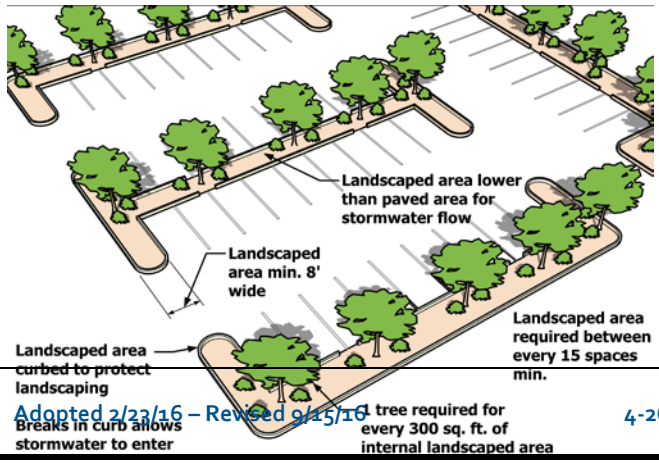


Figure 14.04-2: Parking Lot Landscaping Locations

pedestrian walkways and vehicular drive aisles to improve visitor safety, and improve the overall appearance of the site.

2. MINIMUM REQUIRED AREA

Ten percent of the interior parking area occupied by parking spaces and interior vehicle circulation aisles (but not including access driveways between the public street and the edge of the parking area) shall be landscaped. Landscaping required to meet the requirements of Section 14.04.04.D (Street Frontage Landscaping) above, or Section 14.04.04.F (Property Edge Buffering) below shall not be used to satisfy this requirement.

3. LOCATION AND DESIGN

Internal landscape areas shall be designed in accordance with the following standards, as depicted in Figures 4.04-2 to 4.04-4.

a. A landscape area shall be located between every 15 parking spaces at a minimum.
b. A landscape area shall be a minimum of eight feet in width.
c. One tree is required for every 300 sq. ft. of internal landscape area.
d. A landscape area shall be designed lower than the paved area so that stormwater from the paved parking areas can flow into the landscape areas, unless a different result is required by the adopted City Storm Water Management Plan.
e. A landscape area shall be curbed to protect the landscape materials, and this curbing shall include breaks to permit stormwater to enter the landscaped areas.

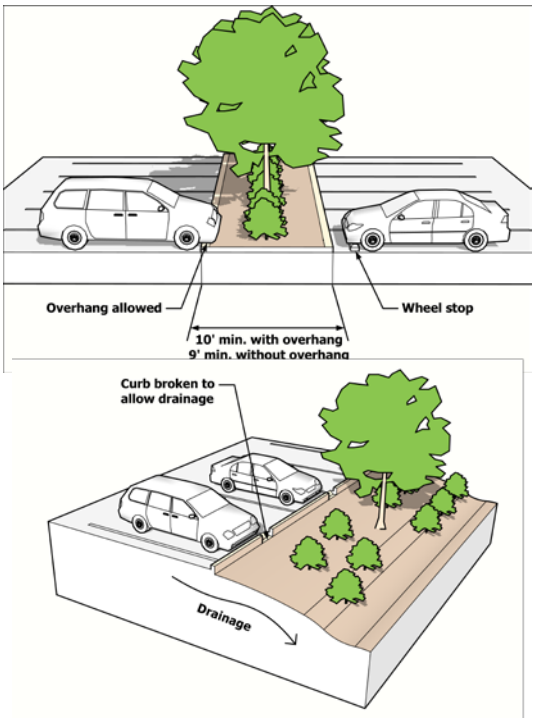


Figure 4.04-4: Parking Area Curb Breaks

4. PEDESTRIAN WALKWAYS

a. LOCATION

b. Each surface parking area containing 100 or more parking spaces, any of which are located more than 300 feet from the front façade of the building shall contain at least one walkway that enables a pedestrians to travel from the farthest row of parking to the primary building entrance without crossing any parking spaces or drive aisles.
c. Additional walkways shall be included and spaced 200 feet apart to ensure that no parking space in the farthest row of the parking lot is more than 200 feet from any walkway.

d. If there is a public sidewalk along the street frontage located within 50 feet of any required walkway, the walkway shall connect to that sidewalk.

e. DESIGN

The required walkway shall be at least five feet wide; shall be located in a landscaped island and shall run perpendicular to the primary building, to the greatest extent practicable. If the walkway is located in a landscaped island, the width of the island shall be increased by five feet to accommodate the walkway without reducing the amount of landscaped area.

F. PROPERTY EDGE BUFFERING

1. BUFFERING REQUIRED

Where a property contains at least 10,000 square feet of area, more than 1,500 square feet of paved area, or any vehicle loading/ unloading areas, buffering shall be installed as required by Table 4.04-2.

a. To use this table, identify the applicant's zone district and proposed land use across the top of the table, and then read down the appropriate column. Then identify the adjacent property zoning and use along the horizontal lines. The box at the intersection of the column representing the applicant's proposal and the adjacent property zone and use identifies the screening and buffering requirement for the applicant.

b. Transitional screening shall not be required for community gardens.

Table 4.04-2: Transitional Buffering and Screening

Applicant's Zone and Use			R-A, R-E, or R-1 Zone		Other Resid. Zone		Mixed-Use Zone	Special Purpose Zone		
Adjacent District & Use	Adjacent Zone District	Structure Type	Res.	Non-Res.	Res.	Non-Res.	All	Other 1-2 Stories	Other 3+ Stories	Industrial
	R-A, R-E, R-1	Residential	0	1	1	2	2	2	3	3
		Non-Residential	1	0	1	1	1	2	3	
	Other Resid. Zone	Residential	1	1	0	2	2	2	3	3
		Non-Residential	2	0	2	0	1	1	3	
	Mixed-Use Zone	All	2	1	1	1	0	1	2	3
	Special Purpose Zone	Other 1-2 Stories	2	1	2	1	1	0	0	3
		Other 3+ Stories	3	2	3	2	2	0	0	3
		Industrial	3	3	3	3	3	3	3	0

Level 0 does not require a landscape buffer or screen.
Level 1 requires a four- foot wide landscape buffer and a six foot tall screening device.
Level 2 requires a 6-foot wide landscape buffer and a six-foot tall screening device.
Level 3 requires a 6-foot wide landscape buffer and an eight-foot tall screening device.

2. LOCATION AND DESIGN

a. Landscape Buffer

(1) The required landscape buffer shall be installed on the applicant's side of the screening device.
(2) The landscape buffer shall include the following plant mix:
  (A) One tree with a two-inch caliper that is 10 feet in height at the time of installation for each 200 square feet of buffer area, and
  (B) Three shrubs of minimum 5 gallon size for each 200 square feet of buffer area.

b. Screening Device

(1) The screen shall be located along the property line of the applicant's lot, and shall not extend into the established setback of the adjoining lot.
(2) The screen shall be designed to achieve at least 80% opacity and shall be constructed of wood, masonry, brick, stone, wrought iron, compact hedging, an earth berm, or some combination of those materials. Chain link fencing is prohibited.
(3) The combined height of the screening methods in this subsection b. and subsection a. above shall not be less than six feet.

G. SCREENING

1. FENCES, WALLS, AND HEDGES

Fences, walls, and hedges are permitted in any required setback yard or along the edge of any yard in accordance with the following standards, except as provided under Section 14.04.03.D (Vision clearance), relating to corner lots.

a. Height

Table 4.04-4: Maximum Allowed Fence, Wall, and Hedge Height

LOCATION	HEIGHT (FT)(MAX)
Front Yard	5 ft.
Side Yard	
Street	5 ft.
Interior	6 ft.
Rear Yard	6 ft.
On top of a Retaining Wall	
Front Yard	5 ft.
All other yards	6 ft.

b. Articulation and Design

(1) No wall or fence facing a collector or arterial street or adjacent to an interstate highway shall extend continuously for more than 100 feet without articulation as described below.
(2) No wall or fence facing any other type of public street shall extend continuously more than 50 feet without at least the following types of articulation:
  (A) The use of columns or pilasters; or

(B) Changes in material or texture; or
(C) Offsets in alignments (projections or recessions) or at least 1 horizontal foot; or
(D) The installation of similar features approved by the Zoning Administrator as creating at least the same degree of visual variation to passing drivers, bicyclists, and pedestrians.

(3) Fences, walls, and hedges may be placed up to the property line, and any outstanding posts or supporting rails shall face inward toward the property being fenced.

c. Wall and Fence Materials

Walls and fences shall be designed to reflect and enhance the surrounding built and natural environment and shall be constructed with any one or more of the following materials :

(1) Integrally-colored, split-face, or ground-face concrete masonry units (CMU);
(2) Concrete masonry units that have been painted, stuccoed, or faced with another permitted material;
(3) Stone (natural or simulated);
(4) Brick;
(5) Wrought-iron or other decorative metal; or
(6) Wood (painted or stained), or
(7) Compact hedging.

2. SCREENING; MECHANICAL EQUIPMENT

a. Applicability

The standards of this section shall apply to all electrical and gas-powered mechanical equipment, ductwork and major plumbing lines used to heat, cool, or ventilate; and power systems for the building or site upon which the equipment is located. However, these standards shall not apply to roof and/or wall-mounted antennas and vent openings, ground or roof mounted solar, wind, or geothermal energy devices, rain barrels, composting equipment, or franchise utility boxes.

b. Single and Two-Family Screening

(1) Roof-mounted mechanical equipment, except solar energy systems and air conditioning units, is prohibited on single-family and two-family residential dwellings.
On residential lots, ground mounted mechanical equipment shall be located behind the building line of the house and screened from public view by a screening device, or landscaping.

c. Multi-Family, Mixed-Use, Commercial, and Industrial Screening

For all developments other than single-family detached, single-family attached, or two-family residential, mechanical equipment shall be screened in accordance with the following standards:

(1) Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's

architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened.

(2) Ground-mounted mechanical equipment shall be screened from view by landscaping or by a decorative wall that is compatible with the architecture and landscaping of the development site. The wall shall be of a height at least equal to or greater than the height of the mechanical equipment being screened.

3. SCREENING OF SERVICE, LOADING, AND STORAGE AREAS

For all developments other than single-family detached, single-family attached, or two-family residential, outside service, loading, and storage areas shall be buffered from adjacent properties in accordance with Section 14.04.04.F. (Property Edge Buffering) and located and screened as follows:

a. PLACEMENT

(1) All service areas shall be placed at the rear, on the side of, or inside buildings.
(2) No service area shall be visible from a public right-of-way or from adjacent residential areas.
(3) Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas, or at entries.

b. OUTSIDE STORAGE AREAS AND LOADING DOCKS

All storage areas, service areas, and loading docks not screened by an intervening building shall be screened from view from any public street right-of-way in accordance with the following standards. These standards are in addition to any property edge buffer requirements identified in Table 4.04-2.

(1) The screen shall be constructed of wood, masonry, brick, stone, wrought iron, compact hedging, an earth berm, or some combination of those materials, in conjunction with trees and other landscaping; and/or landscaping that shall block all views of the equipment. Chain link fencing is prohibited.
(2) The screen shall be 100% opaque if the service or storage area is adjacent to a residential land use and 60% opaque in all other instances.
(3) Screening shall be a minimum height of six feet to screen truck berths, loading docks, areas designated for permanent parking, or storage of heavy vehicles and equipment or materials. Landscaping used for screening purposes shall be six feet in height within 18 months of planting.
(4) Screening shall be long enough to screen the maximum size trailer that can be accommodated on site.

c. REFUSE ENCLOSURE AND SCREENING

All refuse facilities, including new refuse facilities placed on an existing developed site, shall be designed and installed in accordance with the following:

(1) The refuse enclosure shall be large enough to accommodate both a trash dumpster and a recycling dumpster, and shall meet the requirements of Figure 4.04-5.
(2) The refuse enclosure shall be completely screened from view of public streets and adjoining nonindustrial zoned property by meeting the requirements of other sections of this Code.
(3) The refuse enclosure shall meet the standards shown on the illustration below.

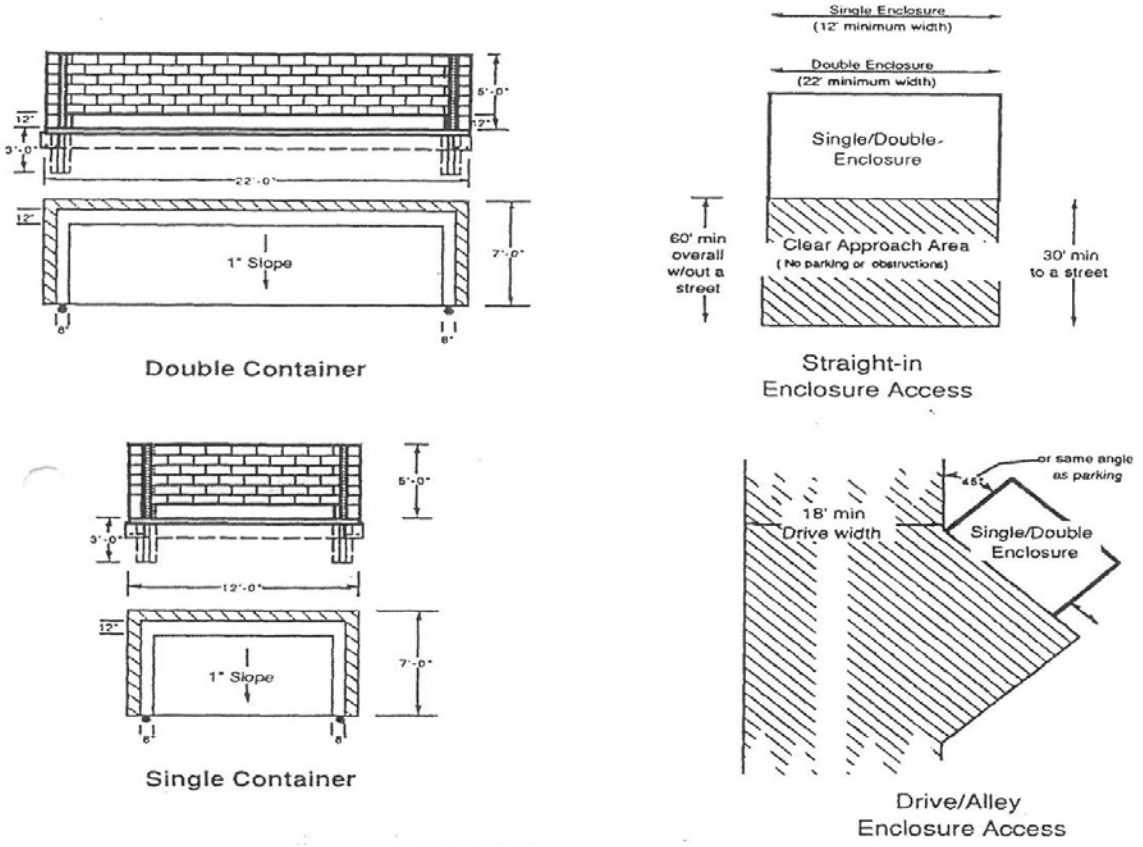


Figure 4.04-5: Typical Trash Enclosures

H. ALTERNATIVES AND ADJUSTMENTS

1. The Zoning Administrator may approve alternative types or designs of landscaping, buffering and screening requirements, unless specifically prohibited for that type of property, building, or use in this Code, if the Zoning Administrator determines that the alternatives provide at least equivalent quality, visual appeal, screening and cooling, effectiveness, durability, hardiness, and performance to the specific requirements of subsections 14.04.04.A through 14.04.04.G above.
2. Where the requirements of this section are applied to a redevelopment or reconstruction project, rather than a new development, the Zoning Administrator may authorize a reduction of minimum off-street parking requirements established in Section 14.04.02.C., by up to ten percent, if necessary to accommodate street frontage

landscaping required by subsection 14.04.04.D above or the parking area landscaping required by subsection E above.

3. The Zoning Administrator may modify the Property Edge Buffering standards of Section 14.04.04.F and/or the Fence, Wall, and Edge standards of 14.04.04.G.1 by up to ten percent (increase or decrease in width and height) if necessary to provide adequate buffering of impacts or to respond to specific site conditions.
4. The Zoning Administrator may modify the Property Edge Buffering standards of Section 14.04.04.F and/or the Fence, Wall, and Hedge standards of Section 14.04.04.G.1 by more than ten percent if the Zoning Administrator determines that the design, height, location of uses, massing, and landscaping of the applicant's project mitigates potential adverse impacts on surrounding properties.
5. The Zoning Administrator may modify the Mechanical Equipment Screening standards of Section 14.04.04.G.2., which may include but shall not be limited to increased landscaping, grouping the equipment on specific portions of a site, and painting or otherwise camouflaging the equipment, if the Zoning Administrator determines that the alternative will provide equal or better buffering of the equipment from public view.

14.04.05. Exterior Lighting

A. APPLICABILITY

1. GENERAL

All exterior lighting for all development shall comply with the standards of this section, unless excepted in subsection 14.04.05.A.2 below.

2. EXCEPTIONS

The following types of lighting are not subject to the requirements of this Section 14.04.05:

a. Public street and right-of-way lighting.
b. Temporary decorative seasonal lighting.
c. Temporary lighting for emergency or nighttime work and construction.
d. Temporary lighting for theatrical, television, and performance areas, or for special public events.
e. Lighting for a special district, street, structure, or building that, according to an adopted City plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
f. Lighting required and regulated by the Federal Aviation Administration.
g. Lighting for outdoor recreational uses such as ball diamonds, playing fields, tennis courts, and similar uses, provided that, light poles are not more than 80 feet tall, maximum illumination at the property line is not brighter than two footcandles, and exterior lighting is extinguished no later than 11:00 pm.

B. OPERATIONAL STANDARDS

1. Outdoor public or private facility uses that are normally expected to cease operation by midnight shall not be illuminated after midnight unless allowed by other provisions.

2. Directly illuminated building accent lighting consisting of strings of individual lamps or bulbs along building corners, roof edges, window openings, and other external architectural elements is prohibited, except:
   a. Holiday lighting during November and December; and
   b. Integrated architectural use of neon lighting in compliance with subsection 14.04.05.C.3 (Neon lighting) below.
3. The provisions of subsection 1 and 2 above do not apply to:
   a. Illumination of 375 lumens or less; equivalent to 25 watt incandescent bulbs or 7 watt compact fluorescent bulbs; and
   b. Outdoor on-site or business advertising signs of the type constructed with translucent materials and wholly illuminated from within.
4. Outdoor lighting deemed to be a hazard to public health and safety by the Zoning Administrator, regardless of the date of installation, shall be immediately modified or eliminated to establish a safe condition.

C. DESIGN AND ILLUMINATION STANDARDS

All lighting subject to this Section 14.04.05 shall be designed and illuminated in accordance with the following standards, unless specifically excepted or modified by the Zoning Administrator based on site context and community safety considerations.

1. LIGHTING HEIGHT

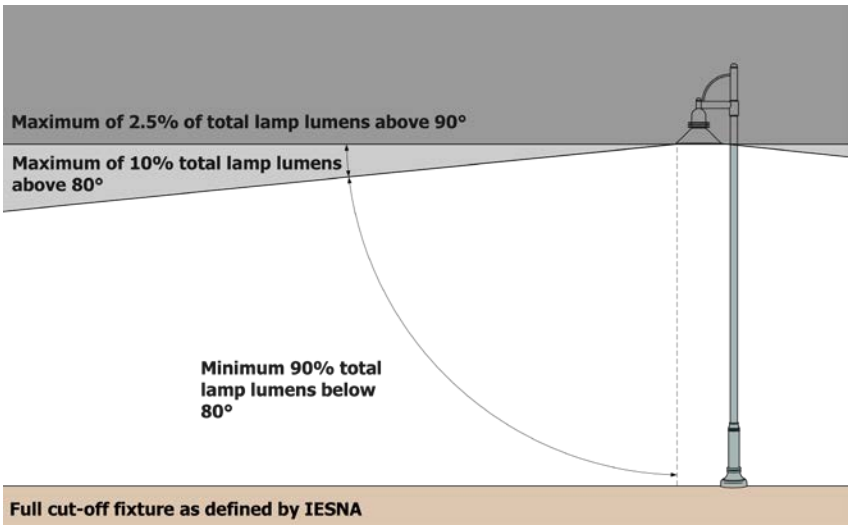
The maximum height of light poles, or lighting mounted on the side of a roof or building shall be as follows in Table 4.05-1, unless otherwise provided in Section 14.04.06 (Neighborhood Protection Standards).

Table 4.05-1: Maximum Height of Light Poles

DISTRICT OR USE	HEIGHT (FT.)
Residential districts, MU-N, MU-UMS, MU-CRW, MU-G, MU-SGD, C-CHD, and Special Purpose Districts (except LI and I)	20
LI and I	50

2. LIGHT SHIELDING

a. Any light source or lamp that emits more than 375 lumens (25 watt incandescent or 7 watt compact fluorescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. Figures 4.05-1 and 2 illustrate examples of shielded fixtures and Figures 4.05-3 and 4 illustrate light trespass.



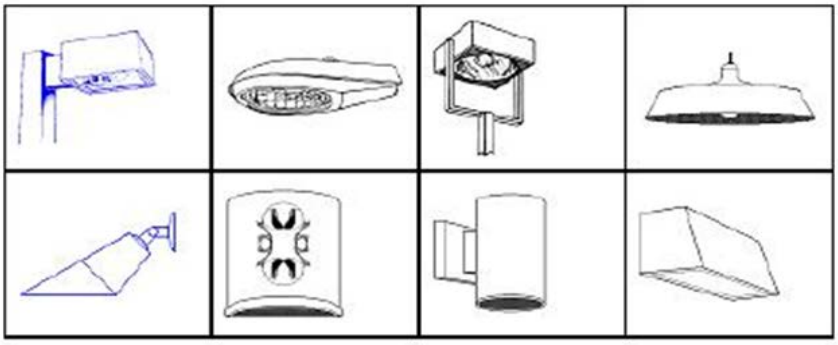


Figure 4.05-1 (Light Shielding Illustration): Fully shielded

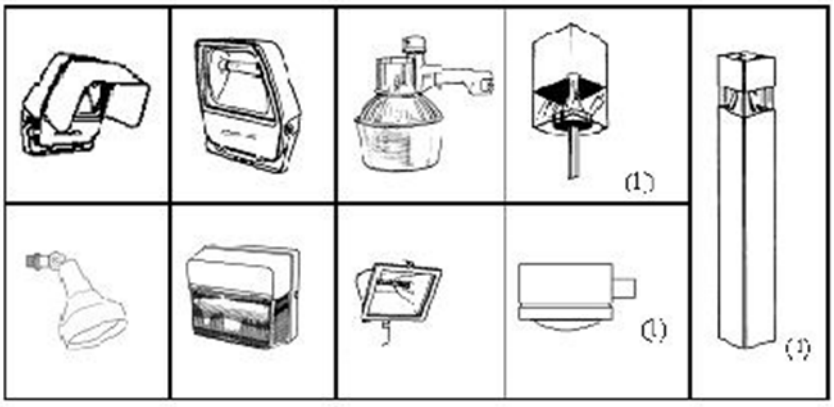


Figure 4.05-2 (Light Shielding Illustration): Not fully shielded

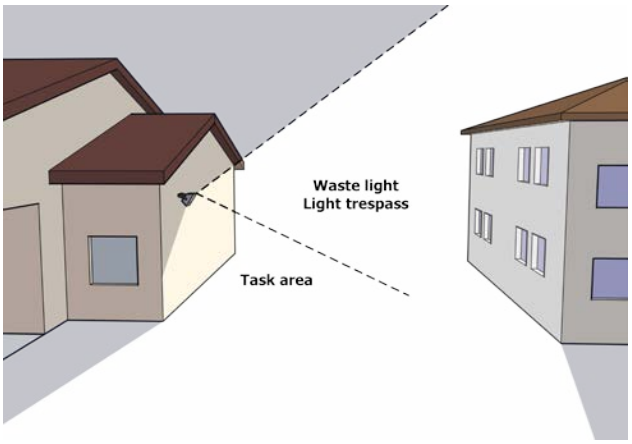


Figure 4.05-3 (Light Trespass Illustration): Does not comply – Light trespass

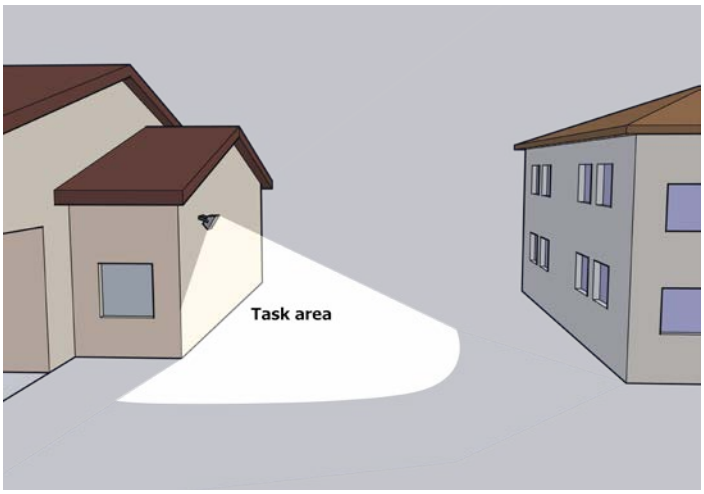


Figure 4.05-4 (Light Trespass Illustration): Complies – No light trespass

b. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Wall mounted lights shall be directed downward. Soffit or canopy mounted light fixtures shall be recessed in the soffit or otherwise fully shielded.
c. Lighting on automobile service station, convenience store, and other outdoor canopies shall not protrude downward beyond the ceiling of the canopy.

3. NEON LIGHTING

Neon lighting as building accent lighting may be approved in compliance with the following criteria:

a. Neon lighting may be used to accent architectural building elements, except that vertical bands may not be used along building corners.
b. Neon lighting shall be a minimum of six inches below the top of the parapet or roof eave line and shall not be on top of the parapet or above the eave or along roof hips and/or ridge lines.
c. Neon lighting shall only be used on building elevations facing residential zoning districts where a public right-of-way of at least 70 feet in width

buffers the residential district from the property containing the neon lighting.

d. Neon lighting shall not be used with reflective backgrounds that intensify the emitted light.
e. Neon lighting shall be kept in good repair at all times.

14.04.06. Neighborhood Protection Standards

A. INTENT

This section is intended to preserve the residential neighborhood character of established homes within multi-family districts and adjacent to Mixed Use or Special zoning districts.

B. APPLICABILITY

1. These standards apply to:

   a. All lots in the R-3 and R-M districts that contain a principal use other than a single- or two-family dwelling; and
   b. All lots located in any zoning district other than the R-A, R-E, R-1, and R-2 districts that share a side or rear lot line with a lot in the R-A, R-E, R-1, and R-2 districts containing a single- or two-family dwelling.

2. If any of these standards conflict with the dimensional standards in Section 14.04.01, intended for neighborhood protection, the stricter standard shall apply.

C. BUILDING HEIGHT

Buildings constructed after the effective date of this Code with a height greater than 30 feet shall reduce the perceived height of the building when viewed from adjacent lots by using at least one of the following techniques.

1. "Stepping down" building height of any portion of the building within 100 feet of the side and rear lot lines to a maximum of 30 feet, unless the dimensional standards of Section 14.04.01 require stepping down to a lower height.
2. Increasing the side yard and rear yard setbacks a minimum of 10 feet beyond that otherwise required in the zone district where the property is located.

D. SCREENING AND BUFFERING

1. The standards of Section 14.04.04.F (Property Edge Buffering) apply.
2. When the standards of that Section require the construction of a wall or fence, the following applies:

   a. If the applicant's property is in the R-3 or R-M districts, the required landscaping shall be installed on the side of the fence or wall facing towards the adjacent lot with a single- or two- family dwelling; and
   b. If the applicant's property is in any other district except the R-A, R-E, R-1, R-2, or RMH districts, the required landscaping shall be installed on the side of the fence or wall facing towards the R-A, R-E, R-1, R-2, or RMH districts.

E. PARKING, LOADING, AND CIRCULATION

1. No parking area, drive-through lane, or vehicle circulation driveway shall be located between a primary structure on a lot containing a use other than a single- or two-family use and any side property line abutting a lot containing a single- or two-family dwelling.
2. If the context of a site makes subsection 1 above impractical, the Zoning Administrator may approve a parking lot design that locates a parking area, drive-through lane, vehicle circulation driveway, or a combination of these three site planning elements, in the area described in subsection 1 above, provided all of those three site planning elements are located at least six feet from an adjacent lot containing a single- or two-family dwelling.

F. LIGHTING HEIGHT

The maximum height of any lighting pole within 50 feet of the side or rear lot lines of lots subject to this Section 14.04.06 shall be 20 feet.

14.04.07. Site and Building Design Standards

A. INTENT

The intent of this section is to:

1. Allow full development of properties consistent with the dimensional and other district specific standards established in Article 2 and Section 14.04.01 while establishing basic requirements for building and site features that will create stable residential neighborhoods, mixed use, commercial, and industrial areas.
2. Enhance the public realm.
3. Reduce conflicts between existing and new structures.
4. Encourage effective development of street frontages and other public elements that enable new projects to add value to existing communities.
5. Encourage creative and sustainable design responses to contemporary opportunities.
6. Improve the overall design quality of the city through the use of objective standards that can be administered by the Department without the need for individualized design review of projects.

B. SITE DESIGN

1. APPLICABILITY

The standards of subsection 2 below apply to all development in the city. The standards of subsections 3 and 4 below apply to all new development, redevelopment, and remodels, in any zoning district, except single-family detached, single-family attached, two-family, co-housing, and live/work residential dwellings.

2. GRADING AND DRAINAGE

a. Site grading and drainage system designs shall be in compliance with the adopted City Storm Water Management Plan and approved by the City.
b. Exposed graded areas shall be restored with revegetation or inert ground covers.

c. No lot may be altered to permit water from any source to flow from that lot to an adjoining lot other than as nature intended unless it is directed to an existing drainage easement.

3. SITE UTILITIES

On-site utilities that provide direct service to a property shall be installed underground. The developer or owner shall be responsible for complying with this requirement and making the necessary arrangements with the utility companies for installation of necessary facilities, unless the Commission or Council waives this requirement when approving a development project. Appurtenances and associated equipment (not including light or power poles) may be placed aboveground, provided they are not be placed in required front or side yard setbacks and are adequately screened to prevent visibility from the street.

4. SITE LAYOUT

The overall layout of a proposed project site including but not limited to building placement, parking lot and loading areas, driveway access, and circulation patterns shall be designed to not adversely impact existing or future development of surrounding properties and traffic patterns on adjacent streets.

C. BUILDING DESIGN

1. APPLICABILITY

a. The standards of this section apply to all new development in any zone district except:

(1) Structures in which the principal use is one of the following use categories or subcategories as shown in Permitted Use Table 3-1.
(A) Single-family detached and attached residential;
(B) Two-family residential;
(C) Co-housing dwellings;
(D) Live/work dwellings;
(E) Open space, park or playground;
(F) Public utility facilities;
(G) Parking lot (primary use);
(H) Community gardens;
(I) Heavy Commercial Services located in the LI and I districts; and
(J) Industrial located in the LI and I districts.

b. A change in the principal use of an existing structure that does not alter the exterior of the structure, or only affects the signage on the exterior of the structure.

c. In the case of a conflict between the design standards in this section and design standards applicable to a particular project because of its location in a zoning district listed in Sections 14.02.03 through 14.02.05 (Base Zoning Districts) with specific standards, an overlay district listed in Section 14.02.06 (Overlay Zoning Districts), or because of a use-specific standard in Section 14.03.03 (Use-Specific Standards), the provisions of the base or overlay zoning district or use-specific standard shall govern.

2. MATERIALS

Materials used in constructing and finishing a structure shall be of high quality, adobe, brick, stone, or cementitious materials, durable under desert climate conditions, that display a similar level of quality and architectural interest as materials used in the design of structures adjacent to the proposed structure. Materials may not create shine or create glare that the Director determines will create a risk to traffic safety.

3. COLORS

The color of exterior building walls and roofs, retaining walls, and accessory structures on a proposed site shall be similar to and reflect (1) the predominant natural colors of the area or (2) the colors used on the built environment adjacent to the proposed development.

4. ENTRIES AND ACCESSIBLITY

a. Each principal building shall have one or more operating entry doors facing and visible from an adjacent public street.
b. The location of the building entry shall be emphasized by the use of different materials, wall articulation, or foundation plantings around the entry.
c. Building entries and window openings shall be protected and shaded using roof overhangs, building projections or recesses, or other similar design elements.
d. All principal entrances of principal buildings shall have direct access to a sidewalk, walkway, or pathway that leads to a public street. Each of these pedestrian connections shall comply with Section 14.04.03. (Access and Circulation). If a sidewalk does not currently exist, and there is a sidewalk system in place on either adjacent property with frontage on the same street, sidewalks shall be installed to connect to the existing sidewalk system.

5. WALL PLANE LENGTH AND ARTICULATION

When the primary use of the building is not categorized as Industrial in Table 3-1, each façade greater than 100 feet in length abutting a public street shall incorporate architectural features such as wall plane projections, recesses, or other building material treatments and textures that visually interrupt the wall plane. No uninterrupted length of any façade shall exceed 100 hundred horizontal feet.

14.04.08. Sign Standards

A. PURPOSE

This section regulates the use of signs and billboards in the city in order to protect its aesthetic environment, provide standards for communication by means of outdoor graphics, and safeguard the health and safety of its residents.

B. PROHIBITED SIGNS

The following signs are inconsistent with the purposes and standards of this Section and are prohibited in all zoning districts unless otherwise indicated:

1. ABANDONED SIGNS

Signs that advertise a business, lessor, owner, product, service, or activity no longer located on the site are prohibited and shall be removed no later than 90 days after the close of the business service or activity being advertised.

2. ANIMATED AND ELECTRONIC SIGNS

No sign shall be allowed that is animated by means of flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. Public service information signs and other electronic message centers classified as "changing signs" are allowed.

3. OFF-PREMISE SIGNS

Signs that advertise goods, products, entertainment, services, or facilities at a different location from that of the sign shall not be allowed except as identified in Table 4.08-1 under Section D below.

4. PARKING OF ADVERTISING VEHICLES

Vehicle signs attached to or painted on motor vehicles that are parked on property for more than 48 consecutive hours when the principal purpose is to attract attention to a product sold or a business, person, or event shown on the vehicle shall be prohibited.

5. POLE SIGNS

Pole signs with exposed poles, masts, or exposed structural supports are prohibited.

6. PORTABLE SIGNS

Portable or wheeled signs are prohibited, except for signs allowed on motor vehicles.

7. POSTERS AND MISCELLANEOUS SIGNS

Tacking, pasting, or otherwise affixing signs of a miscellaneous character on the walls of buildings, barns, sheds, trees, posts, fences, or other structures or objects so as to be visible from a public right-of-way is prohibited unless otherwise allowed by this Section.

8. PROJECTING SIGNS

Projecting signs with visible iron frames or structures are prohibited.

9. ROOF SIGNS

Roof signs shall not be allowed and the painting or changing of existing roof sign panels shall not be allowed.

10. SIGNS IN PUBLIC AREAS

a. GENERAL

Signs shall not be allowed on a curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on public property or on/over a public right-of-way.

b. EXCEPTIONS

(1) Signs on benches and trash receptacles may be placed in a public right-of-way in accordance with Section 14.04.08.BD below.
(2) Signs may be located on public property subject to the following criteria and approved by the Commission:

(A) The right-of-way width is 200 feet or greater.
(B) Signs are set back a minimum of 50 feet from the centerline of a right-of-way.
(C) Sign heights do not exceed 12 feet above the adjacent road centerline grade.
(D) Only one site per site ingress/egress is permitted.
(E) The location of a sign is approved by the City.
(F) The owner enters into a hold harmless agreement with the City.

11. SWINGING SIGNS

Swinging signs that exceed six square feet in area are prohibited.

12. TEMPORARY SIGNS

Pennants, searchlights, twirling signs, sidewalk or curb signs, balloons, and other gas-filled figures shall not be allowed on a permanent basis except as allowed by Section 14.04.08.BD below.

13. UNCLASSIFIED SIGNS

Signs exhibiting the following characteristics are prohibited:

a. Signs that bear or contain statements, words, or pictures of an obscene, pornographic, immoral character, or that contain advertisements that are untruthful.
b. Signs that are painted on or attached to a fence or a wall that is not structurally a part of a building, except in the case of residential properties.
c. Signs that employ a slide or motion picture projection or form of media in conjunction with an advertisement, or have a visible moving part, or give the illusion of motion, except as otherwise allowed in this Section 14.04.08.
d. Signs that emit audible sound, odor, or visible matter.
e. Signs that resemble or imitate an official traffic sign or signal, or bear the words "Stop," "Go Slow," "Caution," "Warning," or similar words.
f. Signs that, by reason of their size, location, movement, content or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal device.

C. SIGN PERMIT REQUIRED

1. A sign permit is required to raise, construct, enlarge, move, alter, or rebuild a sign, except for signs that do not require a permit in compliance with Section 14.04.08.BD below
2. An application for a sign permit shall be made in accordance with the procedures identified in Section 14.05.04.B.

D. SIGNS THAT DO NOT REQUIRE A PERMIT

1. Sign permits shall not be required for the signs identified in Table 4.08-1, provided the sign complies with all applicable standards in this Section 14.04.08 including, but not limited to, any restrictions and conditions related to the exemption in this Section 14.04.08.B.

2. Signs not requiring a permit shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

Table 4.08-1: Signs Exempt From Permit Requirements			
SIGN TYPE	NUMBER (MAX)	AREA (SF)(MAX)	OTHER CONDITIONS
Balloons	100	N/A	▪ No more than 30 ft. above ground ▪ Not on top of a roof ▪ Permitted for commercial uses in special purpose and mixed-use zoning districts ▪ Shall be no greater than 16 inches in size ▪ Permitted Friday - Sunday and on holidays ▪ Shall be taken down at night ▪ Shall not be cut loose and allowed to float away ▪ Shall be inflated with nonflammable gas
Construction signs (except those required by the State Registrar of Contractors)	1/site	32 sf.	▪ Shall be erected no more than 30 days prior to the start of construction ▪ Shall be removed 30 days after the completion of construction and prior to occupancy ▪ Must be on construction site ▪ A valid building permit must be obtained for the site
Directional/ Instructional signs		6 sf.	▪ Must be located entirely on respective property ▪ No more than 2 per property entrance point ▪ No more than 25% of total sign area shall contain words or symbols identifying a business
Flags			▪ Shall be a flag exhibiting the emblem or insignia of a nation, political subdivision, or corporation
Government/ Utility signs relative to public health, safety, and welfare			▪ Sign shall be erected by or on the order of a public officer in the performance of his or her public duty
Grand opening sign	1/site	30 sf.	▪ Must be removed within 30 days after opening of a new business
House numbers/name plates		2 sf./ residential unit	
Interior signs			▪ Interior signs are not exempt from the structural, electrical, or material specifications identified in any applicable codes of Mohave County or the State of Arizona
Memorial signs			▪ If not an inscription, memorial signs shall be constructed of bronze or another incombustible material
Notice bulletin boards		24 sf.	▪ Permitted on the premises of institutional uses identified in Table 3-1 (Permitted Use Table)
No-trespassing or No-dumping signs	4/parcel	1.5 sf. /sign	▪ Additional signs may be approved by the Zoning Administrator based on anticipated risks or threats to public health and safety.
Occupant name or occupation	1/ dwelling unit	1 sf.	

Table 4.08-1: Signs Exempt From Permit Requirements			
SIGN TYPE	NUMBER (MAX)	AREA (SF)(MAX)	OTHER CONDITIONS
sign			
Permanent window signs		50% of each window area	▪ Limited to parcel frontage or tenant space main entrance ▪ Not permitted on residential land uses
Plaques/ name plates		2.5 sf.	▪ Shall be attached directly to building
Public signs			▪ May be exempt from other sign requirements, including size, height, illumination, etc., provided the sign complies with the applicable law, order, rule, or regulation
Real Estate signs	1/parcel	Residential districts: 6 sf. Mixed-Use and Special Purpose districts: 16 sf.	▪ Shall be removed seven days after the sale, rental, or lease of the property
Signs on park benches			▪ If placed in the public right-of-way, donors are limited to service clubs, business associations, or other nonprofit organizations ▪ Sign letters shall not exceed 1 inch in height, or ▪ Sign logo shall not exceed 12 inches in diameter
Signs on waste receptacles			▪ Shall indicate purpose of receptacle and/or name of the donor ▪ If placed in the public right-of-way, donors are limited to service clubs, business associations, or other nonprofit organizations ▪ Sign letters shall not exceed 1 inch in height, or ▪ Sign logo shall not exceed 12 inches in diameter
Neighborhood or tract identification			▪ Existing signs, masonry walls, landscaping, or other similar features may be used to display the neighborhood or tract name
Symbols or insignia		4 sf.	▪ Limited to religious symbols and emblems, commemorative plaques, or historical event/agency identification ▪ Shall be placed flat against a building
Temporary signs		4 sf.	▪ Shall pertain to events of civic, philanthropic, educational, or religious organizations
Warning signs			▪ Shall warn of public dangers ▪ Shall be removed when the danger subsides
Vehicle dealership display lot signage		Single banner: 30 sf. Aggregate banner: 100 sf.	▪ Banners shall be allowed on vehicle/watercraft display lot fences and gates, for parcels with a minimum frontage of 250 ft.
Open house directional signs	4/ residence for sale	24 in. x 24 in Text area: 3.5 sf.	▪ Shall direct traffic to a residence for sale ▪ Shall only state "Open House" and include a directional arrow ▪ Shall be space a minimum of 100 ft. apart ▪ Shall be placed within 1 mi. of the residence for sale ▪ Shall only be used during the time of the open house ▪ Shall not be illuminated ▪ Shall be of durable material, anchored to withstand wind gusts, and maintained in a visually pleasing condition ▪ Open house directional signs not meeting all of these bulleted

Table 4.08-1: Signs Exempt From Permit Requirements			
SIGN TYPE	NUMBER (MAX)	AREA (SF)(MAX)	OTHER CONDITIONS
			conditions can be removed and discarded without notice.
Garage sale sign	2	4 sf.	▪ Permitted during the sale only for a duration of 3 days ▪ Shall be freestanding and removed after completion of the sale; ▪ Shall not be placed on the street right(s)-of-way; ▪ Shall not be larger than 4 square feet; and ▪ When placed on private property shall have the owners' prior permission.

E. NONRESIDENTIAL USE SIGNS

The provisions of this Subsection E apply to all non-residential uses of land in all zone districts, except for those located in the MU-UMS (addressed in Subsection G), MU-SGD (addressed in Subsection H), or along Highway 95 (addressed in Subsection I).

1. GENERAL

a. DESIGN

Signs shall be designed and constructed of a building material compatible with the primary structure(s) on the site.

b. ILLUMINATION

Illuminated signs shall be internally illuminated or shall be illuminated with the light source completely screened from view and as otherwise required in Section 14.04.05.

2. PERMANENT SIGNS

Permanent signs for nonresidential uses shall comply with the standards in Table 4.08-2.

Table 4.08-2: Permanent Sign Standards for Nonresidential Areas					
SIGN TYPE	BUSINESS TYPE	NUMBER OF SIGNS (MAX)	BASE AREA (SF)(MAX)	SIGN AREA (SF)(MAX)	HEIGHT (FT)(MAX)
Freestanding	Single Business Parcel	1/parcel with a frontage of 50 ft. or more	30	1 sf/ linear foot (lf) of building frontage for first 50 linear feet, plus 0.5 sf/ for each additional 1 lf, up to 200 sf (max.) of aggregate sign area for each lot frontage	8 ft. for parcels with lot frontages between 50 and 100 ft. 15 ft. for parcels with lot frontages of 100 lf or greater
	Business w/in Center/ Complex		30	1 sf/ linear foot of building frontage for first 50 linear feet of frontage, plus 0.5 sf/ for each additional 1 lf up to 200 sf (max.) of aggregate sign area (in the case of tenant spaces with more than 1 frontage, only the main entrance frontage shall be considered)	
	Center/ Complex	1/each street frontage	50 sf/ 100 lf of building frontage, plus 0.5 sf./each additional 1 lf		

Table 4.08-2: Permanent Sign Standards for Nonresidential Areas					
SIGN TYPE	BUSINESS TYPE	NUMBER OF SIGNS (MAX)	BASE AREA (SF)(MAX)	SIGN AREA (SF)(MAX)	HEIGHT (FT)(MAX)
			up to a maximum sign area of 80 sf (Area of sign shall be in addition to the total allowed sign area for individual businesses provided above)		
	Business w/ Alley Frontage			1 sf/lf of building frontage on an alley for first 20 lf, plus 0.5 sf/ each additional lf, up to a maximum sign area of 40 sf	
	Auto, RV, Marine Dealerships	1/parcel with 50-250 lf of frontage 2/parcel with more than 250 lf of frontage	See business parcel standards above	See business parcel standards above	1st sign: 15 ft. 2nd sign: 8 ft.
Freestanding Signs, Other Conditions	▪ Businesses within a parcel that contains more than one business are not entitled to freestanding signs for individual businesses unless the businesses (a) are on parcels with at least 100 ft. of street frontage, (b) the signs are authorized by a city-approved Parking-in-Common plan, or (c) the parcel or portion of a parcel containing the business has been excepted from compliance with an approved Parking-in-Common plan by later action of the Commission. ▪ No freestanding sign shall be located closer than 5 ft. to an interior property boundary. ▪ No freestanding sign may project into or over an abutting public right-of-way. ▪ Address numbers at least 4 inches and no more than 8 inches in height shall be included on all sign structures.				
Wall Signs			Same as indicated above for freestanding signs		
Wall Sign, Other Conditions	▪ Wall signs are allowed for each parcel having frontage on a public right-of-way. ▪ Where a parcel fronts on more than 1 public right-of-way or street, including PIC areas, but excluding alleys and service ways, these provisions shall apply to each frontage. ▪ Wall signs may be directly or indirectly illuminated, except for signs on building frontages, on alleys, or Parking-in-Common areas where signs would be visible from residential uses.				

3. TEMPORARY SIGNS

Temporary signs for nonresidential uses are shall meet the standards in Table 4.08-3.

Table 4.08-3: Temporary Nonresidential Sign Standards						
SIGN TYPE	PERMIT	NUMBER (MAX)	SIGN AREA (SF)(MAX)	HEIGHT (FT)(MAX)	LOCATION	OTHER CONDITIONS
A-Frame	Yes	1	2 ft. x 3 ft.		▪ On parcel advertising ▪ Not within ROW	▪ Shall be separated by at least 10 ft. in a center/complex

Table 4.08-3: Temporary Nonresidential Sign Standards						
SIGN TYPE	PERMIT	NUMBER (MAX)	SIGN AREA (SF)(MAX)	HEIGHT (FT)(MAX)	LOCATION	OTHER CONDITIONS
					unless encroachment permit approved ▪ Not in parking area ▪ Within storefront area of a center/complex ▪ Placement shall not interfere with pedestrian walkways	▪ Shall be of professional appearance and constructed of durable, weather resistant materials ▪ Attachments to the sign are prohibited ▪ Display hours shall be from 7 a.m. to 9 p.m.
Banners, Outdoor storage areas without primary building		1/adjacent ROW	30 sf.		May be attached to a fence	
Banners, Vertical, teardrop, blade	Yes	1/50 lf of lot frontage adjacent to a ROW, but no more than 2 banners 1/business if in a center/complex	24 sf.	8 ft.	▪ On the parcel of land near to the business advertising ▪ Shall be separated by a minimum of 10 ft. from another banner ▪ Not in the ROW ▪ Shall not interfere with traffic	▪ Permitted if other wall banners are not already approved ▪ Shall not be illuminated
Banners, Wall	Yes		1% of the ground floor area of the building or 30 sf, whichever is greater, but no larger than 100 sf.		Building mounted	▪ Not permitted in conjunction with vertical, tear drop, or blade banners ▪ Shall remain taught and not move in response to atmospheric changes
Commercial Flags	Yes					Permitted for commercial uses with approved outdoor sales
Pennants	Yes	1 strand per 15 feet of parcel frontage				▪ Permitted for commercial uses with approved outdoor sales ▪ May not exceed width of property

F. RESIDENTIAL USE SIGNS

The provisions of this Subsection F apply to all residential uses of land in all zone districts, except for those located in the MU-UMS (addressed in Subsection G), MU-SGD (addressed in Subsection H), or along Highway 95 (addressed in Subsection I). Table 4.08-4 identifies the specific types of signs allowed to residential uses of land and the standards that apply to that sign type.

TABLE 4.08-4: RESIDENTIAL AREA SIGN STANDARDS					
SIGN TYPE	NUMBER (MAX)	SIGN AREA (SF)(MAX)	HEIGHT (FT)(MAX)	LOCATION	OTHER CONDITIONS
Identification sign					
Multi-Family Dwellings	1	20 sf		Building Wall	▪ Shall only identify the building name and address ▪ Shall be indirectly or not illuminated
Manufactured Home Parks	1	30 sf if parallel to ROW 15 sf if perpendicular to ROW			Sign may be lit or unlit
Model home signs (no model home sign may be illuminated)					
Freestanding	1/parcel frontage	24 sf combined total for all frontages	8 ft.		1 additional removable sign with a maximum area of 3 sq. ft. identifying the premises as "open" or "closed" and/or hours of operation shall be allowed as an attachment to the principal freestanding sign
Flag	2	3 ft. x 5 ft.	15 ft.		
Temporary		Banners: 30 sf Pennants: 3 strands		Front yard behind the required setback	▪ Permitted for grand openings for a maximum of 45 consecutive days ▪ Banners are permitted for a maximum of 5 days/event for up to 4 events/year ▪ Sign permits shall be required for each calendar year ▪ Signs shall be maintained in good condition

G. MU – UMS DISTRICT SIGN STANDARDS

Table 4.08-5 sets forth standards for business signs permitted in the UMS – MU District. Where the standards of this Section 14.04.08.G conflict with other standards in this Section 14.04.08, the standards of Section 14.04.08.G shall apply.

TABLE 4.08-5: MU-UMS SIGN STANDARDS					
SIGN TYPE	NUMBER (MAX)	SIGN AREA (SF)(MAX)	HEIGHT (FT)(MAX)	LOCATION [1]	OTHER CONDITIONS
Building Mounted	▪ 2/frontage ▪ if 2 or more frontages, 3	Shall comply with Table 4.08-2 above	▪ 12 ft. from sidewalk level, or ▪ Below the cornice		

TABLE 4.08-5: MU-UMS SIGN STANDARDS					
SIGN TYPE	NUMBER (MAX)	SIGN AREA (SF)(MAX)	HEIGHT (FT)(MAX)	LOCATION [1]	OTHER CONDITIONS
	signs (max)		line of building		
Awning/ canopy					▪ May be used in addition to wall signs ▪ Shall only be allowed at ground level and on the portion of the building occupied by the business
Projecting /hanging	1	10 sf	▪ 8 ft. (min). ▪ See building mounted for max.	▪ Perpendicular to building face or corner ▪ Shall hang at least 6 inches away from building wall ▪ Shall extend no further than 6 feet from building wall	▪ May be used in addition to wall signs
Wall Mounted					
Building Identifi-cation	1	24 sf		▪ On second level ▪ Centered along horizontal plane of building	▪ Allowed for buildings exceeding one level
Directory		6 sf		▪ Adjacent to sidewalk level door or entry ▪ 8 ft. from ground level (Max.)	▪ Shall not include any advertisements
Fronting on a pedes-trian walkway		6 sf		▪ 8 ft. from ground level (Max.) ▪ Shall only be located on portion of building occupied by the business that fronts a pedestrian walkway	
Portable	Single	9 sf per face	4 ft.	▪ Must be	▪ Permit required

TABLE 4.08-5: MU-UMS SIGN STANDARDS					
SIGN TYPE	NUMBER (MAX)	SIGN AREA (SF)(MAX)	HEIGHT (FT)(MAX)	LOCATION [1]	OTHER CONDITIONS
(limited to A-frame signs)	business: 1 sign Center / complex: 1 per 25 ft. of building frontage, up to a max. of 4 signs			located in front of property to which sign applies ▪ 10 ft. min. spacing between portable signs ▪ Must maintain min. clear pedestrian walkway of 4 ft. ▪ May not obstruct access points or features required by ADA	pursuant to Sec. 14.05.04.B ▪ Must be constructed of durable, weather resistant materials ▪ Must be of sufficient weight or anchored to withstand wind gusts. ▪ May not include attachments such as flags or ribbons ▪ May be removed when business not open

H. C-SGD DISTRICT SIGN STANDARDS

In the C-SGD district, signs shall comply with the provisions of this Section 14.04.08, unless otherwise provided in this subsection 14.04.08.H.

1. WALL SIGNS

No wall signs shall be allowed facing any adjacent residential zoning district except for 1 business identification sign per development, not to exceed 6 square feet in area per development.

2. MONUMENT SIGNS

a. In addition to the sign area allowed in Table 4.08-2 (Nonresidential Sign Standards), each development shall be allowed one additional monument sign measuring up to 24 square feet located in the front landscape buffer parallel to the front right-of-way.
b. The sign shall not exceed 4 feet in height and shall not extend beyond the front property line.

c. The sign shall be designed using one of the options shown in Figure 4.08-2 below.

d. The property shall comply with Section 14.04.04 (Landscaping and Screening) prior to the monument sign approval.

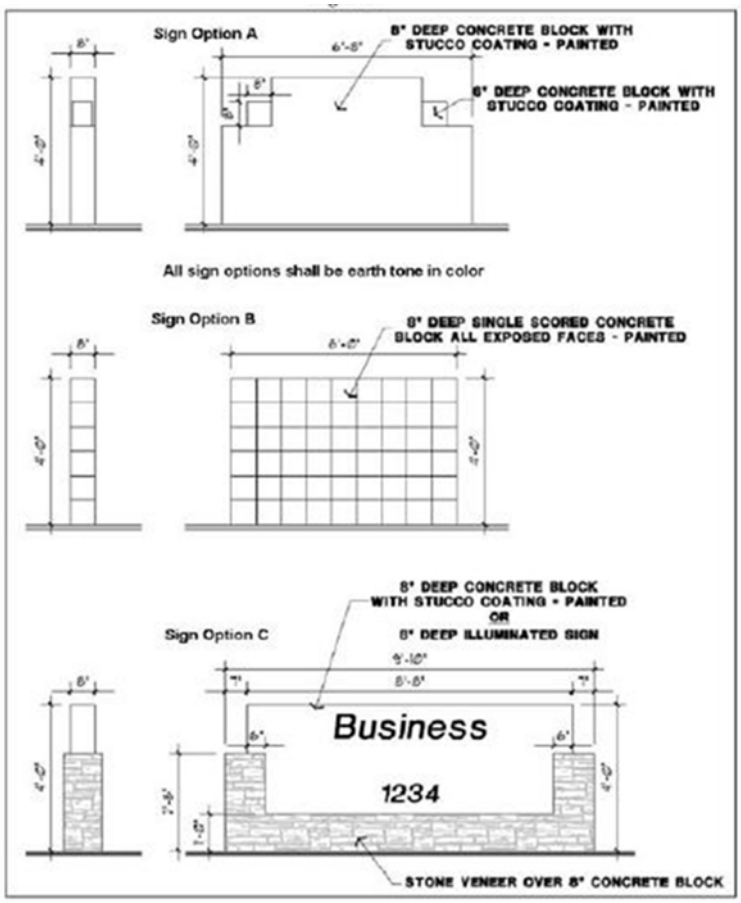


Figure 4.08-2: C-SGD Monument Sign Design Options

I. HIGHWAY 95 SIGN STANDARDS

A freestanding sign is permitted on parcels with commercial and industrial land uses along Highway 95 from Lake Drive to the northern city limits in compliance with the standards in Table 4.08-6.

TABLE 4.08-6: HIGHWAY 95 SIGN STANDARDS					
SIGN TYPE	NUMBER (MAX)	SIGN AREA (SF)(MAX)	HEIGHT (FT)(MAX)	LOCATION	OTHER CONDITIONS
Freestanding Sign	1/parcel with at least 200 lf of frontage along Highway 95	250 sq. ft. (this area counts towards the business's overall aggregate sign area	▪ 30 ft. above the highest centerline elevation of the two lane portion of HWY 95 adjacent to the property	▪ Shall be on the intended property ▪ Setback at least 5 ft. from any property line ▪ Cannot overhand into ROW	▪ Sign base must be architecturally enhanced ▪ Base must be at least 40% as wide as the full sign width

J. NON-COMMERCIAL MESSAGE SIGNS

1. GENERAL

A non-commercial message may be substituted for any commercial sign permitted under this Section 14.04.08.

2. ALL ZONING DISTRICTS

Signs containing non-commercial messages shall be allowed in all zoning districts in accordance with the following:

a. Duration

Signs shall not be erected earlier than 60 days prior to an election and shall be removed within 15 days after the primary or special election.

b. Fee Required

Each party or individual shall pay a sign fee as adopted by City Council, prior to placing any signs.

c. Safety

Signs shall not be placed on public property, utility poles or similar devices, or in a location that is hazardous to public safety, obstructs clear vision in the area, or interferes with the requirements of the Americans with Disabilities Act.

3. POLITICAL SIGNS

In addition to meeting the requirements of Subsection 2 above, Political Signs shall meet the following requirements.

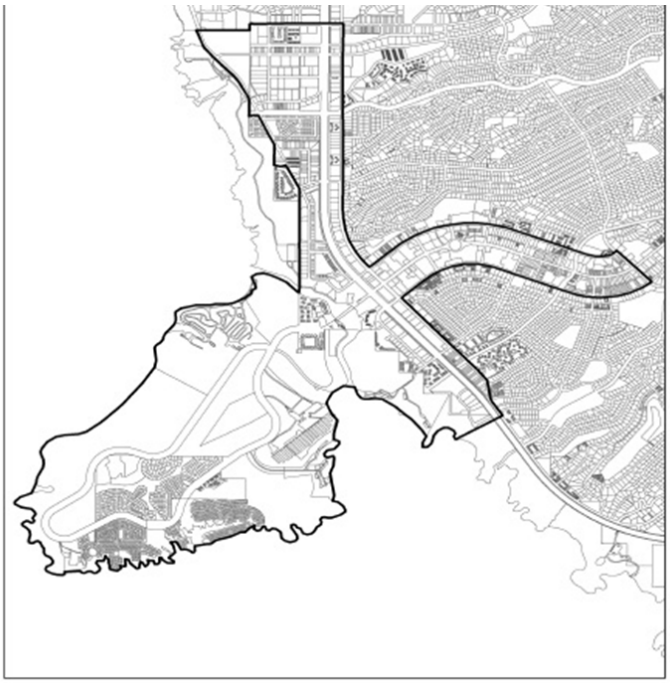


Figure 4.08-3: Sign Free Commercial Tourism, Commercial Hotel, and Hotel Zone

a. Removal

The person, political party, or parties responsible for the erection or distribution of signs shall be jointly and individually liable for their removal.

b. Residential Areas

Signs placed in a residential area shall not exceed 16 square feet in area and shall not require a permit.

c. Public rights-of-way and Sign Free Area

Notwithstanding other provisions of this Code, political signs may be placed within the public right-of-way, except in the commercial tourism, commercial resort, and hotel sign free zone designated by the City pursuant to Arizona Revised Statutes 16-1019F and illustrated in Figure 4.08-3.

14.04.09. Operation and Maintenance Standards

A. MAINTENANCE STANDARDS

1. GENERAL

When the standards and procedures of this Code or by conditions attached to any permit, development approval, or variance require that any building or site feature be constructed or installed, the property owner is responsible for maintaining those building or site features in good repair, and for replacing them if they are damaged or destroyed or, in the case of living materials, if they die after installation. In addition, property owners shall be responsible for each of the additional maintenance, replacement, and operating standards set forth in this Section 14.04.09.

2. LANDSCAPE MAINTENANCE

Landscaping shall be maintained in an orderly and healthy condition. This shall include regular pruning, mowing of turf, weeding, removal of litter, fertilizing, replacement of plants when necessary, and application of appropriate quantities of water to all landscaped areas. Maintenance practices shall include performing routine irrigation system repair and adjustments, scheduling irrigation, using moisture-sensing or rain shut-off devices, conducting water audits, and prescribing the amount of water to be applied per landscaped area.

3. ACCESS AND CIRCULATION MAINTENANCE

Required ingress, egress, and circulation improvements shall be kept clean and in good repair.

4. PARKING AND LOADING AREA MAINTENANCE

Parking and loading areas shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly, and broken or splintered wheel stops shall be replaced so that their function will not be impaired. Painted parking space boundaries, handicap designations, and directional symbols shall be maintained so as to be easily distinguishable.

5. TRASH FACILITIES MAINTENANCE

It shall be the responsibility of the property owner to ensure that the immediate surroundings and the floor of trash/recyclable material enclosures are kept clean and free of debris, that the enclosure gates have operable latches, that the enclosure gates remain closed, and that the container lids remain closed at all times except during periods of actual use. Trash to be collected may be placed at the street right-of-way line on the assigned collection day for a period not to exceed 12 hours.

6. SIGN MAINTENANCE

a. General

Signs shall be maintained by the owner or person in possession of the property on which the sign is located in conformance with the conditions of the sign permit.

b. Damaged Signs

A damaged sign base shall be repaired within 60 days. If the Zoning Administrator determines that a damaged sign may pose a hazard to public safety, it shall be repaired or removed immediately.

c. POLE COVERS AND SIGN CABINETS

Internally illuminated sign cabinets or sign panels that have been damaged shall not be illuminated until repaired.

7. EASEMENT MAINTENANCE

An easement area shall be maintained by the property owner, except for those improvements for which a public authority or utility company is responsible.

B. OPERATING STANDARDS

All structures, uses, and activities in all zone districts shall be used or occupied so as to avoid creating any dangerous, injurious, noxious or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on neighboring properties. Uses and activities that operate in violation of applicable state or federal statutes or this Code are presumed to be a violation of this section 1104.10(b). Property owner responsibilities under this section shall include but shall not be limited to the following:

1. GLARE

Direct or reflected glare, including glare from exterior lighting, shall not be visible at the property line.

2. NOISE

All activities shall comply with Section 9-30 of the City Code and shall be conducted so as to avoid the creation of any noise that would create a public nuisance or a nuisance interfering with the use and enjoyment of adjacent properties. Any amplified sound equipment shall be mounted so as to direct sounds inward from properties, rather than outward towards property boundaries. Amplified sounds shall not be allowed to cross property lines unless a temporary use permit has been issued for that purpose in connection with a special event.

3. ODORS

All activities shall comply with state statutes and regulations. No operation shall cause or allow the emission of any odorous air contaminant that is a nuisance, hazard or exceeds applicable federal or state regulations. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a development or building permit.

4. SMOKE

All activities shall comply with state statutes and regulations. No operation shall discharged into the atmosphere any contaminant for which threshold limit values are listed for working atmosphere by the American Conference of Governmental Industrial Hygienists in such quantity that the concentration of the contaminant at ground level at any point beyond the boundary of the property shall at any time exceed the threshold limit established by such conference or by any state or federal law or regulation. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited.

5. VIBRATION

No use or activity shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

6. HAZARDOUS MATERIALS

All uses and activities shall comply with state statutes and regulations regarding the use, storage, handling, and transportation of flammable liquids, liquefied petroleum, gases, explosives, hazardous materials, hazardous wastes, toxic materials and solid wastes, as those terms are defined by applicable statutes, rules, regulations, or ordinances.

7. MATERIALS AND WASTE HANDLING

All materials or wastes that might cause fumes or dust or that constitute a fire hazard or that may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed, impermeable trash containers that are screened in accordance with the requirements of this Redevelopment Code. Lubrication and fuel substances shall be prevented from leaking and/or draining onto the ground. All sewage and industrial wastes shall be treated and disposed of in compliance with the water quality standards applicable of the state and federal government.

8. ELECTROMAGNETIC RADIATION

No use or activity shall create or operate an intentional source of electromagnetic radiation that does not comply with the then current regulations of the Federal Communications Commission regarding that type of electromagnetic radiation source. In case of governmental communications facilities, governmental agencies, and government owned plants, the regulations of the interdepartmental Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.

9. NUISANCE PROHIBITED

All structures and land uses within the City shall be constructed, used, operated, and maintained in such a manner so as to be free of nuisances.

Article 5. Procedures and Enforcement

14.05.01. Reviewers and Decision-Making Bodies

This Development Code shall be administered by the Lake Havasu City Council, Planning and Zoning Commission, the Community Investment Department, the Community Investment Department Director, and the Zoning Administrator, and in compliance with state law (A.R.S. § 9-461), which shall collectively perform the functions of the Planning Agency in Lake Havasu City. This Section describes the authority and responsibilities of each of these bodies in the administration of this Development Code. Each reference to an individual or officer of the City includes any duly authorized representatives of the named individual or officer.

A. CITY COUNCIL

The City Council (the "Council"), in matters related to the city's planning process, shall perform the duties and functions identified in this Development Code, in compliance with state law (A.R.S. § 9-462.01) including but not limited to considering and making decisions on:

1. General Plan Amendments under Sec. 14.05.04.A;
2. Development Code Amendments under Sec. 14.05.04.K;
3. Zoning Map Amendments under Sec. 14.05.04.K;
4. Planned Development General Development Plans under Sec. 14.05.04.L
5. Appeals of Commission decisions under Sec. 14.05.03.O.6; and
6. Abandonment of Easements under Sec.14.05.04.J;

B. PLANNING AND ZONING COMMISSION

1. ESTABLISHMENT

The Planning and Zoning Commission, (the "Commission") is established in compliance with state law (A.R.S. § 9-461.02).

2. APPOINTMENT

The Commission shall be comprised of seven regular members and three alternate members appointed by the Mayor and Council. All Commission members/alternates shall be residents of the city and serve without compensation.

3. MEMBERSHIP TERMS

a. MEMBERS

The terms of office of the members of the Commission shall be for three years unless sooner removed by the Council for good cause shown.

(1) A member that was appointed to serve a partial term may be appointed to serve not more than two consecutive full terms.

(2) No member shall serve more than 2 consecutive full terms, plus any unexpired term that they have been appointed to fill. Except that in no case shall a member's tenure exceed seven and ½ years.
(3) After completion of two full terms, or seven and ½ years, a member may not be again considered for appointment as a regular member or alternate member for a period of 12 months.

b. Alternates

The terms of office of the alternates of the Commission shall be for two years unless sooner removed by the Council.

(1) An alternate that was appointed to serve a partial term may be appointed to serve not more than two full terms.
(2) No alternate shall serve more than one full term, plus any unexpired term that they have been appointed to fill. Except that in no case shall a member's tenure exceed four and 1/2 years if their initial appointment was to fill the vacancy of an alternate.
(3) After completion of one full term, or four and 1/2 years, an alternate may not be again considered for appointment as an alternate for a period of 12 months.

c. Commencement date

All terms of office shall commence on July 1 in the year of appointment.

d. Vacancies

If a vacancy should occur the vacancy shall be filled by appointment, by Council, for the unexpired portion of the term of the vacancy.

e. Serve until replaced

Members and alternates shall serve until their successor is appointed and qualified.

f. Staggering of terms

The terms of office shall be staggered.

4. MEETINGS AND PROCEEDINGS

a. Meetings

The regular meetings of the commission shall be held every first and third Wednesday of the month commencing at 9:00 a.m., unless properly noticed otherwise, with the location to be announced in the public notice.

b. Commission minutes

The minutes of the Commission shall be open to the public. The minutes of proceedings, showing the vote of each member and the records of its examination, evidence, findings, and other official actions, shall be kept and filed in the office of the Director as a public record.

c. Commission secretary

The Community Investment Department staff shall serve ex-officio as the secretary of the Commission, shall record all actions, shall provide written communications to the applicants, but shall have no vote.

d. QUORUM

A quorum necessary for the transaction of business shall consist of four members.

e. ORGANIZATION

The Commission shall elect its chairperson and vice chairperson from among its appointed members for a term of 12 months, who shall have the power to administer oaths and take evidence.

5. AUTHORITY AND DUTIES

The Commission shall have the authority to perform the duties and functions identified in this Development Code and by state law (A.R.S. §§ 9-461.02 et seq.) The Commission shall:

a. Engage in those planning activities authorized by state law, including the development and maintenance of the General Plan stating the city's goals and development policies for all of the mandatory elements.
b. Assist the Council with anticipating and guiding future development and change by preparing and recommending on capital improvement programs, ordinances, plans, regulations, reports, studies, and other documents for formal consideration and adoption by the Council.
c. Conduct hearings and other activities as identified in this Development Code.
d. Maintain the standards of architecture and site design in compliance with Sec. 14.05.04.H (Site/Design Review).
e. Hear and decide or recommend on requests for the following:
    (1) Whether to approve, conditionally approve, or disapprove Concept Development Plans, Conditional Use Permits, Parking-in-Common Plans, and Preliminary Subdivision Plats, and impose conditions determined to be reasonable and necessary to fully carry out the purpose, intent, and provisions of this Development Code;
    (2) Make recommendations to the Council on amendments to this Development Code, the General Plan and any specific plan, or the Zoning Map; and
    (3) Hear appeals of decisions or determinations made by the Director.
f. Sit as Administrative Hearing Officer in compliance with Sec. 14.05.01.F.2.

6. LIMITS OF RESPONSIBILITY

The Commission may not:

a. Obligate the city for any fees, materials, or services without the prior approval of the City Manager;
b. Deviate from any applicable city ordinances or state and federal laws in the execution of its duties and responsibilities; and
c. Fail to fully comply with state law (A.R.S. §§ 38-501 et seq.) dealing with conflict of interest matters.

C. BOARD OF ADJUSTMENT (BOA)

1. ESTABLISHMENT

The Board of Adjustment (the "BOA") is hereby established in compliance with state law (A.R.S. § 9-462.06). All members of the BOA must be residents of the City, must be at least 18 years of age, and shall serve without compensation.

2. APPOINTMENT

a. The BOA members shall be appointed by the Mayor and City Council.
b. The Mayor and City Council shall also appoint three alternate members who may be called by the Chairperson to serve in place of a regular member who is unable to attend the proceedings for the purpose of obtaining a quorum.

3. TERMS OF OFFICE

The terms of office of the members of the BOA shall be for three years, and the terms of office for alternates shall be two years, unless sooner removed by the Council for good cause shown.

a. A member that was appointed to serve a partial term may be appointed to serve not more than 2 consecutive full terms.
b. No member shall serve more than 2 consecutive full terms, plus any unexpired term that they have been appointed to fill.
c. If a vacancy should occur, other than by expiration, the vacancy shall be filled by the approval of the Mayor and Council, by appointment for the unexpired portion of the term of the vacancy.
d. If any member misses 4 regular meetings within the fiscal year without prior notification to the Chairman or the BOA Secretary, the member shall be deemed as resigned.

4. MEETINGS AND PROCEEDINGS

a. ORGANIZATION

At the first scheduled meeting each June, the BOA shall elect its chairperson and vice chairperson from among its appointed members for a term of 12 months commencing July 1. The chairperson has the power to administer oaths and take evidence. Chairpersons and vice-chairpersons are eligible for reappointment. Vacancies in the office of chairperson or vice chairperson shall be filled for the unexpired term by a new election at any regular or properly scheduled meeting of the BOA. A 1 year minimum in serving on the BOA is necessary before a member is eligible for nomination as chairperson or vice-chairperson.

b. MEETINGS

Regular meetings of the BOA shall be held on the second and fourth Wednesday of each month at 6:00 p.m., unless properly noticed otherwise, with the location to be announced in the Public Notice.

c. BOA MINUTES

The minutes of the BOA shall be open to the public. The minutes of proceedings, showing the vote of each member and the records of its examination, evidence, findings, and other official actions, shall be kept and filed in the office of the Director as a public record.

d. BOA SECRETARY

The Community Investment Department staff shall serve ex-officio as the secretary of the BOA, shall record all actions, shall provide written communications to the applicants, but shall have no vote.

e. QUORUM

A quorum necessary for the transaction of business shall consist of 4 members.

5. AUTHORITY AND DUTIES

The BOA shall have the following authority:

a. APPEALS

Hear and decide appeals when there is an alleged error in any decision, determination, order, or requirement made by the Zoning Administrator.

b. VARIANCES

Hear and decide requests for variances from the terms of this Development Code, in compliance with 14.05.04.D (Variances), because of special circumstances applicable to a property, including its location, shape, size, surroundings, or topography, where the strict application of this Development Code would deprive the property of privileges enjoyed by other similar properties in the same zoning district, or where a variance is needed to comply with state or federal law, including but not limited to the federal Fair Housing Act amendments of 1988. No variance may permit a use that is not permitted in a zoning district, as shown in Article 3 (Permitted Uses). The BOA may attach conditions to the variance as it may determine to be reasonable and necessary in order to fully carry out the provisions and intent of this Development Code.

6. LIMITS OF RESPONSIBILITY

The BOA may not:

a. Obligate the city for any fees, materials, or services without the prior approval of the City Manager;
b. Deviate from any applicable city ordinances or state and federal laws in the execution of its duties and responsibilities; and
c. Fail to fully comply with state law (A.R.S. §§ 38-501 et seq.) dealing with conflict of interest matters.

7. BOA'S ACTION IS FINAL

The decision of the BOA is the final action by the city in compliance with state law (A.R.S. § 9-462.06).

8. PERSON(S) AGGRIEVED BY BOA DECISIONS

Any person(s) aggrieved by a decision of the BOA may, at any time within 30 days after the BOA has rendered its decision, file a complaint for special action in the Superior Court to review the BOA's decision, in compliance with state law (A.R.S. § 9-462.06 K.)

9. EX PARTE COMMUNICATIONS

The BOA acts in a quasi-judicial manner and shall not entertain, accept or participate in any ex parte communications as set forth below.

a. Prohibition against Ex Parte Communications

To ensure that the decision-making process is fair and impartial, the members of the BOA shall not, directly or indirectly, participate in any ex parte communication relevant to an application pending before that body. Ex parte communications are oral or written communications related to the matter to be heard by the BOA and that is made to or by any member of the Board, including in person, telephonic or electronic communications that occur outside of a public meeting of the hearing body.

b. Exceptions

This prohibition shall not apply to communications between the members of the BOA and City staff. This prohibition is not intended to prevent site visits, the receipt of expert opinions, and the review of mail and other correspondence relating to the proceedings. All such communications shall be documented and entered into the record of the proceedings.

c. Disclosure of Communications

If a BOA member receives an ex parte communication, the BOA member shall place the communication in the public record and enter into the minutes a statement describing the communication.

D. COMMUNITY INVESTMENT DEPARTMENT DIRECTOR (CID)

1. DELEGATION BY DIRECTOR

The Community Investment Department Director ("Director") may delegate any or all of the responsibilities of the Director to Department staff under the supervision of the Director, unless state law prohibits such delegation.

2. DUTIES AND AUTHORITY

The Director shall:

a. Have the responsibility to perform all of the functions designated by state law;
b. Direct city employees assigned to the Planning, Zoning, and Building Departments, gather and maintain land use and building permit records and provide these to the Planning Commission, BOA, Council, and the public, and provide budgets, records of income and expense, and other data requested by the City Manager; and
c. Perform the duties and functions identified in this Development Code, including the initial review of land use applications, in compliance with 14.05.02 (Decision-Makers & Procedures Summary Table).

E. ZONING ADMINISTRATOR (ZA)

The Zoning Administrator shall have responsibility for interpretation and enforcement of this Development Code with the authority to take action on applications for all administrative permits and approvals issued by the Department, as identified in Sec. 14.05.02 (Decision-Makers & Procedures Summary Table). Appeals from the determination of the Zoning Administrator shall only be considered by the BOA.

F. ADMINISTRATIVE HEARING OFFICER

1. ESTABLISHMENT AND DUTIES

In order to decide appeals commenced by property owners from any final determination made by an administrative agency or official of the city that conditions an approval for the use, improvement, or development of real property on the requirement of an exaction or dedication, there shall be, and is created, the position of Administrative Hearing Officer. This provision is created in accordance with state law. (A.R.S. §§ 9-500.12 and 9-500.13).

2. COMMISSION TO SIT AS ADMINISTRATIVE HEARING OFFICER

For purposes of this section, the Commission shall be authorized to sit as the Administrative Hearing Officer.

14.05.02. Decision-Makers & Procedures Summary Table

TABLE 5-1: DECISION-MAKERS & PROCEDURES SUMMARY TABLE

TYPE OF APPLICATIONS R = REVIEW / RECOMMENDATION D = DECISION A= APPEAL < > = PUBLIC HEARING	CODE SECTION	REVIEW, DECISION, & APPEAL AUTHORITIES				
		ZONING ADMINISTRATOR	COMMUNITY INVESTMENT DEPARTMENT DIRECTOR	PLANNING AND ZONING COMMISSION	BOARD OF ADJUSTMENT	CITY COUNCIL
ZONING CLEARANCE	14.05.04.A	D			A	
SIGN PERMIT	14.05.04.B	D			A	
AIRPORT OVERLAY DISTRICT PERMIT	14.05.04.C	D			A	
MINOR VARIANCE	14.05.04.D	D(1)			A	
GRADING PERMIT	14.05.04.E	R	D(2)	A		
TEMPORARY USE PERMIT	14.05.04.F	R	D(2)	A		
MINOR CONDITIONAL USE PERMIT	14.05.04.G	R	D(2)	A		
SITE/DESIGN REVIEW	14.05.04.H	R	D(2)	A		
APPEALS OF CONDITIONS OR EXACTIONS	14.05.01.F	R				A(3)
MAJOR CONDITIONAL USE PERMIT	14.05.04.G	R		<D>		A
PARKING-IN-COMMON PLAN	14.05.04.I	R		<D>		A
MAJOR VARIANCE	14.05.04.D	R			<D>(4)	
ABANDONMENT OF EASEMENT	14.05.04.J	R				D
ZONING MAP OR CODE AMENDMENT	14.05.04.K	R	R	R		D
PLANNED UNIT DEVELOPMENT	14.05.04.L	R	R	R		D
GENERAL PLAN AMENDMENT	14.05.04.M	R	R	R		D

Notes:
"Recommend" means that the review authority makes a recommendation to a higher decision-making body, "decision" means that the review authority makes the final decision on the matter; "appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Sec. 14.05.03.O (Appeals).
(1) The Zoning Administrator may defer action on applications and refer the items to the BOA for the final decision.
(2) The Director may defer action on applications and refer the items to the Commission for the final decision.
(3) Sitting as the Administrative Hearings Officer.

TABLE 5-1: DECISION-MAKERS & PROCEDURES SUMMARY TABLE						
TYPE OF APPLICATIONS		REVIEW, DECISION, & APPEAL AUTHORITIES				
R = REVIEW / RECOMMENDATION D = DECISION A= APPEAL < > = PUBLIC HEARING	CODE SECTION	ZONING ADMINISTRATOR	COMMUNITY INVESTMENT DEPARTMENT DIRECTOR	PLANNING AND ZONING COMMISSION	BOARD OF ADJUSTMENT	CITY COUNCIL
(4) Any person(s) aggrieved by a decision of the BOA may, at any time within 30 days after the BOA has rendered its decision, file a complaint for special action in the Superior Court to review the BOA's decision, in compliance with State law (A.R.S. § 9-462.06 K.)						

14.05.03. Standard Regulatory Procedures

A. GENERAL REVIEW CRITERIA

When this Development Code does not state additional criteria for a decision, the decision shall be based on whether the application is consistent with the requirements of this Development Code.

B. PREAPPLICATION REVIEW

1. A prospective applicant or agent may request a preapplication review with the Department before completion of project design and the formal submittal of a permit application.
2. A request by an applicant for preapplication review, accompanied by preliminary project plans and designs and the required filing fee, shall be reviewed by all affected city departments and other selected agencies.
3. The reviewing city staff members may inform the applicant of requirements as they apply to the proposed development project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the review process when a formal application is filed.
4. Neither the preapplication review nor information or pertinent policies provided by the Department shall be construed as a Department recommendation for approval or disapproval of the application/project.

C. APPLICATION PREPARATION AND FILING

The preparation and filing of applications for permits, approvals, and other matters pertaining to this Development Code shall comply with the following requirements.

1. APPLICATION CONTENTS

Applications shall include the forms provided by the Department, and all information and materials required by the application content requirements handout provided by the Department for the specific type of application. Unless an exception is stated in this Development Code, it is the responsibility of the applicant to provide evidence in support of any findings required by this Development Code.

2. ELIGIBILITY

Applications may be made by the owner of the subject property, or by any agent or representative with the written consent of the property owner.

3. FILING

All land use permits and other applications required by this Development Code shall be filed with the Department.

4. FILING DATE

The filing date of an application shall be the date on which the Department receives the last submission, map, plan, or other material required by the Department as a part of that application, in compliance with Sec. 14.05.03.F (Initial application review) and the application is deemed complete by the Zoning Administrator.

D. APPLICATION FEES

1. FILING FEES REQUIRED

a. Each application for a permit, approval, entitlement, or other matter related to this Development Code shall be accompanied by the applicable fee.
b. The city's processing fees are cumulative. For example, if an application for a lot split also requires a variance, both fees shall be charged.
c. Processing shall not commence on an application until all required fees/deposits have been paid.
d. Without the application fee, or a deposit if appropriate, the application shall not be deemed complete.
e. The city is not required to continue processing any application unless additionally required fees/deposits (e.g., additionally required "real cost" deposits) are paid in full.
f. Failure to pay the applicable fees/deposits is grounds for rejection of the application. No permit application shall be processed without first being accompanied by the required fee, unless the fee is reduced or waived in compliance with Subsection 14.05.03.D.2 below.

2. FEE REDUCTIONS OR WAIVERS

The City Manager may reduce or waive certain fees required by the Council's fee resolution for sufficient cause being demonstrated by the applicant in compliance with Sec. 2.20.070 (Wavier of fees) of the City Code.

3. REFUNDS AND WITHDRAWALS

a. Recognizing that filing fees are utilized to cover city costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds due to a disapproval are allowed.
b. In the case of a withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to-date and determination of the status of the application at the time of withdrawal.

E. CONCURRENT PERMIT PROCESSING

When a single application requires more than one permit or approval under this Development Code, the Director may determine that all of the applications shall be reviewed, and approved or disapproved, by the highest level review authority assigned by Sec. 14.05.02 (Decision-Makers & Procedures Summary Table) to any of the required applications. For example, a project that requires a Zoning Map amendment and a Conditional Use Permit may be reviewed, and approved or disapproved by the Council (after a recommendation from the Commission), whereas a Conditional Use Permit application by itself may be reviewed and acted upon by the Commission.

F. INITIAL APPLICATION REVIEW

All applications filed with the Department in compliance with this Development Code shall be initially processed as follows.

1. COMPLETENESS REVIEW

The Zoning Administrator shall review all applications for completeness and accuracy before they are accepted as being complete in compliance with Sections 14.05.03.C (Application preparation and filing) and 14.05.03.D (Application fees), above.

a. NOTIFICATION OF APPLICANT

The applicant shall be informed, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in a letter, must be provided.

b. APPEAL OF DETERMINATION

Where the Zoning Administrator has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Zoning Administrator is not required, the applicant may appeal the determination in compliance with 14.05.03.O (Appeals).

c. EXPIRATION OF APPLICATION

If the applicant does not provide the additional information required in compliance with Subsection F.1.A, above, within 120 days after the date of the letter requesting the additional information, the Zoning Administrator may consider the application withdrawn if the Zoning Administrator determines that reasonable progress toward completion of the application has not occurred. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials that are required for any project on the same site.

d. CRITERIA FOR ACCEPTANCE

An application shall not be accepted as complete unless or until the Zoning Administrator determines that it includes all information and materials required by Sections 14.05.03.C (Application preparation and filing) and 14.05.03.D (Application fees).

e. VIOLATIONS ON THE SITE

(1) The Zoning Administrator shall not find the application complete, and/or shall not process or approve the application, if conditions exist

on the site in violation of this Development Code or any permit or other approval granted in compliance with this Development Code. The only exception shall be an application for an entitlement or permit needed to correct the on-site violation(s).

(2) The Zoning Administrator's authority under this subsection shall apply whether:

(A) The current applicant was the owner of the subject property at the time the violation occurred; or

(B) The applicant is the current owner of the subject property with or without actual or constructive knowledge of the violation at the time of acquisition of the subject property.

(3) The Zoning Administrator's decision may be appealed in compliance with Sec. 14.05.03.O (Appeals).

2. REFERRAL OF APPLICATION

At the discretion of the Director, or where otherwise required by this Development Code, state, or federal law, any application filed in compliance with this Development Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

G. PUBLIC HEARINGS

This Article establishes procedures for public hearings before the BOA, Commission, and Council. When a public hearing is required by this Development Code, public notice shall be given and the hearing shall be conducted as provided by this Article.

1. CONDUCT OF HEARINGS

Hearings shall be held at the date, time, and place described in the public notice required by Subsection H below.

2. CONTINUANCES

If a hearing cannot be completed on the scheduled date, the presiding BOA member, Commissioner, or Councilperson before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued.

3. ADDITIONAL NOTICE NOT REQUIRED

Additional notice for the continued hearing is not required if notice of the original hearing has begun pursuant to Subsection 14.05.03.H below and a publicly announced date of a continued hearing is made pursuant to Subsection 14.05.03.G.2 above.

H. NOTICE OF HEARING

When a land use permit or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with state law (A.R.S. § 9-462.04) and as required by this Article.

1. CONTENTS OF NOTICE

Notice of a public hearing shall include:

a. HEARING INFORMATION

The date, time, and place of the hearing and the name of the hearing body; a brief description of the city's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information.

b. PROJECT INFORMATION

(1) The name of the applicant; the city's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.

(2) If the matter to be considered applies to a property located in a high noise or accident potential zone, as defined in A.R.S. § 28-8461, this shall be included in the general project explanation.

2. METHOD OF NOTICE DISTRIBUTION

Notice of a public hearing required by this Article shall be given as follows.

a. NOTICES REQUIRED BY STATE LAW

(1) Published Notice

A notice of the hearing shall be published at least once in a local newspaper of general circulation within the city at least 15 days before the hearing.

(2) Posted notice

If no newspaper of general circulation exists in the city, a notice of the hearing shall be posted, at least 15 days before the hearing, on the subject site and in at least 3 public places in the city. All posted notices shall be printed so that the present zoning district classification, the proposed zoning district classification, and the date and time of the hearing are visible from a distance of at least 100 feet.

(3) Notice to other local governments

(A) In proceedings involving the rezoning of land that abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land.

(B) In proceedings involving rezoning of land that is located within the city in the vicinity of a military airport or ancillary military facility as defined in A.R.S. § 28-8461, the city shall send copies of the notice of public hearing by first class mail to the military airport or facility.

(4) Notice for rezoning not initiated by property owner

In proceedings that are not initiated by the property owner involving rezoning of land that may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred feet of the property to be rezoned.

(5) Notice for changes in Standards governing land uses

Any proposed change, or related series of changes, in the standards governing land uses shall provide notice in the following manner, in compliance with state law (A.R.S. §§ 9-462.04 A.4 and A.5):

(A) In proceedings involving 1 or more of the following proposed changes, or related series of changes, in the standards governing land uses, notice shall be provided in compliance with Subparagraph (B) immediately below:

(i) A 10% or more increase or decrease in the number of square feet or the amount of units that may be developed;

(ii) A 10% or more increase or reduction in the allowable height of structures;

(iii) An increase or reduction in the allowable number of stories of structures;

(iv) A 10% or more increase or decrease in setback or open space requirements; or

(v) An increase or reduction in allowed uses.

(B) In proceedings governed by subparagraph (A) immediately above, notice shall be provided to real property owners in compliance with at least 1 of the following notification procedures:

(i) Notice shall be sent, by first class mail, at least 15 days before the hearing, with postage prepaid, to each real property owner, as shown on the county's last assessment, whose real property is directly governed by the change(s);

(ii) If the city issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the city shall include notice of the changes with the utility bills or other mailings; or

(iii) The city shall publish the changes in a local newspaper of general circulation within the city at least 15 days before the first hearing on the changes. The changes shall be published in a "display ad" covering not less than1/8 of a full page.

(C) If notice is provided under Subsection 14.05.03.H.2.a(5)(B)(ii) or 14.05.03.H.2.a(5)(B)(iii) above, the city shall also send notice by first class mail to persons who register their names and addresses with the city as being interested in receiving such notice. The city may charge a fee not to exceed five dollars per year for providing this service.

3. ADDITIONAL NOTICES

Although not required by state law, the City shall provide the following additional types of notice of public hearings.

a. POSTED NOTICE

A notice of the hearing shall be posted, at least 15 days before the hearing, on the subject site and in at least 3 public places in the city. All posted notices shall be printed so that the present zoning district classification, the proposed zoning

district classification, and the date and time of the hearing are visible from a distance of at least 100 feet.

b. MAILED NOTICE

(1) Notice shall be sent by first class mail, at least 15 days before the hearing, with postage prepaid, to:

(A) The owner(s) of the property being considered or the owner's agent, and the applicant(s);

(B) Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

(C) All owners of real property as shown on the county's last assessment within a 300-foot radius of the subject lot; and

(D) Any person who has filed a written request for notice with the Director and has paid the fee established by the Council's fee resolution for the notice.

(2) The 300-foot radius shall be measured from the exterior boundaries of the subject lot to the exterior boundaries of the neighboring lots, without reference to structures existing on either lot(s) in the following manner:

(A) Notification boundaries shall always include all lots on both sides of interior residential streets; and

(B) For proposed projects fronting on major arterial streets or highways the 300-foot radius shall not include the width of the adjoining right-of-way but shall be measured entirely from the opposite side of the arterial street or highway.

4. OPTIONAL NOTICE

In addition to the methods of notice required by Subsections 2 and 3, above, the Director may provide additional notice with content or using a distribution method as the Director determines is necessary or desirable.

5. FAILURE TO RECEIVE NOTICE

The failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the city, in compliance with state law (A.R.S. § 9-462.04 A.7).

I. RECOMMENDATION BY COMMISSION

1. COMMISSION'S ACTION

At the conclusion of any public hearing on an amendment the Commission shall forward a recommendation, including all required findings, to the Council for final action.

2. MAILING OF RECOMMENDATION

Following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

J. REVIEW AUTHORITY DECISION AND NOTICE

1. DECISION

a. The review authority (BOA, Commission, or Council, as applicable) may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing or defer action and continue the matter to a later meeting agenda in compliance with Sec. 14.05.03.G (Public hearings) above.
b. Where the Director has authority to issue a permit or approval under this Development Code, the Director may instead refer a matter to the Commission for determination. A referral shall require a noticed hearing before the Commission.
c. The action of the BOA or Commission shall be by affirmative vote of a simple majority of a quorum, except where state law requires a different percentage.
d. The decision of the Council on any matter shall be final.

2. NOTICE OF DECISION

The notice of decision shall contain any conditions of approval determined to be reasonable and necessary to protect the public convenience, health, interest, safety, or general welfare of the city.

3. MAILING OF NOTICE OF DECISION

Following the date that the final decision or recommendation is rendered by the applicable review authority, notice of the decision shall be mailed to the applicant at the address shown on the application. A copy of the notice of decision shall also be sent to the property owner, if different from the applicant, to all other persons who have filed a written request for notice, and to each member of the BOA, Commission, and Council.

K. EFFECTIVE DATES

A decision of the Zoning Administrator, Director, BOA, Commission, or Council shall become effective following the final decision on the application by the applicable review authority, unless an appeal of the review authority's action has been filed in compliance with Sec. 14.05.03.O (Appeals), as follows:

1. Decisions by the Zoning Administrator, Director, or Commission shall be effective 15 days after the decision;
2. Decisions by the BOA shall be effective 30 days after the decision; and
3. Decisions by the Council shall be effective 30 days after the decision, unless enacted as an emergency ordinance.

L. TIME LIMITS AND EXTENSIONS

1. TIME LIMITS

a. Unless conditions of approval or other provisions of this Development Code establish a different time limit, any permit or approval (except for Planned Development Permits, which are subject to Subparagraph b below, and Zoning Map Amendments) granted in compliance with this Development

Code that is not exercised within 12 months of its approval shall expire and become void after action by the Council in compliance with state law (A.R.S. § 9-462.01), unless an extension of time is approved in compliance with Subsection 2 below.

b. The permit or approval shall not be deemed "exercised" until the permittee has at least obtained a building permit and substantial construction in compliance with a building permit has taken place, or has actually commenced the allowed use on the subject site in compliance with the conditions of approval, as determined by the Director.

c. The permit or approval under this Development Code shall remain valid after it has been exercised as long as a building permit is active for the project, or a final building inspection or certificate of occupancy has been granted. If the approval also involves a zoning map amendment, that portion of the approval shall be returned to the Council with notice, in compliance with state law (A.R.S. § 9-462.01 E.).

2. EXTENSIONS OF TIME

Upon request by the applicant, the review authority may extend the time for an approved permit to be exercised in the following manner.

a. The applicant shall file a written request for an extension of time with the Department at least 30 days before the expiration of the permit, together with the filing fee required by the Council's fee resolution.

b. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire. If the review authority determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the review authority may grant a time extension for up to an additional 12 months from the date of the decision to extend the permit or approval; provided, the review authority first finds that there are adequate provisions for public services and utilities (e.g. access, drainage, fire protection, sewers, water, and the like), to ensure that the proposed extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

c. No more than 2 12-month time extensions shall be granted.

3. HEARING ON EXPIRATION

At the request of the applicant, the review authority may hold a hearing on any proposed expiration of a permit, in compliance with Sections 14.05.03.G (Public hearings), and 14.05.03.H (Notice of hearing).

4. TERMINATED BY DISCONTINUANCE

a. PERMIT SHALL LAPSE

A permit, approval, or entitlement under this Development Code shall lapse (e.g., shall have the effect of terminating the permit, approval, or entitlement and denying the privileges granted by the original approval) if the use associated with the permit or entitlement is terminated for a period of at least 180 days.

b. Recommencement

Recommencement of a use authorized by a permit, approval, or entitlement after the 180-day period has expired shall require the filing of a new application, together with the filing fee required by the Council's fee resolution.

M. RESUBMITTALS

1. RESUBMITTALS PROHIBITED WITHIN 180 DAYS

For a period of 180 days following the disapproval of a discretionary land use permit, approval, entitlement, or amendment by the Director, BOA, Commission, or Council, no application for the same or substantially similar discretionary permit, approval, entitlement, or amendment for the same site shall be accepted for filing.

2. DIRECTOR'S DETERMINATION

The Director shall determine whether the new application is for a discretionary land use permit, approval, entitlement, amendment, or other approval that is the same or substantially similar to the previously disapproved permit, approval, entitlement, or amendment.

3. APPEAL

The determination of the Director may be appealed to the Commission, in compliance with Sec. 14.05.03.O (Appeals).

N. CHANGES TO AN APPROVED PROJECT

Development or a new land use authorized through a permit, approval, or entitlement granted pursuant to this Development Code shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this section.

1. REQUEST FOR CHANGE

An applicant shall request desired changes in writing, and shall also furnish supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use; however, a change in use shall be requested and approved before initiating the new use.

2. MINOR CHANGES

The Director may approve changes to an approved site plan, architecture, or the nature of the approved use if the changes:

a. Are consistent with all applicable provisions of this Development Code;
b. Do not involve a feature of the project that was specifically addressed in the project approval;
c. Do not involve a feature of the project that led to conditions of project approval;
d. Do not involve specific considerations by the applicable review authority in the approval of the permit; and
e. Do not expand the approved floor area or any outdoor activity area by 10% or more over the life of the project.

3. MAJOR CHANGES

Changes to the project that do not comply with Subsection 2 above, shall only be approved by the applicable review authority through a new permit application.

O. APPEALS

1. APPLICABILITY

This Section establishes procedures for the following:

a. The BOA's review of a decision rendered by the Zoning Administrator in compliance with state law (A.R.S. § 9-462.06).
b. The Commission's review of a decision rendered by the Director, including but not limited to any appeal in which it is sitting as the Administrative Hearing Officer pursuant to Sec. 14.05.01.B.5.f.;
c. The Council's review of a decision rendered by the Director or Commission;
d. Appeals by other eligible appellants, in compliance with Subsection 2 (Eligibility), below.

2. ELIGIBILITY

An appeal may be filed by:

a. ADMINISTRATIVE DETERMINATION

Any eligible person affected by an administrative determination or decision by the Zoning Administrator or Director.

b. LAND USE PERMIT OR HEARING DECISION

In the case of a land use permit or hearing decision by the Commission, by any eligible person affected by the decision and who, in person or through a representative, presented testimony at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns before the hearing.

c. DEFINITION OF ELIGIBLE PERSON

An eligible person is anyone who lives, or conducts business, within 300 feet of the subject property, or a member of the approving body.

3. APPEAL SUBJECTS AND JURISDICTION

Determinations and decisions that may be appealed, and the authority to act upon an appeal shall be as follows.

a. APPEALS TO BOA

Decisions by the Zoning Administrator on specified permits, approvals, or entitlements may be appealed to the BOA.

b. APPEALS TO COMMISSION

Decisions by the Director may be appealed to the Commission.

c. APPEALS TO COUNCIL

Decisions by the Commission may be appealed to the Council.

4. APPEALS TO BOA BY ELIGIBLE PERSON

In the case of an appeal to the BOA by an eligible person, the Zoning Administrator shall schedule a hearing on the matter.

5. APPEALS TO COMMISSION BY ELIGIBLE PERSON

In the case of an appeal to the Commission by an eligible person, the Director shall schedule a hearing on the matter.

6. COUNCIL'S REVIEW

a. APPEALS BY ELIGIBLE PERSON

In the case of an appeal of a Commission decision to Council by an eligible person, the Director shall schedule a hearing on the matter.

b. APPEAL BY COUNCIL

The Council may choose to review a decision rendered by the Commission or Director, but only when the Director is acting as the Director. A member of the Council may request the opportunity to discuss any decision previously rendered. A majority vote of the Council, taken before the effective date of the review authority's decision, is required to initiate an appeal of the decision. Once the vote to initiate an appeal is passed by a majority, the matter shall be scheduled for hearing by the City Clerk.

c. REFERRAL TO APPLICABLE REVIEW AUTHORITY

The Council shall have the authority, at any time before its final determination on the appeal, to refer the matter back to the applicable review authority for additional consideration. The Council may instruct the review authority to conduct an additional public hearing in order to accept new evidence relating to the matter subject to appeal.

d. DECISION FINAL

The decision of the Council on the appeal shall be final and shall become effective upon adoption of the resolution by the Council.

7. ADMINISTRATIVE HEARING OFFICER REVIEW

a. REVIEW

The Commission, sitting as the Administrative Hearing Officer, shall decide appeals commenced by property owners from any final determination made by an administrative agency or official of the city that conditions an approval for the use, improvement, or development of real property on the requirement of an exaction or dedication. This section does not apply to a dedication or exaction required in a legislative act of the Council that does not give discretion to a city administrative agency or city official to determine the nature or extent of the dedication or exaction.

b. NOTICE TO PROPERTY OWNERS OF RIGHTS TO APPEAL

In each case in which a city administrative agency or city official grants an approval for the use, improvement, or development of real property subject to the requirement of a dedication or exaction as a condition of granting the approval, the city shall notify the property owner in writing that the property owner has the right to appeal the dedication or exaction and shall additionally provide the property owner with a written description of the appeal process.

c. Waiver of right to appeal prohibited

No official, agency, or employee of the city shall request any property owner to waive their right of appeal at any time.

d. Appeal application and procedure

The appeal of a property owner shall be in writing and received by the Administrative Hearing Officer within 30 days after the final determination is made. No fee shall be charged to a property owner for filing the appeal. After receipt of a written request for an appeal, the Commission shall schedule a time and date for the hearing no later than 30 days following the receipt of the appeal.

e. Hearing an appeal

At the time of the hearing on the appeal, the city shall have the burden to establish that there is an essential nexus between the dedication or exaction and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the proposed use, improvement, or development.

f. Decision

The Administrative Hearing Officer shall decide the appeal within five working days after the hearing. If the city does not meet its burden under Subsection e (Hearing on appeal), above, the Commission, sitting as the Administrative Hearing Officer, shall modify or delete the requirement of the dedication or exaction. If the Commission, sitting as the Administrative Hearing Officer, modifies or affirms the requirement of the dedication or exaction, a property owner aggrieved by that decision may, at any time within 30 days after that decision, file a complaint for a trial de novo in the Superior Court.

8. FILING, PROCESSING, REVIEW, AND ACTION ON APPEALS

a. Form of appeal

(1) Appeal applications addressed to the BOA or Commission shall be filed with the Department, while appeals addressed to the Council shall be filed with the City Clerk.
(2) The appeal application shall:
  (A) Specifically state the pertinent facts of the case and the basis for the appeal; and
  (B) Be accompanied by the information identified in the Department handout for appeal applications.

b. Delay of proceedings

Filing of an appeal, other than a special action appeal, in compliance with state law (A.R.S. § 9-462.06 K), shall delay all proceedings associated with the matter subject to the appeal, pending the city's final action on the appeal.

c. Withdrawal

An appeal may not be withdrawn nor dismissed before the scheduled public hearing.

d. JOINING AN APPEAL

Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal. Any person who wishes to join an appeal shall follow the same procedures for an appellant. No person shall be allowed to join an appeal after the end of the specified appeal period.

e. ACTION ON APPEALS

The appeal body shall conduct a public hearing in compliance with Sections 14.05.03.G (Public hearings) and 14.05.03.H (Notice of hearing).

f. SCOPE OF REVIEW AND DECISION

When reviewing an appeal, the appeal body may:

(1) Consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal;
(2) Uphold, uphold in part, or reverse the action, the determination, or decision that is the subject of the appeal; and
(3) Adopt additional conditions of approval deemed reasonable and necessary.

g. NEW EVIDENCE

If new or different evidence is presented during the appeal hearing, the BOA, Commission, or Council, may refer the matter back to the Zoning Administrator, Director or Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.

h. FINDINGS

When reviewing an appeal, the appeal body shall adopt findings in support of the intended action on the appeal. The nature of the findings shall be in compliance with the findings adopted by the original review authority.

i. MAILING OF RESOLUTION

The Director or City Clerk, as applicable to the level of appeal body, shall mail a copy of the decision to the appellant and the applicant (if not the appellant) following the date the decision on the appeal is rendered.

P. PERFORMANCE GUARANTEES

A permit applicant may be required by conditions of approval or by action of the Director to provide adequate security to guarantee the faithful performance and proper completion of any approved work, and/or compliance with conditions of approval imposed by the review authority. The provisions of this section apply to performance guarantees for projects authorized by any of the land use permits, approvals, or entitlements under by this Development Code.

1. FORM AND AMOUNT OF SECURITY

The required security shall be in a form approved by the Director. The amount of security shall be as determined by the Director to be necessary to ensure proper completion of the work and/or compliance with conditions of approval.

2. SECURITY FOR MAINTENANCE

In addition to any improvement security required to guarantee proper completion of work, the Director may require security for maintenance of the work, in an amount determined by the Director to be sufficient to ensure the proper maintenance and functioning of the improvements.

3. DURATION OF SECURITY

Required improvement security shall remain in effect until final inspections have been made and all work has been approved by the Director, or until any warranty period required by the Director has elapsed.

4. RELEASE OR FORFEIT OF SECURITY

a. Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance deposits or bonds shall be released.
b. Upon failure to complete the work, failure to comply with all of the terms of any applicable permit, or failure of the completed improvements to function properly, the city may do the required work or cause it to be done, and collect from the permittee or surety all the costs incurred by the city, including the costs of the work, and all administrative and inspection costs.
c. Any unused portion of the security shall be refunded to the funding source after deduction of the cost of the work by the city.

Q. PERMITS RUN WITH THE LAND

A land use permit, approval, or entitlement granted in compliance with this Development Code shall continue to be valid upon a change of ownership (e.g., of the site, structure, or use that was the subject of the permit application), provided that the use and development remains in compliance with all applicable provisions of this Development Code and any conditions of approval.

14.05.04. Specific Regulatory Procedures

A. ZONING CLEARANCE

1. REQUIREMENT

a. A zoning clearance for a structure that is to be erected or remodeled shall be filed in conjunction with the companion building permit application;
b. A zoning clearance for the use of vacant nonresidential land or structure(s) shall be filed at least 14 days before the intended use inauguration;
c. In order to provide for an expeditious permit review/reconstruction process, which may only be available following the occurrence of a bona fide emergency (e.g., natural disaster, and the like), as determined by the Council, an emergency building permit and temporary zoning clearance may be issued by the appropriate city department; and
d. No person shall occupy, use, or alter any structure, or change any use, or type or class of use, without first applying for and obtaining the required zoning clearance.

2. ZONING ADMINISTROATOR'S ACTION

The Zoning Administrator shall issue the zoning clearance after determining that the proposed development/improvement complies with all of the applicable standards and provisions for the category of use or the zoning district of the subject lot, in full compliance with the City Code and this Development Code.

3. CONFLICTING PERMITS PROHIBITED

All Departments, officials, or public employees vested with the authority or duty to issue permits where required by law shall conform to the provisions of this Development Code. A permit for uses, structures, or purposes in conflict with the provisions of this Development Code shall not be issued. Any permit, issued in conflict with the provisions of this Development Code, shall be deemed void.

B. SIGN PERMITS

A sign permit shall be required to erect, construct, enlarge, move, alter, or reconstruct a sign except for signs that are exempt from permits in compliance with Section 14.04.08.D (Signs that do not require a permit).

C. AIRPORT OVERLAY DISTRICT PERMIT

1. FUTURE USES

Except as specifically provided in Subparagraphs 1a, 1b, and 1c below, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any portion of the Airport Overlay District unless an Airport Overlay District Permit has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations in this Sec. 14.05.04.C. If the Zoning Administrator determines that the application complies with the regulations in this Sec. 14.05.04.C, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in compliance with Sec. 14.05.04.D.4 (Major Variances).

a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features (e.g., structure or tree) would extend above the height limits prescribed for the zones.
b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 5,000 feet from each end of the runway, no permit shall be required for any tree or structure less than 30 feet of vertical height above the ground except when the tree or structure would extend above the height limit prescribed for the approach zones.
c. In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when the tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the transition

zones. Nothing in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree, in excess of any of the height limits established by this section, except as set forth in Sec. 14.05.04.D.4 (Major Variances).

d. EXISTING USES

No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this section or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for these permits shall be granted.

e. OBSTRUCTION MARKING AND LIGHTING

Upon a recommendation by the Federal Aviation Administration or the airport operator stating that lighting is necessary to achieve the goals of the Airport Overlay District and is reasonable under the circumstances, any permit or variance granted may be conditioned to require the owner of the structure or tree in question to install, operate and maintain, at the owners expense, markings and lights as may be necessary. Such a condition may be appealed to the BOA pursuant to Sec. 14.05.03.O (Appeals) and may be modified by the BOA to require the owner to permit the city, at its own expense, to install, operate and maintain the necessary markings and lights.

D. VARIANCES, MINOR AND MAJOR

1. APPLICABILITY

The provisions of this section allow for variances from the development standards of this Development Code.

a. ELIGIBILITY

A variance may only be granted when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of this Development Code denies the property privileges enjoyed by other property in the vicinity and under the identical zoning district. These same special circumstances must create an unnecessary hardship, which is not the result of the actions of the applicant (or self-imposed by the property owner), or must represent an unreasonable regulation that makes it obviously impractical to require compliance with the development standards.

b. SPECIAL PRIVILEGES PROHIBITED

A variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts, or that is contrary to the public convenience, health, interest, safety, or welfare.

c. USE VARIANCES PROHIBITED

The power to grant variances does not permit changes in allowable land uses, in compliance with state law (A.R.S. § 9-462.06 H [1]). Flexibility in allowable land uses is provided in Sec. 14.05.04.G (Conditional Use Permits).

2. REVIEW AUTHORITY

a. The Zoning Administrator may grant a Minor Variance in compliance with Subsection 3 below, or may defer action and refer the application to the BOA for formal action.
b. The BOA may grant a Major Variance in compliance with Subsection 4 below, or may serve as the review authority on a Minor Variance when requested by the Zoning Administrator.

3. ALLOWABLE MINOR VARIANCES

An application for a Minor Variance shall be considered by the Zoning Administrator only if it is of a type, and for an adjustment within the maximum limits, shown in Table 5-2 below. A request that exceeds the limitations identified in Table 5-2 shall require the filing of a Major Variance application in compliance with Subsection 4 below.

TABLE 5-2: MINOR VARIANCES PERMITTED

TYPE OF ADJUSTMENT REQUESTED	MAXIMUM ADJUSTMENT
1. Area requirements. A decrease in the minimum area requirements. (Not including minimum lot area requirements – see number 4 below.)	20%
2. Detached accessory structures. A decrease in the minimum required rear setback for a detached accessory structure.	10%
3. Fence or walls. The construction of fences, gates, pilasters, or walls in the side and rear yards that exceed 6 feet in height.	1-foot increase
4. Lot area. A decrease in the minimum required lot area or size.	10%
5. Lot coverage. An increase in the maximum allowable lot coverage.	10%
6. Lot depth. A decrease in the minimum required lot depth.	10%
7. Lot dimensions. A decrease in the minimum required lot dimensions.	20%
8. Lot width. A decrease in the minimum required lot width.	10%
9. Open space. A decrease in the minimum open space requirements.	10%
10. Parking lot standards. A decrease in minimum parking lot and loading space dimensional standards (e.g., aisle, driveway, and space widths).	10%
11. Projections. An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback areas, but no closer than 3 feet to any property line.	10%
12. Setback areas. A decrease in the required front, side, and rear setbacks.	10%
13. Other standards. The Zoning Administrator shall also be allowed	10%

TABLE 5-2: MINOR VARIANCES PERMITTED	
TYPE OF ADJUSTMENT REQUESTED	MAXIMUM ADJUSTMENT
to vary other standards including minor operational/performance standards relating to dust, glare, hours of operation, landscaping, light, noise, and the like	

4. MAJOR VARIANCES

The BOA may grant an adjustment from the requirements of this Development Code governing only the following standards:

a. Any development standard identified in Subsection 3. (Minor variances), above where the requested adjustment exceeds the maximum limits for a minor variances;
b. Dimensional standards including distance-separation requirements, fence and wall requirements, landscape and paving requirements, lighting, loading spaces, lot area, lot dimensions, parking areas, open space, setbacks, structure heights, and the like;
c. Number of off-street parking spaces, loading spaces, landscaping and the like;
d. Maximum lot grading standards;
e. Sign regulations (other than prohibited signs); and
f. A variance to erect or increase the height of any structure, or permit the growth of any tree, or use property in a manner not permitted by the Airport Overlay district, provided the application complies with the following provisions.

    (1) The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
    (2) These variances shall be allowed where the review authority finds that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justices, and will be in compliance with the spirit of this section.
    (3) No application for a variance to the requirements of the Airport Overlay Zone may be considered unless a copy of the application has been furnished to the Public Works Director for advice as to the aeronautical effects of the variance. If the Public Works Director does not respond to the application within 15 days after receipt, the BOA may act on its own to grant or deny the application.
    (4) The applicant shall notify the FAA prior to the construction of a structure requiring a variance under this subsection.

Other standards including operational/performance standards relating to dust, glare, hours of operation, landscaping, light, noise, number of employees, and the like.

5. NOTICE AND HEARINGS

a. MINOR VARIANCES

Notwithstanding the provisions of Sec. 14.05.03.H (Notice of hearing), an application for a Zoning Administrator's decision on a Minor Variance shall be noticed by posting the subject site and notifying immediately adjoining neighbors.

b. MAJOR VARIANCES

A public hearing by the BOA, pursuant to Sections 14.05.03.G (Public hearings) and 14.05.03.H (Notice of hearing) is required for all Major Variances.

6. FINDINGS AND DECISION

a. Following a public hearing, if required, the review authority may approve a Variance application, with or without conditions,
b. The applicable review authority shall record the decision in writing with the findings on which the decision is based.
c. A Variance application may be approved if it complies with the following criteria:

(1) Because of special circumstances applicable to the subject property including, location, shape, size, surroundings, topography, or other conditions the strict application of this Development Code deprives the property of privileges enjoyed by other property of the same classification in the same or an identical zoning district, or
(2) The special circumstances create an unnecessary hardship, which is not the result of the actions of the applicant or self-imposed by the property owner; and
(3) Granting the variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the subject property is located; and
(4) Granting the variance would not be materially detrimental to the public convenience, health, interest, safety, or welfare of the city, or injurious to the property or improvements in the vicinity and zoning district in which the subject property is located.

7. COMPLIANCE WITH FINDINGS

In approving a Major or Minor Variance, the review authority may impose conditions (e.g., buffers, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, and the like) deemed reasonable and necessary to:

a. Ensure compliance with the general purpose of this section, and the goals and policies of the General Plan and any applicable specific plan;
b. Ensure that the Variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and under the identical zoning district in which the property is located;

c. Ensure that the approval would be in compliance with the findings required by Subsection G (Findings and decision), above; and
d. Protect the best interests of the surrounding property or neighborhood, and to preserve the public health, safety, and general welfare.

8. POST APPROVAL PROCEDURES

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation in this Development Code shall apply following the approval of a Variance.

E. GRADING PERMIT FOR 1- AND 2-FAMILY DWELLINGS

1. PERMIT AND FEES REQUIRED

Grading or the placement of fill shall not occur on any lot until a grading permit has been obtained from the Director and the permit has been posted on the subject lot. This requirement is supplemental to and in addition to any requirements of the adopted Building Code. Building permits shall not be issued prior to the issuance of a grading permit.

2. HEIGHT OF BUILDING SITE ON UPWARD SLOPING LOTS

a. On upward sloping lots the building site may not be higher than the average height of the lot excluding setbacks and easements. The average lot grade shall be calculated by adding the grade elevations at the intersection of the setback corners and dividing by the number of corners. The Director may establish higher elevations of up to 2 feet above the average lot grade. No import of fill material shall be allowed to achieve the desired grade height and the exception shall not be for the purpose of building a structure in excess of the maximum building height as allowed by the zoning district standards. Approval of the 2-foot exception shall be requested prior to the final grading inspection on the appropriate form available in the Community Investment Department. A pad certification by a registered Arizona land surveyor shall be submitted to the Building Department to verify the pad height.
b. If a building pad elevation higher than that provided for above is requested, the following criteria shall be used to determine the maximum allowable grade. Additionally, a topographic plan, containing the following information, prepared by an appropriately licensed Arizona registrant, shall be submitted to the Director:

(1) Topography;
(2) Proposed and existing grades at the lot corners, setback corners, and proposed building pad corners;
(3) Proposed average lot floor elevations, building pad dimensions, and pad square footage;
(4) Cut and fill quantities;
(5) Driveway location and dimensions;
(6) Reference points of adjoining lots, and/or structures;
(7) Method of slope retention.

c. The following criteria shall be met or the increase in the grade height shall not be approved:

(1) The adjusted lot grade shall be determined by balancing the on-site cut and fill so as to create a minimum allowable building pad of 7,000 square feet, or 5,000 square feet for lots of 12,000 square feet or less.
(2) No import of fill material shall be allowed or be necessary for the creation of the minimum pad.
(3) On-site materials shall be used to grade driveway access to the building pad.
(4) All retained and non-retained slopes shall conform to the Grading and Excavations Chapter of the adopted Building Code.

d. If the applicant requests a building pad elevation in excess of that allowed by the above criteria, a request for a Variance from the provisions of this section shall be submitted to the BOA pursuant to Sec. 14.05.04.D.
e. A registered Arizona land surveyor shall certify the final grade height.

3. HEIGHT OF BUILDING SITE ON DOWNWARD SLOPING LOTS

a. Lots with a major portion of the lot grade lying below the base elevation may be filled to accommodate a building pad area no more than 1 foot above the base elevation.
b. Fills shall be placed, watered, and compacted in layers not to exceed 12-inch lifts, performed by a properly licensed testing laboratory or Arizona registered professional engineer, certifying a minimum of 90 percent of the maximum density as determined by the adopted Building Code standards or equivalent. A minimum of three locations shall be inspected for compliance. All grading operations shall be done in a dust free manner and shall comply with local, state, and federal laws regarding dust reduction.

4. EXCAVATION SAFETY MEASURES

Grading plans that include slopes that exceed a two-to-one and depths that exceed three feet at any time during construction activity shall include on the grading plan specific measures to ensure that the excavations are protected from public encroachment. Measures shall be approved by the Building Official and may include:

a. Physical barriers, including berms, temporary fencing, or other suitable obstructions;
b. Warning lights, signs, or banners that will clearly indicate the danger to trespassers of all ages; and
c. Where possible, stable trench coverings.

5. CONFORMANCE TO ADOPTED BUILDING CODE

All grading activities shall be in compliance with the applicable provisions of the adopted Building Code and this Development Code.

6. WATERSHED PRESERVATION

Planned or average lot grades shall preserve the natural watershed.

7. EXPLORATORY INSPECTIONS

In the event of grading without a permit or inspections, exploratory inspections shall be performed by an appropriate Arizona registered professional to ensure code compliance. Substandard grading shall be evaluated and a report prepared with recommendations for correction shall be submitted to the Building Official for review and approval. Once approved, corrective measures shall be performed under the direction of the engineer.

F. TEMPORARY USE PERMITS

1. PERMIT REQUIRED

Except for those Exempt Temporary Uses listed in Subsection 2.below, no temporary land use shall be established, operated, or conducted unless a temporary use permit has first been approved in compliance with this Section. The following two categories of temporary uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:

a. Limited Day or Weekend Temporary Uses not to exceed 3 consecutive days identified in Sec. 14.03.02 (Permitted use table).
b. Allowed Temporary Uses up to 30 days or as identified in Sec. 14.03.02 (Permitted use table).

2. EXEMPT TEMPORARY USES

The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. The Director shall have the authority to determine if a proposed use, not identified within this subsection, would also qualify for an exemption from the requirement for a Temporary Use Permit.

a. Car washes, limited to a maximum of 2 days each month for each sponsoring organization, on non-residential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with § 501(c) of the Federal Revenue and Taxation Code.
b. On-site contractors' construction yards, in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
c. Emergency public health and safety needs/land use activities, as determined to be a true "emergency" by the Director.
d. Garage sales are exempt from the requirement for a temporary use permit; provided, that sales occur no more often than two times per year per residence, for a maximum of three consecutive days each.
e. A one-time event that is limited to a single day and within the hours of 7:00 a.m. to 11:00 p.m. Only 1, one-time event is allowed per person, business, or group each calendar quarter.

3. APPLICATION FILING, PROCESSING, AND REVIEW

a. An application for a Temporary Use Permit shall be filed with the Department.
b. The application shall be accompanied by the information identified in the Department handout for temporary use permit applications.
c. An application for a Limited Day or Weekend Temporary Use Permit shall be submitted for approval at least 2 days before the date that the proposed use is scheduled to take place.
d. An application for a Temporary Use Permit shall be submitted for approval at least 15 days before the date that the proposed use is scheduled to take place.
e. A public hearing shall not be required for a decision on A Temporary Use Permit.

4. STANDARDS

a. Standards for floor areas, heights, landscaping, parking, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject site shall be used as a guide for determining the appropriate development standards for temporary uses.
b. The Director may authorize an adjustment from the specific standards deemed necessary or appropriate consistent with the temporary nature of the use.
c. All materials and structures associated with the temporary use shall be removed within 10 days after the actual termination of operations, or after the expiration of the Temporary Use Permit, whichever first occurs.
d. A minimum of 30 days shall pass between the issuance of a new Temporary Use Permit and (1) the expiration of a similar Temporary Use Permit for the same property, or (2) the actual removal of the materials and structures associated with the former use, whichever last occurs.
e. Temporary uses may be subject to additional licenses, inspections, or permits required by applicable local, state, or federal requirements.

5. FINDINGS AND DECISION

A Temporary Use Permit may be approved, modified, conditioned, or disapproved by the Director. The Director may defer action and refer the application to the Commission for review and decision at a scheduled public hearing. The Director may approve or conditionally approve a Temporary Use Permit application, only after first finding that:

a. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
b. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city;
c. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Development Code;

d. Adequate provisions have been made for fire protection, traffic access, parking, and circulation;
e. The use would meet all applicable county and state health and sanitation requirements;
f. The time limit for the temporary use is the minimum necessary to achieve the applicant's intent; and
g. The temporary use would be compatible with the uses allowed in the subject zoning district.

6. CONDITIONS OF APPROVAL

In approving a Temporary Use Permit, the Director may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection 5 above, and to preserve the public health, safety, and general welfare.

7. CONDITION OF SITE FOLLOWING TEMPORARY USE

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the provisions of this Development Code. The review authority may require appropriate security before initiation of the use to ensure proper cleanup after the use is finished.

8. POST APPROVAL PROCEDURES

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation in this Development Code shall apply following the approval of a Temporary Use Permit.

G. CONDITIONAL USE PERMITS, MINOR AND MAJOR

1. APPLICABILITY

A Conditional Use Permit is required to authorize proposed land uses and activities identified by Sec.14.03.02 (Permitted use table) as being allowable in the applicable zoning district subject to the approval of a Conditional Use Permit.

2. REVIEW AUTHORITY

a. The Director may approve a Minor Conditional Use Permit for any use listed in Sec. 14.03.02 (Permitted use table) as requiring a Conditional Use Permit where:

(1) The proposed use involves less than 5,000 sq. ft. of indoor space; and
(2) The proposed use involves less than 1 acre of outdoor activity space; and
(3) The Director determines that the proposed use will not have significant traffic or parking impacts on surrounding properties.

b. If a proposed Conditional Use meets the criteria in subsection a above, but the Director determines that it includes unusual site or performance

features, the Director may defer action and refer the application to the Commission for formal action.

c. The Commission may approve a Major Conditional Use Permit for any use listed in Sec. 14.03.02 (Permitted Use Table) as requiring a Conditional Use Permit, and that does not meet the criteria for action by the Director as a Minor Conditional Use in subsection a above.

3. APPLICATION REVIEW, NOTICE, AND HEARING

a. MINOR CONDITIONAL USE PERMIT

The Director may approve a Minor Conditional Use Permit without a hearing if the Director determines that it meets the required findings in Subsection 4 below.

b. MAJOR CONDITIONAL USE PERMIT

(1) The Director shall review each Major Conditional Use Permit application to ensure that the application is consistent with the purpose and intent of this Sec. 14.05.04.G. The Director shall submit a staff report and recommendation to the Commission for their consideration.

(2) The Commission shall conduct a public hearing on an application for a Conditional Use Permit, pursuant to Sections 14.05.03.G (Public hearings) and 14.05.03.H (Notice of hearing) before the approval or disapproval of the permit.

4. FINDINGS AND DECISION

The review authority may approve or disapprove an application for a Minor or Major Conditional Use Permit and shall record the decision and the findings upon which the decision is based. The review authority may approve the permit only after first finding that:

a. The proposed use is allowed with a Minor or Major Conditional Use Permit, as appropriate to the request, within the applicable zoning district and complies with all applicable provisions of this Development Code;

b. The proposed use is consistent with the goals and policies of the General Plan and any applicable specific plan;

c. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

d. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city;

e. The subject site is adequate in terms of size, shape, topography, and circumstances and has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic expected to be generated by the proposed use; and

f. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.

5. CONDITIONS OF APPROVAL

In approving a permit, the review authority may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection 4 (Findings and decision), above, and to preserve the public health, safety, and general welfare.

6. POST APPROVAL PROCEDURES

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation in this Development Code shall apply following the approval of a Temporary Use Permit.

H. SITE/DESIGN REVIEW

1. PURPOSE

The purpose of this section is to provide procedures for the review and approval/ disapproval of Site/Design Review applications in order to guide the physical development of the city, consistent with good site and architectural principles. Specific objectives include the following:

a. To implement the goals and policies of the adopted General Plan related to site and development design.
b. To establish community design and aesthetics as planning considerations in evaluating new development;
c. To develop and implement policy that will encourage appropriateness and compatibility of new development with the existing natural and manmade environment, existing community activity patterns, and community identity; and
d. To develop and implement policy that will minimize or eliminate adverse visual effects caused or perpetuated by the location and design of new development, including effects from the following:

(1) The architectural design, area, height, mass, and scale of structures;
(2) Vehicular and pedestrian access ways and parking areas;
(3) Existing or proposed alteration of natural topographic features and waterways; and
(4) Other development or structures, including utility lines, storage or service areas, and advertising features that may result in interference with sun and light exposure, privacy, and the general aesthetic value of the neighborhood or area.

2. APPLICABILITY

a. SITE/DESIGN REVIEW APPROVAL REQUIRED

A use shall not be established nor shall a building permit be issued for a new structure, or for the substantial alteration of any existing use or structure, until a Site/Design Review application including drawings, elevations, plans, site plans, and other documents have been reviewed and approved by the Director in compliance with the requirements of this Section 14.05.04.H.

b. EXEMPT PROJECTS

Exceptions to this requirement include only single- and 2-family dwelling units. Manufactured Home Parks and Recreational Vehicle Parks shall require Site/Design Review.

3. APPLICABLE REVIEW AUTHORITY

The Director shall be the responsible authority for the review and approval/disapproval of Site/Design Review applications.

4. CONSOLIDATION OF SUBDIVISION APPLICATIONS

All applications submitted to the Department for approval of preliminary subdivision plats, in compliance with Title 13, shall be accompanied by A Site/Design Review application and supporting documents required by this section. The Director shall waive the requirements identified in this subsection in those cases where an applicant does not plan the construction of structures upon the real property proposed to be subdivided.

5. CONSTRUCTION CONSISTENT WITH APPROVED PLANS REQUIRED

All construction, site development, and landscaping shall be carried out in substantial compliance with the drawings, plans, sketches, and other documents approved in compliance with this Sec. 14.05.04.H, unless a change to those plans is approved pursuant to Sec. 14.05.03.N (Changes to an approved project).

6. PROCEDURE

a. The Director shall have the responsibility of coordinating the Site/Design Review process and determining whether the application meets the standards and requirements of this Sec. 14.05.04.H.
b. The Director shall approve a Site/Design Review application if the Director makes a finding that the application meets the criteria in Subsection 7 below.
c. A prospective applicant may request the Director to arrange a preapplication conference in compliance with Sec. 14.05.03.B (Preapplication review). The preapplication conference shall include review of applicable development standards.

7. CRITERIA FOR DESIGN REVIEW

In considering an application for Site/Design Review, the Director's decision shall be governed by the following criteria:

a. The materials used in construction and finishing the structure(s), and the elevations of the structure(s), shall be compatible with the materials and elevations of the structures in the immediate vicinity of the applicant's request;
b. The overall design of the structure(s) and its site shall not adversely affect the present or potential development of the nearby properties or the traffic pattern on abutting streets by virtue of the type of structure(s), sign(s), or their placement on the lot and the location of parking and driveway access areas;
c. All screening walls shall be compatible with the structure's design, color, and materials;

d. Access, sewage disposal, water and other public services to and for the site shall be adequate to serve the proposed development;
e. Specific provisions of deed restrictions and covenants to be recorded with the plat shall, where applicable, be adequate to ensure proper maintenance of all common areas or elements by the current and future property owners;
f. On-site vehicular and pedestrian traffic circulation and parking shall be adequate and convenient to serve the intended users; and
g. Landscaping shall be used, as necessary, to enhance, soften, or screen architectural features from street view or from the view of adjoining properties. Details of landscaping watering systems shall be adequate to ensure appropriate maintenance of all plant materials on the site, in compliance with Sec. 14.04.04 (Landscaping and Screening).

8. NOTICE OF DECISION

A notice of decision by the Director concerning all Site/Design Review applications shall be mailed to the applicant, posted on the city website 7 days following the date on which the decision was rendered, and published once at least 7 days before the decision becomes effective. The notice of decision shall contain the address or legal description of the subject property, a description of the proposed use, information as to where and when approved plans for the development may be reviewed, and information concerning how an appeal of the Director's decision may be filed.

9. APPEAL OF DIRECTOR'S DECISION

Appeals of the Director's decision shall be pursuant to Section 14.05.03.O (Appeals), except as modified in this Section 14.05.04.H.9.

a. Eligibility to file an appeal is limited to the applicant, any owner of a property located within 300 feet of the subject site, or the Commission.
b. The Commission may affirm, reverse, or modify the decision being reviewed, and the decision of the Commission is final.

10. VALIDITY OF DIRECTOR'S APPROVAL

a. The approval of the Director shall remain valid for a period of 12 months from the effective date of the approval.
b. If, at the end of that time, construction has not begun in compliance with Sec. 14.05.03.L (Time limits and extensions), Site/Design Review approval shall expire and shall be in effect only if resubmitted for approval in compliance with this Sec. 14.05.04.H.
c. Any departure from the approved plans shall be cause for revocation of the building permit, disapproval of an occupancy permit, or revocation of an occupancy permit, unless the changes are approved in advance, in compliance with Sec. 14.05.03.N (Changes to an approved project).

11. CONDITIONS OF APPROVAL

In approving a design review, the Director may impose conditions (e.g., buffers, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation deemed reasonable

and necessary to ensure that the approval would be in compliance with the purpose and provisions of this section, and to preserve the public health, safety, and general welfare.

12. POST APPROVAL PROCEDURES

The procedures relating to appeals, changes, expiration, performance guarantees, and revocation in this Development Code shall apply following the approval of a Site/Design Review.

I. PARKING-IN-COMMON PLAN

a. AUTHORITY

The Commission shall have authority to approve Parking-in-Common Plans and modifications to those plans.

b. APPLICATION

In addition to the provisions of Sec.14.05.03.C (Application preparation and filing) an application for approval or modification of a Parking-in-Common Plan shall meet the following requirements:

(1) An application for approval of a Parking-in-Common Plan shall be submitted by all of the property owners for which it will provide off-street parking required by Sec. 14.04.02 (Parking and Loading)if approved.
(2) An application for modification of an existing Parking-in-Common Plan shall be submitted by 75 percent of the property owners for which it currently provides off-street parking required by Sec.14.04.02 (Parking and Loading), as well as those property owners for which it will provide off-street parking required by Sec. 14.04.02 (Parking and Loading) if approved.

c. CRITERIA AND DECISION

The Commission may approve a Parking-in-Common Plan, or a modification of an existing Parking-in-Common Plan, if it makes the following findings:

(1) The proposed Plan or modification will provide adequate off-street parking for the included property owners, taking into account the minimum off-street parking requirements of Sec. 14.04.02 (Parking and Loading) and any potential sharing of spaces among the included property owners based on differences in peak hour parking demands and the variety of land uses to be covered by the application.
(2) Approval of the proposed Plan or modification will not increase traffic congestion on public or private streets near the included properties or on any property containing a residential land use within 300 feet of the included properties.
(3) Approval of the proposed Plan or modification will not result in any property becoming nonconforming with regard to required off-street parking, unless that property owner consents in writing to the creation of that nonconformity.

J. ABANDONMENT OF EASEMENTS

1. PROCEDURE

a. PREAPPLICATION CONFERENCE REQUIRED

A prospective applicant for an abandonment of easement shall schedule a preapplication conference with the Director for the purpose of reviewing procedural and review requirements necessary to carry out the applicant's request for abandonment.

b. ALL COSTS TO BE BORNE BY APPLICANT

All costs associated with the abandonment shall be borne by the applicant.

c. STATE AND AGENCY REVIEW

Upon acceptance of the application, the Director shall transmit the application materials to appropriate review agencies and staff departments.

d. COUNCIL APPROVAL REQUIRED

The Director shall transmit a copy of the application materials, Department findings and recommendations to the Council, which shall act to approve, approve with modifications, or disapprove the application, in compliance with Subsection 2 below

2. CONDITIONS, FINDINGS, AND DECISION

In order for an easement to be abandoned, the following conditions and findings shall apply:

a. GUYING REQUIREMENTS

Where there is a 10-foot by 50-foot guying requirement on the public utility easement (PUE) for the specific purpose of guying a utility pole, abandonment of a 10-foot by 25-foot portion may be considered.

b. RELOCATION OF EASEMENT

In association with the combination of lots, consideration may be given to the relocation of an existing PUE to another location within the affected lots. However, it shall be noted that in many cases these PUEs cannot be relocated due to existing facilities or due to the location of the existing PUE being contiguous with other PUEs within the area.

c. WRITTEN APPROVAL REQUIRED

Written approval from all affected utility companies shall be necessary before the abandonment is approved.

d. FINDINGS

Unless it is determined that the easement and utility services or drainage facilities can be properly relocated, the following findings shall be made before Council approval of a request to abandon. The easement shall not:

(1) Contain utility lines of any nature in that portion to be abandoned;
(2) Be used to convey street run-off waters to established wash facilities; and

(3) Be required for future systems expansion by any public or private utility.

3. ABANDONMENT TO BE RECORDED

The city shall be responsible for recording the abandonment in the Office of the County Recorder following Council approval.

K. DEVELOPMENT CODE AND ZONING MAP AMENDMENTS

This Section establishes provisions for the amendment of this Development Code or the Zoning Map whenever required by public necessity and general welfare, in compliance with state law (A.R.S. §§ 9-461.06 and 9-462.03).

1. INITIATION OF AMENDMENT

An amendment to this Development Code or the Zoning Map shall be initiated by the Council, or by the owner(s) of property that would be the subject of or affected by the amendment, or by an agent for one or more of those owner(s).

2. CITIZEN REVIEW PROCESS FOR ZONING MAP AMENDMENTS

a. PURPOSE

The purpose of the citizen review process is to:

(1) Ensure that citizens and property owners have sufficient time to learn the substance of Zoning Map Amendments that may affect them; and
(2) Ensure that applicants communicate with citizens regarding Zoning Map Amendments to promote early and effective citizen participation, and that the applicants work with citizens to resolve concerns at an early stage in the process.

b. CITIZEN REVIEW PLAN

A citizen review plan shall be submitted with the application and implemented before the notice of the first public hearing. At a minimum, the citizen review plan shall include the following:

(1) The means by which land owners and other potentially affected citizens and landowners within 300 feet of the subject project will receive early notification by the applicant of the substance of the request in order to promote early citizen involvement. The applicant's notification shall be made before submittal of the application to the city.
(2) The early notification by the applicant shall also identify the method by which adjacent landowners, and other potentially affected citizens, will be provided an opportunity to express any issues or concerns before the notice of the first public hearing.
(3) Additional information as required on the "Citizen Review Process Checklist" provided by city staff. The Director has the authority to prepare and amend the "Citizen Review Process Checklist" and the Department and the City Clerk's office shall make the "Citizen Review Process Checklist" available to the public for inspection and copying.
(4) The applicant shall be responsible for notifying parties identified in the citizen review plan of any modification(s) to their proposal before the

notice of the first public hearing. The means of notification of the modification(s) shall be identified in the citizen review report described in Subparagraph C immediately below.

c. CITIZEN REVIEW REPORT

The applicant shall also provide to the city staff a written report of the results of their citizen review effort before the notice of the first public hearing.

(1) This report on the applicant's citizen review effort shall be included with the Department's public hearing report.
(2) The means of notifying citizens identified in the case of a modification(s) shall be identified in the citizen review report.
(3) If the citizen review report has been submitted and an additional modification(s) occurs, the applicant shall submit an addendum to the citizen review report.
(4) The addendum shall describe the citizen involvement process that provided citizens with the opportunity to review and comment on the modification(s).

d. INCOMPLETE CITIZEN REVIEW PLAN AND/OR REPORT

If the citizen review plan and/or report do not meet the requirements identified above, the application for the Zoning Map amendment shall be considered incomplete and shall not be scheduled for public hearing.

3. COMMISSION HEARINGS, NOTICE AND ACTION

a. Upon receipt of a complete application and Department review, the Director shall schedule a public hearing before the Commission, and the Commission shall hold a public hearing, pursuant to Sections 14.05.03.G (Public hearings) and 14.05.03.H (Notice of hearing).
b. Following the Commission's hearing on the proposed amendment, a written staff report shall be prepared that shall include detailed recommendations to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in Subsection 6 below (Findings required) below.

4. COUNCIL HEARING, NOTICE, AND ACTION

a. Following the completion of the Commission hearing, the Director shall schedule a public hearing before the Council, and the Council shall hold a public hearing, pursuant to Sections 14.05.03.G (Public hearings) and 14.05.03.H (Notice of hearing).
b. Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or disapprove the proposed amendment based upon the findings in Subsection 6 below (Findings required) below.

5. ZONING MAP AMENDMENT PROTEST

a. TWENTY PERCENT PROTEST

If the owners of at least 20% either of the area of the lots included in a proposed Zoning Map Amendment, or of those lots located immediately adjacent (see

Subsection 14.05.04.K.5.c below) to the lot(s) subject to the amendment, file a written protest against the amendment, the Zoning Map Amendment shall only become effective by the favorable vote of 3/4 of the Council, in compliance with State law (A.R.S. § 9-462.04 H.) If all 7 Council members are present and eligible to vote, it shall require the favorable vote of at least 6 members to approve the Zoning Map Amendment.

b. Protest must be received 5 days before hearing

In order to qualify for the 20% threshold, the written protests shall be received by the Department or City Clerk at least 5 days before the scheduled Council hearing on the Zoning Map Amendment.

c. Immediately adjacent

In order to qualify as immediately adjacent, the written protests shall be only from owners of lots located within 150 feet of the lot(s) subject to the proposed Zoning Map Amendment. The 150-foot measurement shall be taken from the rear, side, or directly opposite the lot(s) subject to the Zoning Map Amendment, extending 150 feet from the street frontage of the opposite lots.

6. FINDINGS REQUIRED

An amendment to this Development Code or the Zoning Map may be recommended for approval by the Commission, and may be approved by Council only if the review authority first finds all of the following as applicable to the type of amendment proposed.

a. Findings required for all Development Code and Zoning Map amendments

(1) The proposed amendment is consistent with the maps and policies of the General Plan and any applicable specific plan; and
(2) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.

b. Additional finding for Development Code amendments

The proposed amendment is consistent with other applicable provisions of this Development Code.

c. Additional findings for Zoning Map amendments

(1) The area under consideration is an appropriate area for treatment as a unit in zoning;
(2) A current public need has been demonstrated for the range of uses allowed by the requested zoning district;
(3) The public need is best met by the proposed zoning map change on the proposed land as compared with other viable property zoned for the proposed uses or susceptible to rezoning for the proposed uses;
(4) The surrounding property would not be adversely affected by approval of the request, or the adverse effects are properly addressed by conditions that may be placed on the approval;
(5) All public safety facilities and all public facilities and services to the uses allowed by the proposed zoning are available, or may be made

available in conjunction with development, and the construction of any required improvements needed to meet city standards is guaranteed by binding agreement between the developer and the city and/or are programmed for installation in the city's capital improvements budget for the current year. Public facilities and services shall include drainage, sewer, transportation, and water services that conform to adopted master service plans and are installed in compliance with adopted city construction standards; and

(6) Areas requested to be rezoned for multi-family, commercial, or industrial uses shall, as a prerequisite to approval of the requested zoning, be first included within a city drainage, sewer, and water service district for which master service plans have been adopted.

7. EFFECTIVE DATE

A Development Code/Zoning Map amendment shall become effective after the thirtieth day following the adoption of an ordinance by the Council.

L. REZONING TO PLANNED DEVELOPMENT OVERLAY

1. GENERAL

An application for rezoning to the Planned Development Overlay District shall be treated as an Amendment to the Development Code and to the Zoning Map, and shall be reviewed and a decision on the application made pursuant to Sec. 14.05.04.K (Development Code and Zoning Map Amendments) except as those provisions are modified by this Sec. 14.05.04.L.

a. At the request of the applicant, an application for rezoning to the Planned Development Overlay district may be considered simultaneously with, or to be combined with, a preliminary subdivision plat approval. If simultaneous preliminary plat approval is requested, the rezoning application must contain all information required for a preliminary plat as shown in Chapter 13 of the Code of Lake Havasu City, and any other additional information as stated below.

b. The application for rezoning to a Planned Development Overlay District shall include a General Development Plan meeting the requirements of Sec. 14.05.04.L.2.b, and the General Development Plan shall be reviewed by the Commission and Council as part of the rezoning application.

c. The application for rezoning to a Planned Development Overlay District shall include Architectural Design and General Development Standards meeting the Guideline for Design in Section14.02.06.D.4, and the those documents shall be reviewed by the Commission and Council as part of the rezoning application.

2. SPECIAL PROCEDURES

a. PREAPPLICATION CONFERENCE REQUIRED

The applicant for Planned Development Overlay District approval shall schedule a preapplication conference with the Director pursuant to Sec. 14.05.03.B (Preapplication review).

b. General Development Plan Required

(1) The applicant shall submit a General Development Plan with the application for approval of a Planned Development Overlay District.
(2) The General Development Plan shall contain information required by the City and a general layout of proposed land uses and development intensities, and the general locations of buildings, public and private streets, and access ways.
(3) The application may also include an application for Site/Design Review if it contains all of the information required of a Site/Design Review application.
(4) The application may also include a preliminary or final subdivision plat if it contains all of the information required of a preliminary or final plat in compliance with Title 13 of the Code of Lake Havasu City.

3. REVIEW FACTORS

In considering and acting upon applications for rezoning to the Planned Development Overlay district, the Planning Commission and City Council shall consider and base their recommendation and decision, respectively, on the following information:

a. Quality of site design;
b. Integration of a variety of land uses, building types, and densities.
c. Preservation of natural features;
d. Compatibility with adjacent land uses;
e. Provision and type of open space and the provision of other amenities designed to benefit the general public; and
f. Adequacy of utilities and other public facilities.

4. REQUIRED FINDINGS

Following the required public hearing, the review authority may approve, conditionally approve, or disapprove a Planned Development Overlay application and shall record the decision and the findings upon which the decision is based. The Commission may recommend approval, and the Council may approve, the Planned Development Overlay (including the General Development Plan and any related applications) only after first finding that:

a. The proposed development shall be consistent with and conform to the Lake Havasu City General Plan;
b. The exceptions from the standards of the underlying district are warranted by the design and amenities incorporated into the development plan and program;
c. The proposal is in harmony with the surrounding area or its potential future use, and incorporates unified or internally compatible architectural treatment;
d. The system of ownership and the means of developing, preserving, and maintaining open spaces is suitable;
e. The approval will have a beneficial effect on the area that could not be achieved under the primary planning designation for the area;
f. The proposed development, or a unit thereof, can be substantially completed within three years from the date of approval;

g. Adequate public facilities and services are available or are proposed to be made available in the construction of the project; and
h. The general objectives of the Planned Development Overlay district and the applicable objectives of the various categories of planned development have been met.

5. DEED RESTRICTIONS

The Planning Commission may require filing of deed restrictions to help carry out the intent of this resolution and specifically the intent of the Planned Development Overlay district.

6. TIMING OF DEVELOPMENT

a. Any project in a Planned Development Overlay District that requires more than 12 months to complete shall be constructed in phases substantially complete in themselves, and a phasing plan shall be submitted and approved as a part of the General Development Plan.
b. The Council may require that development be done in phases if public facilities and services are not adequate to initially serve the entire development.
c. If substantial construction or development has not taken place within 3 years from date of Council approval of the General Development Plan, the Council shall review the district at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall act to remove the Planned Development Overlay District from the property. The Council, at the request of the applicant, may grant an extension of time, if justifiable.

7. CHANGES IN APPROVED PLANS

Notwithstanding the provisions of Sec. 14.05.03.N (Changes to an approved project), changes to an approved General Development Plan or to other documents or approvals related to a Planned Development shall comply with the following:

a. MINOR CHANGES

The Commission may approve changes that do not increase the densities, do not change boundaries, do not change any use, and do not change the location or amount of land devoted to a specific land use.

b. MAJOR CHANGES

Proposed changes that do not qualify for approval by the Commission under Subsection a. above, shall require the filing of a new General Development Plan, which shall be reviewed and a decision on the application made in the same manner as the approval of the original General Development Plan.

M. GENERAL PLAN AMENDMENT

This Section establishes provisions for the amendment or re-adoption of the General Plan, whenever required by public necessity and general welfare, in compliance with state law (A.R.S. § 9-461.06 and). A General Plan amendment may include revisions to text, maps, or diagrams.

1. INITIATION OF AMENDMENT

An amendment to the General Plan shall be initiated by the Council, or by the owner(s) of property that would be the subject of or affected by the amendment, or by an agent for one or more of those owner(s).

2. HEARINGS AND NOTICE

a. SCHEDULING OF HEARINGS

(1) Minor Amendment

The city will consider Minor General Plan Amendments, as defined by this Code, at any time during the year, in accordance with this Section 14.05.04.M, in compliance with state law.

(2) Major Amendment

The city will consider Major General Plan Amendments, as defined by this Code, once each year, in compliance with state law. Major Amendment applications shall be received after January 1 and no later than on or before February 15 and all public hearings shall be held during the calendar year the applications are made.

b. COMMISSION HEARINGS FOR GENERAL PLAN AMENDMENTS

(1) Minor Amendment

When reviewing a Minor General Plan Amendment, after considering any recommendations from the reviewing bodies required under state law (A.R.S. § 9-461.06.D.) the Commission shall hold at least one public hearings at a location designated within the City Public Improvement Plan, on file in the City Clerk's Office, and as it may be amended from time to time, in order to encourage citizen participation in the planning process, in compliance with state law (A.R.S. § 9-461.06).

(2) Major Amendment

(A) When reviewing a Major Amendment, after considering any recommendations from the reviewing bodies required under state law (A.R.S. § 9-461.06.D.) the Commission shall hold at least two public hearings at different locations designated within the City Public Improvement Plan, on file in the City Clerk's Office, and as it may be amended from time to time, in order to encourage citizen participation in the planning process, in compliance with state law (A.R.S. § 9-461.06).

(B) Major Amendment applications must be reviewed by July 1 and public hearings must be held by October 1 of every year.

c. COUNCIL HEARINGS FOR GENERAL PLAN AMENDMENTS

(1) Any Amendment

When considering any General Plan amendment, the Council shall hold at least one public hearing at a location designated within the City Public Improvement Plan, on file in the City Clerk's Office, and as it may be amended from time to time, in order to encourage citizen participation in the planning process, in compliance with state law (A.R.S. § 9-461.06).

(2) Major Amendment

(A) All Major Amendments to the General Plan proposed for adoption by Council shall be presented at single public hearing during the calendar year the proposal is made.

(B) The Council hearing for all Major Amendments proposed for adoption during a single calendar year must be held by October 1 of that year.

(C) A 2/3 majority vote of Council is needed for adoption, re-adoption, or a Major Amendment to the General Plan.

d. NOTICE OF HEARINGS

Notice of the hearings shall be given in compliance with Sec. 14.05.03.H (Notice of hearing), except that if published notice is not feasible, notice shall be posted in at least ten public places in the municipality, in compliance with A.R.S. § 9-461.06.

3. CITIZEN REVIEW PROCESS

Citizen review of General Plan Amendments shall be in accordance with Section 14.05.04.K.2 (Citizen Review Process for Zoning Map Amendments) of this code and state law.

4. COMMISSION ACTION

Following the Commission's hearing on the proposed amendment, a written staff report shall be prepared that shall include detailed recommendations to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in Subsection 6 below.

5. COUNCIL ACTION

Upon receipt of the Commission's recommendation, the Council shall approve, approve in modified form, or disapprove the proposed amendment based upon the findings in Subsection 6 below.

6. FINDINGS AND DECISION

An amendment to the General Plan may be recommended for approval by the Commission, and may be approved by Council, only if all of the following findings of fact can be:

a. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and

b. The site is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land use developments.

7. EFFECTIVE DATE

A General Plan amendment shall become effective 30 days following the date of adoption by Council in accordance with Section 14.05.03.K.3.

14.05.05. Pre-existing Development and Nonconformities

A. PURPOSE

Within the zoning districts established by this Development Code, there exist land uses, structures, and parcels that were lawful at the time they were established, constructed, or

formed, but that are now prohibited, regulated, or restricted differently under the terms of this Development Code. This Section establishes uniform provisions for the regulation of these legal nonconforming land uses, structures, and parcels. In addition, Section 14.02.06.B (AP-O Airport Overlay District) includes additional regulations that apply to nonconformities in the Airport Overlay District.

B. NONCONFORMING STRUCTURES

1. CONTINUATION

A nonconforming structure may be continued, transferred, or sold; and may undergo normal and necessary maintenance and repairs; provided that no structural alterations are made.

2. LOSS OF STATUS THROUGH SUBSTANTIAL DAMAGE

a. If a nonconforming structure or a conforming structure used for a nonconforming use is damaged or destroyed due to a catastrophic event and the cost of repairing or replacing the structure is greater than 50% of the current appraised value of the structure as shown on the County Assessor's records, or as established by a state licensed appraiser, the right to continue occupancy of the nonconforming structure or to continue the nonconforming use shall cease.
b. If the cost of repairing or replacing the structure does not exceed 50% of the current appraised value of the structure, as shown in the County Assessor's records or established by a state licensed appraiser, the structure may be restored and the use continued if the restoration is started within one year of the date of damage or destruction and is completed within two years of the date of damage or destruction.

3. EXEMPTION FOR RESIDENTIAL UNITS

Notwithstanding the provisions of subsection B.2 above, nonconforming single-, 2- and multi-family residential dwelling units damaged or destroyed due to a catastrophic event may be reconstructed or replaced with a new structure(s) using the same development standards applied to the damaged or destroyed structure(s) if completed within one year of the catastrophic event. The new construction shall comply with the current building and fire code requirements.

4. SPECIAL PROVISION FOR MU-UMS AND R-UMS DISTRICTS

A nonconforming building or other structure may be allowed a tenant improvement or added to, provided 50% or more of the existing floor area or 50% of the assessed value is not exceeded.

5. SPECIAL PROVISIONS FOR AIRPORT OVERLAY DISTRICT

Whenever the Zoning Administrator determines that a nonconforming structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow the structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

C. NONCONFORMING USES OF LAND AND STRUCTURES

1. CONTINUATION

A nonconforming use of land and structures may be continued, transferred, or sold; provided, the use shall not be enlarged or intensified, nor be extended to occupy a greater area than it lawfully occupied before becoming a nonconforming use.

2. SPECIAL PROVISION FOR MU-UMS AND R-UMS DISTRICTS

a. Restaurant/café uses established or existing within a nonconforming building and/or with nonconforming parking may provide outdoor seating within the right-of-way as set forth in Sec. 14.03.03.E.4.
b. A change of an existing permitted use to another permitted use will not trigger compliance with UMS District standards.

3. LOSS OF STATUS THROUGH DISCONTINUANCE

If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a period of at least 180 consecutive days or a total of 12 non-consecutive months, rights to a legal nonconforming status shall terminate, regardless of the owner's intention to abandon.

D. NONCONFORMING HOME OCCUPATIONS

1. CONTINUATION

Nonconforming uses, legal under this Development Code, shall continue as legal nonconforming uses under the current Code until one of the events in Subsection D.2 below occurs:

2. LOSS OF STATUS

The nonconforming status of the home occupation shall be lost if.

a. The operator ceases to do business for a period of 60 days or more;
b. The operator fails to maintain a proper business license for more than 30 days; or
c. The business is moved to a new location.

3. NO RESTARTING AFTER LOSS OF STATUS

If lost, a legal nonconforming status cannot be regained and the use shall be subject to the applicable regulations of this Development Code, and, as of July 1, 1997 and thereafter, shall comply with the Use-specific Standards in Sec. 14.03.03.E.2.h (Other uses not expressly allowed or prohibited) and 14.03.03.E.2.k (Performance standards)].

E. NONCONFORMING SITE FEATURES

1. CONTINUATION

A nonconforming site feature, including but not limited to parking, landscaping, or lighting, may be continued; and may undergo normal and necessary maintenance and repairs; provided that the degree of nonconformity is not increased.

2. LOSS OF STATUS WHEN STATUS OF USE OR BUILDING IS LOST

When a nonconforming use or building loses its nonconforming status pursuant to Subsections B or C above, the nonconforming site feature also loses its nonconforming status. Any requirement that the use or structure be brought into compliance with the provisions of this development code shall require that the nonconforming site features also be brought into conformance.

3. SPECIAL PROVISION FOR MU-UMS AND R-UMS DISTRICTS

A property with nonconforming parking is allowed a change of an existing permitted use to another permitted use and will not trigger compliance with MU-UMS and R-UMS parking standards provided that the conditions of Subsection B.1 above are met.

4. SPECIAL PROVISIONS FOR AIRPORT OVERLAY DISTRICT

Whenever the Zoning Administrator determines that a nonconforming tree has been more than 80% torn down, physically deteriorated, or decayed, no permit shall be granted that would allow the tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

F. NONCONFORMING PARCELS AND LOTS

If a parcel or lot was legally created, but no longer meets the minimum size, width, or other requirements of the zone district in which it is located, the lot may still be improved with those primary and accessory structures permitted in the zone district where it is located, and may be put to the primary and accessory uses permitted in the zone district where it is located, provided that the structure and use comply with all requirements applicable to other lots in that zone district, including but not limited to minimum building setbacks, minimum parking requirements, and maximum lot coverage by buildings.

G. NONCONFORMING SIGNS

1. LEGAL NONCONFORMING STATUS

A sign located within the city as of the date of adoption of this Development Code that does not conform with the provisions of this chapter is eligible for characterization as a "legal nonconforming" sign and is allowed; provided, it also meets the following requirements:

a. The sign was issued a permit before the date of adoption of this Development Code, if one was required under the applicable law.
b. If no permit was required under the applicable law, the sign was in compliance in all respects with the applicable law on the date of adoption of this Development Code.

2. LOSS OF STATUS

A legal nonconforming sign shall immediately lose its legal nonconforming designation if any 1 of the following occurs:

a. The sign is structurally altered.
b. The sign is relocated.
c. The sign is abandoned as defined in Article VI (Glossary) for a period of 60 days or more.

3. RESULT OF LOSS OF LEGAL NONCONFORMING STATUS

A sign that loses its legal nonconforming status shall be immediately brought into conformance with this chapter and an accompanying permit, or shall be removed.

4. MAINTENANCE AND REPAIR OF LEGAL NONCONFORMING SIGNS

Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance, and repair of signs; provided, that any repainting, cleaning, or other normal maintenance or repair of the sign or copy that in any way makes it more nonconforming may cause the sign to lose its legal nonconforming status.

14.05.06. Violations, Enforcement, and Penalties

A. PURPOSE

The purpose of this chapter is to provide procedures that are intended to ensure compliance with the requirements of this Development Code and any conditions of land use permit or subdivision approval, to promote the city's planning efforts, and for the protection of the public health, safety, and general welfare of the city.

B. OFFICIAL DUTY TO ENFORCE

1. RESPONSIBILITY TO ENFORCE

The Zoning Administrator is charged with the responsibility to enforce the provisions of this Development Code and any conditions of land use permit or subdivision approval, and may:

a. Exercise the authority provided in Secs.14.05.06.E (Administrative Remedies) and/or 14.05.06.F (Legal remedies), below; and
b. Issue civil citations for any violation(s) of this Development Code pertaining to the use of any land and the addition, alteration, construction, conversion, erection, installation, moving, reconstruction, or use of any structure.

2. OTHER CITY OFFICIALS

All officials of the city charged by the law with the general duty of enforcing city codes and ordinances shall also enforce the provisions of this Development Code.

C. GENERAL PROVISIONS

1. PERMITS AND LICENSES

All departments, officials, and public employees of the city who are assigned the authority or duty to issue permits or licenses shall comply with state law (A.R.S. § 9-462.05) and the provisions of this Development Code. Permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued. Any permit issued in conflict with the provisions of this Development Code shall be deemed void. Any action taken by an official or public employee of the city in conflict with the provisions of this Development Code shall be deemed void.

2. INSPECTIONS

a. PREAPPROVAL INSPECTIONS

Every applicant seeking a permit or any other action in compliance with this Development Code shall allow the city officials handling the application access to any premises or property that is the subject of the application.

b. POST APPROVAL INSPECTIONS

If the permit or other action is approved, the owner or applicant shall allow appropriate city officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

3. RESPONSIBLE PARTY

The owner and/or person in possession of any property used in violation of this Development Code are responsible for any prohibited act(s) or violation(s) on the subject property.

a. OWNER'S RESPONSIBILITY

The owner's responsibility applies whether or not the owner, or agent, is aware of the prohibited act(s), has committed the prohibited act(s), or has neglected to prevent the performance of the prohibited act(s) by another person(s).

b. PERSON IN POSSESSION'S RESPONSIBILITY

The person in possession's responsibility applies whether or not the person in possession, or agent, is aware of the prohibited act(s), has committed the prohibited act(s), or has neglected to prevent the performance of the prohibited act(s) by another person(s).

4. ADDITIONAL PERMIT PROCESSING FEES

Any person who alters, constructs, converts, enlarges, erects, establishes, installs, maintains, moves, or operates any land use or structure without first obtaining a permit or entitlement required by this Development Code, shall pay the additional permit processing fees established by the Council's fee resolution for the correction of the violation(s), before being granted a permit for a use or structure on the site.

5. REINSPECTION FEES

a. AMOUNT AND APPLICABILITY OF REINSPECTION FEE

(1) A reinspection fee shall be imposed on each person who receives a notice of violation, notice, and order, or letter of correction of any provision of this Development Code, the Municipal Code, or state law.
   (A) The fee may be assessed for each inspection or reinspection conducted when the particular violation(s) for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in the notice or letter.
   (B) The fee may be assessed daily, but not more than once per day.

(2) The fee shall not apply to the original inspection to document the violation(s) and shall not apply to the first scheduled compliance

inspection made after the issuance of a notice or letter, if the correction has been made.

(3) Any reinspection fees imposed shall be separate and apart from any civil fines or penalties imposed for violation of this Development Code or the Municipal Code, or costs incurred by the city for the abatement of a public nuisance.

b. CONTINUATION OF THE ORIGINAL CASE

(1) If a notice or letter has been previously issued for the same violation(s) and the property has been in compliance with the provisions of this Development Code or the Municipal Code for less than 180 days, the violation(s) shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.

(2) This fee is intended to compensate for administrative costs for unnecessary city inspections, and is not a penalty for violating this Development Code or the Municipal Code.

D. ENFORCEMENT PROCEDURE

This section describes the enforcement procedures in cases where the Zoning Administrator has determined that real property within the city is being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this chapter may be avoided.

1. INITIAL CONTACT AND EDUCATION

The Zoning Administrator shall investigate the complaint and attempt to make contact with the real property owner or occupant to explain the Code violation and may give the owner/occupant up to seven days to correct the violation prior to providing a written notice of violation.

2. NOTICE TO RESPONSIBLE PARTIES

If the violation is not corrected within the time period established in Subsection 1 above, the Zoning Administrator shall provide the record owner of the subject site and any person in possession or control of the site with a written notice of violation, which shall include the following information:

a. A description of the violation(s) and citations of applicable Development Code provisions being violated;
b. A time limit for correcting the violation(s) in compliance with Subsection 3, below;
c. A statement that the property owner may request and be provided a meeting with the Zoning Administrator to discuss possible methods and time limits for the correction of the violation(s); and
d. A statement identifying a re-inspection fee amount that may be applied if the subject site is not brought into compliance within the time limit for correction provided in Subsection 3 below.

3. TIME LIMIT FOR CORRECTION

a. The notice of violation shall state that the violation(s) shall be corrected within 21 days from the date of the notice to avoid further enforcement action by the city, unless the responsible party is granted a longer period for correction by the Zoning Administrator. This contact shall be made in the form of a written Schedule of Compliance for violations expected to exceed the 21-day time limit.
b. The 21 day time limit may be extended by the Zoning Administrator upon determining that the responsible party will likely correct the violation(s) within a reasonable time.
c. The Zoning Administrator may also require through the notice of violation that the correction occur within less than 21 days if the Zoning Administrator determines that the violation(s) constitutes a hazard to public health or safety.

4. REINSPECTION FEES

In accordance with Section 14.05.06.C.5, reinspection fees shall be imposed if the subject site is not brought into compliance within the time limit for correction or if the violation is found to be a continuation of an original complaint.

5. USE OF OTHER ENFORCEMENT PROCEDURES

The enforcement procedures of Subsection E (Administrative Remedies) or F (Legal Remedies) below may be employed by the Zoning Administrator after or instead of the provisions of this section where the Zoning Administrator determines that this section would be ineffective in securing the correction of the violation(s) within a reasonable time, as determined by the Zoning Administrator based on the amount of work to be done and weather or other conditions.

E. ADMINISTRATIVE REMEDIES

1. PERMIT REVOCATION OR MODIFICATION

This section provides procedures for securing punitive revocation or modification of previously approved land use permits or entitlements. The city's action to revoke an entitlement shall have the effect of terminating the entitlement and denying the privileges granted by the original approval. The city's action to modify an entitlement, rather than to revoke it, shall have the effect of changing the operational aspects of the entitlement; the changes included in a modification the operational aspects related to buffers, duration of the entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, and the like.

2. HEARINGS AND NOTICE

a. Upon violation of any applicable provision of this Development Code or if granted subject to conditions, upon failure to comply with those conditions, the permit or entitlement shall be suspended by action of the Zoning Administrator, in compliance with this section.

b. The Zoning Administrator shall give written notice to the applicant of the intent to suspend or revoke the permit and provide the basis for the suspension or revocation.
c. The applicant shall have 30 days from the date of the Zoning Administrator's notification to take remedial actions to correct the conditions of suspension or revocation.
d. At the end of the 30-day notification period the Zoning Administrator shall conduct a re-inspection, and if not satisfied that the basis for the suspension is being complied with, may revoke the permit.
e. The applicant, within 30 days from the date of the Zoning Administrator's notification to revoke the permit, may file an appeal to the BOA in compliance with Sec. 14.05.03.O (Appeals).
f. The applicant may also appeal the BOA determination to the Council, in compliance with Sec. 14.05.03.O (Appeals).

3. REVIEW AUTHORITY'S ACTION

a. A land use permit, Minor Variance, Major Variance, or entitlement may be revoked or modified by the review authority that originally approved the permit, Minor Variance, Major Variance, or entitlement if any 1 of the following findings of fact can be made in a positive manner:

(1) Circumstances under which the permit was granted have been changed by the applicant to a degree that 1 or more of the findings contained in the original permit can no longer be made in a positive manner and the public health, safety, and welfare require the revocation;
(2) The permit was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing for the permit;
(3) One or more of the conditions of the permit have not been substantially fulfilled or have been violated;
(4) The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute; or
(5) The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.

b. In addition to finding that at least one of the findings in subsection a. can be made in a positive manner, in order to modify or revoke a Minor or Major Variance, the reviewing authority must also make a finding that the grantee has not substantially exercised the rights granted by the Minor or Major Variance.

F. LEGAL REMEDIES

In addition to, or in lieu of, pursuing the administrative remedies in Subsection E above, the city may choose to undertake any of the following legal actions to correct and/or abate any nuisance or violation(s) of this Development Code.

1. CIVIL ACTIONS

a. Commencement of action

A civil violation may be commenced by issuance of a civil citation or complaint.

b. Form of civil citation and required appearance

The civil citation shall direct the defendant to appear in City Court at the time and date described on the citation at the time of issuance.

c. Administrative Fine Option Available

The civil citation may offer the defendant the option of paying a civil fine by a certain date if the defendant agrees in writing to remedy the violation within a stated time and waives his or her rights to a court appearance on the citation. The civil citation may notify the defendant that the amount of the civil fine may increase to a higher stated amount(s) if not paid by a certain date, in order to encourage prompt payment of the fine and remedy of the violation.

d. Failure to appear

The civil citation shall further notify the defendant that failure to appear on or before the date specified in the complaint will result in a judgment by default entered against the defendant. Additionally, the court may, at its discretion, impose a civil penalty in compliance with state law, or as the law may be amended from time to time.

e. Methods of service

Service of the civil citation must be in accordance with state law.

f. Authority to issue civil citations

(1) The Zoning Administrator, the City Manager, any designee of the City Manager, or any city peace officer, may issue a civil citation in compliance with this section.
(2) Designee, as used above, shall mean an individual employed by the city who has been appointed by the City Manager, in writing, to have the authority to issue civil citations, as designated on a written authorization filed with the City Clerk.

2. CIVIL REMEDIES AND PENALTIES

a. Civil penalties

Any person, firm, or corporation that willfully violates the provisions of this Development Code, or any permit issued in compliance with this Development Code, shall be liable for a civil violation punishable by imposition of a civil penalty in an amount not to exceed $2,500 per day or as the fine may be amended from time to time. The amount of the civil penalty imposed for violations of this Development Code may be stated at a level that increases periodically if action to remedy the violation has not been taken, in order to encourage prompt compliance with the Development Code.

b. Additional civil penalties

Upon a finding of liability for civil violation of this Development Code the court should impose a civil penalty in an amount not to exceed $2,500 per day or as the fine may be amended from time to time. The judge should not suspend the imposition of the civil

penalty unless, at the time of sentencing, the court finds, by a preponderance of the evidence, that the violation(s) the defendant was found liable for has been corrected and that the defendant is now in full compliance with this Code. In that event, the judge may suspend all or part of the civil penalty.

c. Costs and damages

Any person violating any provisions of this Development Code or any permit issued in compliance with this Development Code, shall be liable to the city for the costs incurred and the damages suffered by the city, its agents, and agencies as a direct result of the violations.

d. Considerations

In determining the amount of the civil penalty to impose, the court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation, the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by defendant.

e. Appearance by defendant

The defendant shall, at the time and date described on the citation at the time of issuance, appear in person or through an attorney in the City Court and shall either admit or deny the allegations contained in the citation. If the defendant admits the allegation, the court shall enter judgment against the defendant and impose a civil penalty in compliance with the civil citation issued to the defendant and the factors listed in subsection d above, provided the amount is consistent with state law. If the defendant denies the allegation contained in the civil citation, the court shall set the matter for hearing.

f. Default judgment

If a person served with a complaint fails to appear on or before the time directed to appear or at the time set for hearing by the court, the allegations in the complaint shall be deemed admitted and the court shall enter judgment for the city and impose a civil penalty in compliance with the civil citation issued to the defendant and the factors listed in subsection d above, provided the amount is consistent with state law.

g. Rules of procedure

The Arizona Rules of Court for civil traffic violation cases and rules set by the Arizona Supreme Court shall be followed by the City Court for civil violations of this Development Code.

h. Collection of fines

Any judgment for civil penalty taken in compliance with this chapter may be collected as any other civil judgment.

3. NO LIMIT ON CITY'S OPTIONS

The penalties identified in this chapter do not limit the right of the city through its legal representative(s), as authorized by the Council upon request of the enforcing officials, to institute any appropriate legal procedure(s) as prescribed by law to abate, correct, enjoin,

or restrain any actual or threatened violation of this Development Code, unless superseded by the Superior Court.

4. JURISDICTION OF CITY COURT

Jurisdiction of all proceedings to enforce the provisions of this Development Code shall be in City Court. Additional actions shall be handled by the Superior Court. Civil actions to enforce this chapter may be adjudicated by a judge or a court hearing officer.

Article 6. Definitions and Rules of Construction

14.06.01. Rules of Construction

A. ABBREVIATED TITLES AND PHRASES

For the purpose of brevity, the following phrases, personnel, and document titles are shortened in this Development Code. The City of Lake Havasu City is referred to as the "city." The Lake Havasu City Council is referred to as the "Council," the Lake Havasu City Planning Commission is referred to as the "Commission", the Lake Havasu City Board of Appeals is referred to as the "BOA". Community Investment Department Director or his or her duly appointed designee is referred to as the "Director" and the Community Investment Department is referred to as the "Department." The Lake Havasu City Development Code is referred to as "this Development Code." "Buildings and structures" are referred to as "structures."

B. TERMINOLOGY

When used in this Development Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . ."

C. TIME LIMITS

Whenever a number of days is specified in this Development Code, or in any permit, condition of approval, or notice provided in compliance with this Development Code, the number of days shall be construed as calendar days. A time limit shall extend to the following working day where the last of the specified number of days falls on a weekend or holiday.

14.06.02. Measurements and Exceptions

A. MINIMUM REQUIREMENTS

All provisions in this Development Code shall be considered to be minimum requirements, unless stated otherwise.

B. ROUNDING

Where provisions of this Development Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations may be rounded as provided by this subsection. Lot area shall not be rounded up or down.

1. RESIDENTIAL DENSITY, MINIMUM LOT AREA, AND NUMBER OF LOTS

The fractional/decimal results of calculations of the number of dwelling units allowed on a lot based on maximum density requirements, and the number of lots allowed through subdivision based on a minimum lot area requirement, shall be rounded down to the next lowest whole number.

2. ALL OTHER CALCULATIONS

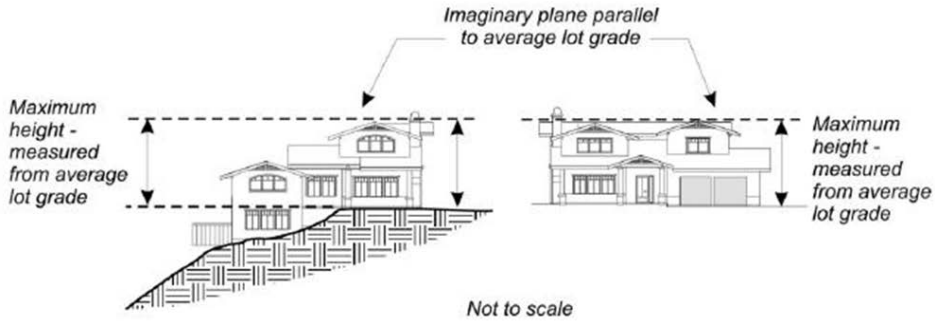
For all calculations required by this Development Code other than those described in Subsection B.1 above, the fractional/decimal results of calculations shall be rounded to the next highest whole number when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.

C. HEIGHTS

1. BUILDINGS AND STRUCTURES

Maximum height of buildings and structures not addressed in Subsection C.2 below shall be measured as the vertical distance from approved grade to an imaginary plane located the allowed number of feet above and parallel to the average lot grade.

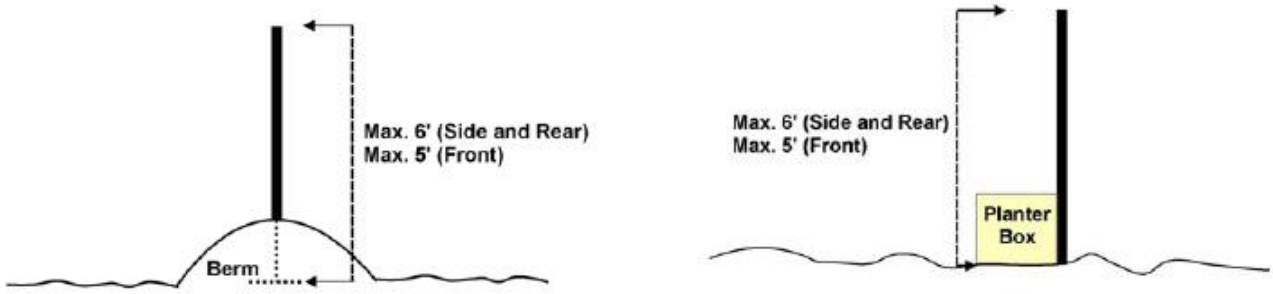
Figure 1 - Height Measurement:



2. FENCES, WALLS, AND HEDGES

Measurement of height for fences and walls shall be determined as follows:

a. The height of a fence or wall shall be measured vertically from the adjacent finished grade on the interior side of the wall. If a fence or wall is placed on a berm, the height shall be measured vertically from the base of the berm. Pool enclosure fences shall comply with applicable requirements of the adopted building code.

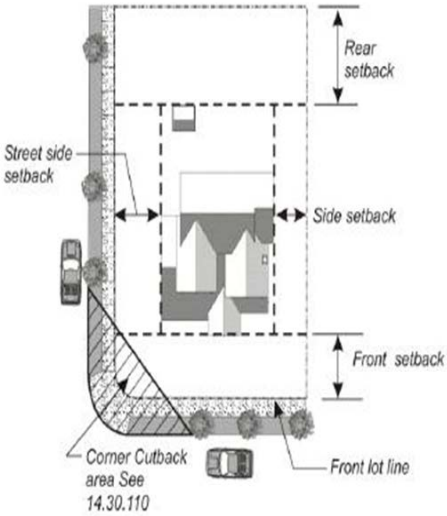


Raising the finished grade by placing fill solely for the purpose of adding additional height to a fence or wall is prohibited. Planter boxes or similar landscape features may be allowed along a fence or wall; however the height for the fence or wall will be measured vertically from the base of the planter box or similar landscape feature.

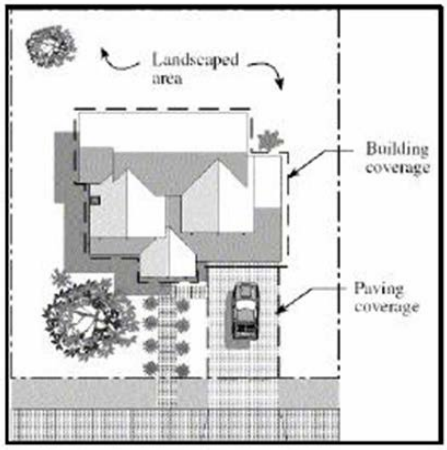
D. SETBACKS

Setbacks shall be measured as follows:

1. The front yard setback shall be measured at right angles from the nearest point on the front property line to the nearest wall of the structure, except as follows:
   a. The measurement shall be taken from the nearest point of the structure to the nearest point of the property line adjoining the street to which the property is addressed and the street from which access to the property is taken. Whenever a future street right-of-way line is officially established, the required setback shall be measured from the established line(s).
   b. The measurement shall be taken from the nearest wall of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest the public street or right-of-way.



2. The side yard setback shall be measured at right angles from the nearest point on the side property line to the nearest wall of the structure, establishing a setback line parallel to the side property line that extends between the front and rear yards.
3. The side yard on the street side of a corner parcel shall be measured at right angles from the nearest point on the street side property line to the nearest wall of the structure.
4. The rear yard shall be measured at right angles from the nearest point on the rear property line to the nearest wall of the structure, establishing a setback line parallel to the rear property line that extends between the side yards.
5. In situations different from the above, the Zoning Administrator shall have the authority to determine how setbacks shall be measured.



E. LOT OR SITE COVERAGE

The percentage of total site area occupied by structures. Structure or building coverage includes the primary structure, all accessory structures and architectural features. Structure/building coverage is measured from exterior wall to exterior wall.

F. LOT WIDTH

The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Zoning Administrator shall determine lot width for lots of irregular shape.

G. FLOOR AREA

[New definition to be inserted]

H. SIGN AREA

The entire area within a perimeter defined by a continuous line composed of right angles using no more than 4 lines that enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

I. SIGN HEIGHT

The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

14.06.03. Definitions

This Section provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Section 14.06.03 conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Section, or in other provisions of the Lake Havasu City Municipal Code, the Zoning Administrator shall determine the correct definition based on the purpose of the Development Code provision in question. As used in this Development Code, the following terms and phrases shall have the meaning ascribed to them in this section, unless the context in which they are used clearly requires otherwise.

A. DEFINITIONS, "A"

ACCESSORY DRIVE-IN/DRIVE-THROUGH

Facilities where services may be obtained by motorists without leaving their vehicles. These facilities include but are not limited to drive-up windows for bank teller, dry cleaners, general retail, and restaurants. This use does not include: automatic teller machines (ATMs) or automobile service stations, or car washes, which are separately defined.

ACCESSORY DWELLING UNIT

A subordinate dwelling unit added to, created within, or detached from a single-family residence, without interior access to the primary dwelling, but located on the same lot or parcel as the primary residential structure. Either the primary or accessory dwelling unit must be occupied by the owner of the property.

ACCESSORY HELIPORT

A landing area or other or other ground level or elevated facility designed, used, or intended to be used for the landing or taking off of helicopters, and that is incidental and subordinate to the primary use of that parcel of land.

ACCESSORY HOME OCCUPATION

The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

ACCESSORY NAVIGATIONAL USE

Includes buoys and similar navigational markers.

ACCESSORY OUTDOOR DINING

An outdoor eating and drinking area that is associated with and incidental and subordinate to a primary use of that parcel of land. This use may include removable tables, chairs, planters, or similar features and equipment.

ACCESSORY OUTDOOR RETAIL SALES

An unenclosed area for the retail sale of merchandise or other activities related to but subordinate to the permitted principal use.

ACCESSORY RESIDENTIAL CARE HOME

A home occupation related to a residential dwelling that provides residential social or personal care, custody, or treatment for six or fewer individuals, not related to the operator and with limited ability for self-care, but where medical care is not a major element. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of LONG-TERM MEDICAL CARE FACILITY.

ACCESSORY RESIDENTIAL RECREATION FACILITIES

Privately-owned, non-commercial outdoor recreation facilities provided for members or project/neighborhood residents, including swim and tennis clubs, park, and sport court facilities that are accessory and subordinate to a primary land use.

ACCESSORY STRUCTURE, NOT FOR OCCUPANCY

A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure, but not designed or used for human occupancy. For the purposes of this Development Code, accessory structures and uses include: detached garages, greenhouses, artist's studios, and workshops; and any other open air enclosures, including gazebos and detached patio covers. These structures are not considered occupied structures for setback purposes. No kitchen or bedroom closets shall be allowed.

ACCESSORY USES

A use customary use incidental to, related to, and clearly subordinate to a principal use established on the same lot, that does not alter the principal use nor serve property other than the lot where the principal use is located.

ACCESSORY WATER-RELATED USES

Ticket booths, kiosks, piers, buoys, and similar uses, incidental and subordinate to the principal marine or water-related use.

ADULT BUSINESS

An adult oriented business, as defined under state law (A.R.S. § 13-1422)(as amended and interpreted by the state courts) including Adult Retail and Adult Entertainment establishments offering their patrons products, services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this code and state law (A.R.S. § 11-811), but not including any use or activity, the regulation of which is preempted by state law. This use includes an adult bookstore or video store, adult hotel or motel, adult motion picture theater, adult arcade, adult cabaret, and escort agency, a nude model studio, as those terms may be defined in state law (A.R.S. § 11-811), and as amended and interpreted by state courts, or any other similar business or establishment.

ADULT ENTERTAINMENT

A commercial establishment that predominately features, films, live entertainment, or services characterized by the exposure of "specified anatomical areas" or involving "specified sexual activities" or "specified anatomical areas" as defined in this code and state law (A.R.S. § 11-811). This use includes but is not limited to adult motion picture theaters, adult arcades, cabarets, adult theaters, message establishments offering adult service, and nude model studio, as those terms may be defined in state law (A.R.S. § 11-811) and as amended and interpreted by state courts.

ADULT RETAIL

A commercial establishment having as a substantial and significant portion of its stock and trade focused on any one or more of the following: (a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations that are characterized by their emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas," as defined in state law, or (b) Instruments, devices, or paraphernalia that are designed or intended for use in connection with "specified sexual activities" as defined in this code and state law(A.R.S. § 11-811). This use includes but is not limited to adult bookstores and video stores, as those terms may be defined in state law (A.R.S. § 11-811), and as amended and interpreted by state courts.

AGENT

A person authorized in writing by the property owner to represent and act for a property owner in contacts with city employees, committees, boards, commissions, and the Council, regarding matters regulated by this Development Code.

AGRICULTURE

The raising of food and feed crops and products, and including tree and vine products; animal husbandry including beekeeping, poultry, and pasturage and the like, but excluding commercial feed lots, fur farms, kennels, and boarding and riding stables. It includes the ordinary accessory uses and structures for preparing, treating, and storing products, equipment and machinery, provided, however, that the operation of any such accessory uses shall be secondary to that of ordinary agricultural activities.

AIRPORT OVERLAY ZONING DISTRICT

The technical terms and phrases used in Sec. 14.02.06.B (Airport Overlay Zoning District) are defined as follows.

- AIRPORT. Lake Havasu City municipal airport.
- AIRPORT ELEVATION. 783 feet above mean sea level.

- APPROACH SURFACE. A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Sec. 14.02.06.B (Airport Overlay Zone District. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20: 1 for a horizontal distance of 4,000 feet.
- HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- LARGER THAN UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and by jet-powered aircraft.
- NONCONFORMING USE. When used in the context of the Airport Overlay District, any preexisting structure, object of natural growth, or use of land that is inconsistent with the provisions of this section or an amendment thereto.
- NONPRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- OBJECTS AFFECTING NAVIGABLE AIRSPACE. Objects as defined by FAR (Federal Aviation Regulation) Part 77.
- OBSTRUCTION. Any structure, growth or other object, including a mobile object, that exceeds a limiting height set forth in Sec. 14.02.06.B (Airport Overlay Zone District).
- PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Sec. 14.02.06.B.1. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- TRANSITIONAL SURFACES. Surfaces that extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. TRANSITIONAL SURFACES

for those portions of the precision approach surfaces that project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

- TREE. For purposes of the Airport Overlay District, any object of natural growth.
- UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less, i.e., airport approach categories A and B.
- VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

ALCOHOL BEVERAGE SALES

The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premise consumption.

ALLEY

A public or private roadway, typically 30 feet wide, that provides vehicle access to the rear or side of lots having other public street frontage that is not intended for general traffic circulation.

ALTERATION

Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

ANIMAL CARE AND BOARDING

A commercial establishment providing boarding, grooming, training, day care, and other indoor, non-medical services for domestic pets, primarily dogs and cats, and other small animals (e.g., rabbits). Outdoor facilities, including runs and exercise yards are generally not included in this use. This use includes but is not limited to animal training, day care, and kennels, but does not include a veterinary hospital.

ANTENNA

One or more rods, panels, discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals. Related definitions include:

- Omni-directional antenna ("whip" antenna) transmits and receives radio frequency signals in a 360 degree radial pattern. For the purpose of this Development Code, an omni-directional antenna is up to 15 feet in height and up to seven inches in diameter.
- Directional antenna ("panel" antenna) transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
- Parabolic antenna ("dish" antenna) is a bowl-shaped device for the reception and transmission of radio frequency signals in a specific directional pattern. Also referred to as a Satellite Dish.

APARTMENT

See DWELLING, MULTI-FAMILY.

APPROVAL

Includes both approval and approval with conditions.

ARCADE

A series of columns topped by arches that support a permanent roof over a sidewalk.

ARCHITECTURAL FEATURES

Exterior building features including roofs, windows, doors, porches, and the like.

ART, ANTIQUE, COLLECTIBLE AND GIFT STORES

Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books.

ARTISAN SHOPS

A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

AUTOMATED TELLER MACHINES (ATM)

Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel.

AUTOMOBILE DISMANTLING YARDS

See SCRAP, AND DISMANTLING YARDS.

AWNING

A flexible roof-like cover that extends out from an exterior wall and shield a window, doorway, sidewalk, or other spaces below from the elements. See Sign, Awning Sign for graphic illustration.

B. DEFINITIONS, "B"

BALCONY

An open portion of an upper floor extending beyond (or indented into) a building's exterior wall.

BAR OR NIGHTCLUB

An establishment providing alcoholic beverage service as the principal use, and that may permit dancing and provide entertainment. Food service may be provided as a secondary use. This use may include the brewing of beer as part of a brew pub or micro-brewery, but does not include any adult retail or adult entertainment use.

BASE ELEVATION

When used for purposes of determining lot elevations for grading permits for 1- and 2-family dwellings, the base elevation is the elevation of the centerline of the street opposite the front lot corner that provides the highest street elevation. In the case of a flag lot, the base elevation is the elevation of the highest corner of the main, buildable portion of the lot (ignoring the access driveway). All elevations shall be referenced to an assumed base elevation of 100 feet.

BASEMENT

Any building level completely below the grade of the building areas as established in compliance with this Development Code and Chapter 12.16 of the Municipal Code entitled

"grading;" provided, that 40% of the wall area is below the intersection of the walls with natural grade as determined before construction. In residential areas basements may serve any residential function; provided, all other Municipal Code requirements are met.

BASE STATION

For purposes of telecommunications facility regulations, equipment and non-tower supporting structure at a fixed location that enable Federal Communications Commission – licensed or authorized wireless communications between user equipment and a communications network under the federal Telecommunications Act and the Middle Class Tax Relief and Job Creation Act (as amended and interpreted by the federal courts). This includes any equipment associated with wireless communications service including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supply, and comparable equipment (i.e., transmission equipment).

BED AND BREAKFAST

An establishment operated in a private residence or portion of a private dwelling unit that provides temporary accommodations to overnight guests for a fee and that is occupied by the operator of such establishment.

BOARD OF ADJUSTMENT

The board established by this Development Code.

BOAT DOCK

A structure built over or floating on water used as a launching, landing, or mooring place for boats and for other recreational uses by the general public.

BUILDING

See STRUCTURE.

BUILDING MATERIAL STORES

Retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Building material sales includes but is not limited to paint, wallpaper, glass, fixtures, electrical, plumbing, heating, and air conditioning equipment and supplies.

BUSINESS, ART, OR VOCATIONAL SCHOOL

A school, other than a college or university, that provides specialized training and education beyond the high school level, principally in the business, visual, performance, or vocational arts, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate. This use includes but is not limited to music conservatories, studios for the arts, painting, music, dance, photography, and drafting studios that are not accessory home occupations.

C. DEFINITIONS, "C"

CANOPY

An awning like projection from a wall that is made of rigid materials and is permanently attached to the principal façade of a building.

CAR WASHES

Permanent, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services.

CARETAKER HOUSING

A residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.

CEMETERY OR MAUSOLEUM

A building or open areas used for the burial or permanent storage of human remains.

CHEMICAL PRODUCT MANUFACTURING

Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Facilities included in this definition manufacture 3 general classes of products:

- Basic chemicals, including acids, alkalis, salts, and organic chemicals;
- Chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and
- Finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives.
- Also includes sales and transportation establishments handling the chemicals described above in other than one of the uses listed under Retail uses in Table 3-1.

CLUBS, LODGES, AND PRIVATE MEETING HALLS

Buildings and facilities owned or operated by a legal entity or association of persons, operating on a membership basis, for social, civic, cultural, religious, literary, political, recreational, professional or other similar purposes to promote the interests of its members, but not operated primarily for profit or to render a service that is customarily carried on as a business, or requires licensing by a governmental agency.

COLLEGE OR UNIVERSITY

An institution of higher education authorized by the State to award baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities.

COLLOCATION

The mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, under the federal Telecommunications Act and Middle Class Tax Relief and Job Creation Act (2012)(as amended and interpreted by the federal courts).

COMMERCIAL CENTER

A group of non-residential business and service uses on a single site with common parking facilities.

COMMISSION

See PLANNING COMMISSION.

COMMUNITY CENTER

A multi-purpose facility used for recreational, social, educational, and cultural activities and meetings. This definition includes private not-for-profit, and publicly owned and operated facilities available for public use. These facilities typically consist of one or more meeting or

multi-purpose rooms, a kitchen, and/or outdoor barbecue facilities used for activities such as dances, meetings, parties, and receptions.

COMMUNITY GARDENS

A public or not-for-profit area for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family, who share the crops.

CONDITIONAL USE PERMIT (AND MINOR CONDITIONAL USE PERMIT)

A discretionary entitlement, which is subject to review and decision by the Director or the Commission, that may allow a use that is only allowable by the granting of the discretionary permit, in compliance with Sec. 14.05.04.G (Conditional use permits).

CONDOMINIUM

An interest in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest within space in a residential, commercial, or employment structure on the real property. In addition, a condominium may include a separate interest in other portions of the real property.

CONFERENCE FACILITY

A facility used for service, business, or professional conferences, seminars, training programs, and similar events. The facility may be either freestanding or incorporated into a hotel or office facility and may include eating and drinking establishments.

CONTINUING CARE RETIREMENT COMMUNITY

A large-scale facility or integrated group of facilities that provides retirement-age persons a continuum of accommodations and care, from independent living to convalescence care and long-term skilled nursing care. This use typically includes a full range of living arrangements from independent living, congregate housing, residential care and skilled nursing and sometimes hospice care. It also provide a range of ancillary facilities and services such as health care, meals with common dining facilities, physical therapy, education, recreation, and other social and cultural activities.

CONTRACTOR STORAGE YARDS

Storage yards to store contractor equipment and supplies.

CONVENIENCE STORES

Retail stores of 3,500 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility.

CORNICE

A decorative horizontal feature that projects outward near the top of an exterior wall.

CUT-OFF ANGLE

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

D. DEFINITIONS, "D"

DAY CARE FACILITY

State approved facilities for the non-medical care, protection, and supervision of more than five children or adults, on a regular basis, away from their primary residence, for less than 24 hours a day. Accessory uses may include offices, recreation areas, and parking.

DENSITY

The number of housing units per gross acre, unless otherwise stated, for residential uses.

DEPARTMENT

The Lake Havasu City Community Investment Department.

DETACHED

Any structure that does not have a wall or roof in common with another structure.

DEVELOPMENT

Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Development Code.

DEVELOPMENT CODE

The Lake Havasu City Development Code, Title 14 of the Lake Havasu City Municipal Code.

DIRECTOR

The Lake Havasu City Community Investment Department Director, or a designee of the Director.

DISTRICT

See ZONING DISTRICT.

DRIVE-IN AND DRIVE-THRU SALES

Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, and the like.

DUPLEX

SEE DWELLING, TWO-FAMILY DWELLING

A building or portion thereof designed for or occupied for residential purposes, including one-family, two-family, and multi-family dwellings, but not including hotels, motels, and trailers.

DWELLING, CO-HOUSING

A residential development that combines individual owned dwelling units with smaller or partial kitchens and a larger community kitchen and dining room intended for communal use on a regular basis, and in which all residents agree to share in the provision of regular communal services such as cooking meals or providing child care.

DWELLING, LIVE/WORK

An integrated housing unit and working space, occupied and used by a single household, in a building that has been designed or structurally modified to accommodate joint residential

occupancy and work activity. This dwelling includes a complete kitchen space and sanitary facilities in compliance with the adopted Building Code; and working space reserved for and regularly used by one or more occupants of the unit.

DWELLING, MULTI-FAMILY

One or more structures containing in total more than 2 dwelling units. This use includes assisted living facilities for which the State of Arizona does not require a license.

DWELLING, SINGLE-FAMILY ATTACHED

A single-family dwelling attached to one or more dwellings or buildings by a common vertical fire-resistant side wall, with each dwelling located on its own separate lot.

DWELLING, SINGLE-FAMILY DETACHED

A residential building designed for and/or occupied exclusively by one family or that provides 24-hour care to six or fewer persons (a residential facility) protected under the federal Fair Housing Act (as amended and interpreted by the federal courts) or the laws of the State of Arizona. The limitation of six or fewer persons does not include the operator of a residential facility, members of the operator's family, or persons employed as staff, except that the total number of all persons living at the residential facility shall not exceed eight. A single-family dwelling also includes factory-built and manufactured homes on permanent foundations, constructed in compliance with the adopted Building Code.

DWELLING, TWO-FAMILY

A building containing two primary use dwelling units, with separate exterior entrances, designed to be occupied by two families living independently of each other. Dwelling units may be arranged side-by-side, one above the other, or one behind the other. Neither unit need be occupied by the owner of the dwelling structure. Also known as a duplex.

DWELLING UNIT

One or more rooms in a dwelling designed as a unit for occupancy by one family for living or sleeping purposes and having not more than one kitchen.

DWELLING UNIT, EFFICIENCY

One or more rooms in a dwelling designed (1) as a unit for occupancy that has no partitioned or private sleeping area, (2) for occupancy by one family for living or sleeping purposes and (3) having no more than one kitchen.

E. DEFINITIONS, "E"

EASEMENT

A grant of 1 or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. Public utility and drainage easements, which are dedicated in favor of the general public, are intended to serve as a grant of the right to use a strip of land for the installation and maintenance of utilities and drainage facilities as reserved and shown on a recorded plat.

ELEMENTARY AND SECONDARY SCHOOL

An educational institution that satisfies the compulsory education laws of the State of Arizona for students in the elementary, middle school, or high school grades. This definition includes

both public schools and private non-boarding schools that have a curriculum similar to that in the permitted public schools.

ELIGIBLE FACILITIES REQUEST

For purposes of telecommunications facility regulations, the collocation, removal, replacement, and modification of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station, under the Middle Class Tax Relief and Job Creation Act (2012) (as amended and interpreted by the federal courts). This includes structural enhancements involving the hardening of equipment when necessary for a covered collocation, replacement, or removal of transmission equipment, but does not include the replacement of the underlying structure.

EMERGENCY SHELTER

Facilities for the temporary shelter and feeding of indigents or disaster victims, operated by a public or non-profit agency.

ENLARGEMENT OF USE

The expansion of a land use activity on a site or within a structure so that the use/activity occupies more floor or site area.

EQUESTRIAN FACILITIES

Commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

EQUIPMENT STRUCTURE

With respect to telecommunications facilities, a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

EXCEPTIONS

A wavier or adjustment to a specific development standard that is granted in a nondiscretionary manner with specified limits established by this Development Code.

EXPRESSION LINE

A decorative horizontal feature that projects outward from an exterior wall to delineate the top of the first story of a building.

F. DEFINITIONS, "F"

FAA

The U.S. Federal Aviation Administration.

FAMILY

An individual or 2 or more persons related by blood or marriage, legal adoption, foster placement, or a group of not to exceed 5 persons (excluding servants) living together as a single housekeeping unit in a dwelling unit. This definition shall not be construed to prevent the occupancy of a single dwelling unit by any persons entitled to live together under the federal Fair Housing Act Amendments, or Arizona fair housing statutes, as interpreted by the courts.

FCC

The U.S. Federal Communications Commission.

FEASIBLE

Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

FUNERAL HOME AND MORTUARY

An establishment engaged in undertaking services such as preparing the dead for burial or cremation, and arranging and managing funerals.

FURNITURE, FURNISHINGS AND EQUIPMENT STORES

Stores engaged primarily in selling the following products and related services, including incidental repair services: draperies; floor coverings; furniture; glass and chinaware; home appliances; home furnishings; home sound systems; interior decorating materials and services; large musical instruments; lawn furniture; movable spas and hot tubs; office furniture; other household electrical and gas appliances; outdoor furniture; refrigerators; stoves; and televisions.

G. DEFINITIONS, "G"

GALLERY

Similar to an arcade except that it is supported by vertical columns without arches.

GARAGES OR CARPORTS

Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Sec. 14.04.02 (Parking and Loading).

- A garage is an attached or detached accessory structure with a door, enclosed on at least three sides.
- A carport is an attached or detached accessory structure enclosed on no more than 2 sides.
- A GARAGE or CARPORT complies with the requirements of this Development Code for "covered" parking spaces.

GENERAL PLAN

The Lake Havasu City General Plan, including all its elements and all amendments to the General Plan, as adopted by the City Council.

GENERAL PLAN, MAJOR AMENDMENT

A substantial alteration of the city's land use mixture or balance as established in the city's existing General Plan land use element.

- Within a platted area, a Major Amendment is any land use change of five or more acres that requires a change to the Future Land Use Plan Category.
- Outside a platted area, a Major Amendment is any proposed land use change of more than 320 acres that requires a change to the Future Land Use Plan Category or any proposed land use change of 40 to 320 acres that requires a change to the Future Land Use Plan Category and does not include a Specific Plan submittal.

GENERAL PLAN, MINOR AMENDMENT

- Within a platted area, all General Plan Amendments not meeting the definition of a Major Amendment, including minor text changes and corrections that do not impact the substantive portions of the Land Use Plan's mixture or balance.
- Outside a platted area, a Minor Amendment is any proposed land use change of 40 to 320 acres that requires a change to the Future Land Use Plan Category and includes a Specific Plan submittal.
- Any change mandated by initiative or state law.

GENERAL RETAIL

Stores and shops selling many lines of merchandise. These stores and lines of merchandise include: art galleries; artists' supplies; bakeries (all production in support of on-site sales); bicycles; books; cameras and photographic supplies; clothing and accessories; collectibles (cards, coins, comics, stamps, and the like); department stores; drug and discount stores; dry goods; fabrics and sewing supplies; florists and houseplant stores (indoor sales only—outdoor sales are "Plant Nurseries"); furniture, home furnishings and equipment; general stores; gift and souvenir shops; hardware; hobby materials; jewelry; luggage and leather goods; musical instruments, parts and accessories; newsstands; orthopedic supplies; pet supplies sales with no animals but fish; religious goods; small wares; specialty shops; sporting goods and equipment; stationery; toys and games; variety stores; and convenience stores without motor fuel sales.

GENERAL RETAIL, LARGE

An establishment selling general retail goods that has a gross floor area greater than 15,000 sq. ft., but not greater than 75,000 sq. ft., for all uses. This use does not include the sales of light or heavy motor vehicles or any other goods listed as a separate use in the Permitted Use Table, and does not include an activity meeting the definition of an Adult Retail use. Establishments with over 75,000 sq. ft. of gross floor area are RETAIL, BIG BOX uses.

GENERAL RETAIL, SMALL

An establishment selling general retail goods that has a gross floor area of not more than 15,000 sq. ft. for all uses. This use does not include the sales of light or heavy motor vehicles or any other goods listed as a separate use in the Permitted Use Table, and does not include an activity meeting the definition of an Adult Retail use.

GLASS PRODUCT MANUFACTURING

Manufacturing establishments producing flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see HANDCRAFT INDUSTRIES and SMALL SCALE MANUFACTURING.

GOLF COURSE

A tract of land designed for at least nine holes for playing the game of golf that may include a clubhouse, putting green, driving range, dining and snack bars, pro shop, storage, maintenance, and practice facilities.

GRADE

The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure.

GRAND OPENING

An advertising event that has as its purpose, the promotion of a newly opened use, a change in the orientation of a use or reopening of a use following a remodeling or major renovation.

GROCERY STORES

A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store.

H. DEFINITIONS, "H"

HABITABLE SPACE

Space for living, sleeping, eating, or cooking.

HARD SURFACED

An acceptable form of parking space surfacing that includes brick pavers, grasscrete or other pervious pavers, and other similar forms of surfacing acceptable to the Director.

HEAVY INDUSTRY

The processing, manufacturing, or storage of products using heavy machinery, or under potentially hazardous conditions, such as the creation of products from extracted raw materials and the use of flammable and explosive materials, which may have greater than average impacts on the environment, or on the use and enjoyment of other properties in terms of noise, odors, or other health or safety hazards. Heavy industrial uses generally require shipment of materials or finished/processed products in heavy trucks or railroad cars. This use may include but is not limited to machinery manufacturing, asphalt and concrete plants, gypsum production, quarries, solid or sanitary waste transfer stations, heavy recycling processing facilities, stone and cut stone products manufacturing, and salvage yards.

HEAVY VEHICLE AND EQUIPMENT SALES, RENTAL, OR SERVICING

The sale, rental, leasing, servicing, storage, and repair of heavy vehicles and equipment, typically used in agricultural, commercial, or industrial operations including, but not limited to, trucks with a gross vehicle weight of more than 10,000 pounds, boats, buses, semi-trucks or trailers, loaders, construction equipment, manufactured homes, and recreational vehicles. This use also includes incidental offices and the sales of parts for heavy vehicles and equipment.

HEIGHT

The height of a facility, structure, building, or equipment regulated by this Code. Height is measured as described in Sec.14.06.02.C. (Heights).

HELIPORT

A designated, marked area on the ground or the top of a structure where helicopters may land.

HIGH WATER MARK

The elevation of the surface of Lake Havasu at 450 feet above mean sea level.

HOSPITAL

An institution providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from mental or physical illness, disease, injury, or disability, and including any related facilities such as ambulance bays, emergency heliports, laboratories, outpatient facilities, central service facilities, staff offices, or training facilities.

HOTELS OR MOTELS

Facilities with guest rooms or suites with or without kitchen facilities that are rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, and the like. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities.

I. DEFINITIONS, "I"

ILLEGAL BUILDING OR USE

A building or use that does not conform to 1 or more of the provisions of this Development Code, and did not lawfully exist on the effective date of applicable provisions of this Development Code.

IMPROVEMENT

Any fixture or embellishment affixed to public or private real property, or other object constituting a physical feature of real property or any part of the feature.

INCENTIVES

The benefit offered by the city to facilitate construction of eligible projects as defined by the provisions of this chapter. Incentives may include adjustment of development standards, expedited processing of entitlements, relaxation of otherwise applicable entitlement conditions, and provisions for mixed-use activities.

INDOOR RECREATION OR ENTERTAINMENT

A facility for indoor participation or observation of sports, games, fitness, arts, or culture activities that do not meet the definition for another use in this ordinance. This use includes but is not limited to billiard parlors, game arcades, skating rinks, bowling alleys, dance halls and ballrooms, gymnasiums not accessory to an education institution, health and athletic clubs, including racquetball, archery, shooting ranges and similar indoor uses. Accessory uses include the sales of food, beverages, and items related to or required for participation in the recreation or entertainment activity.

INFILL DEVELOPMENT

Development proposed on a vacant lot that is located among other lots that are already developed.

INTENSIFICATION OF USE

A change in the use of a structure or site, where this Code requires the new use to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation) that generates more activity on the site.

J. DEFINITIONS, "J"

JUNK

Used or discarded materials or objects, which may include but are not limited to building materials, scrap, wood, paper, or rags, unlicensed automobiles or portions of automobiles, unlicensed boats or portions of boats, and/or the dismantling or "wrecking" of automobiles or other vehicles or machinery or structures, some of which may be re-usable.

K. DEFINITIONS, "K"

KITCHEN

A room or space within a building intended to be used for the cooking or preparation of food.

L. DEFINITIONS, "L"

LAND USE PERMIT

Authority granted by the city to use a specified site for a particular purpose, including Conditional Use Permits, temporary use permits, variances, and zoning clearances, as established by Article 5 (Procedures and Enforcement) of this Development Code.

LATTICE TOWER

For purposes of telecommunications facility regulations, a structure with 3 or 4 steel support legs that supports a variety of antennae. These towers generally range in height from 60 to 200 feet and are constructed in areas where increased height is needed, microwave antennas are required, or where the weather demands a more structurally-sound design.

LIBRARIES AND MUSEUMS

Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

LIGHT INDUSTRY

The manufacturing, processing, assembly, packaging, and incidental storage, sale, and distribution of products, created predominately from previously prepared materials, within a fully enclosed structure where noise, odor, light, or vibrations are not noticeable from the adjacent properties and where frequent truck or rail shipments are not necessary. This use includes but is not limited to electronics and appliance manufacturing, cabinet shops, food production and preparation, metal products fabrication, marine products manufacturing, furniture and home fixture manufacturing, structural clay and pottery product manufacturing, plastics production, printing and publishing, textile and leather products fabrication or assembly, paper products manufacturing, and laundries and dry cleaning plants.

LIGHT VEHICLE SALES OR RENTAL

The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, trailers, including incidental sales, maintenance, and servicing. This use shall not include salvage operations or scrap and dismantling yards.

LIGHT VEHICLE SERVICE OR REPAIR

The sale of vehicle fuel from a facility or lot having pumps and underground storage tanks and minor vehicle repair and maintenance activities such as engine tune-ups, oil change and lubrication, brake and muffler repair, tire rotation, glass replacement, and other limited repairs customarily done in service stations. Also includes facilities, not selling vehicle fuel, but engaged solely in the service and repair of vehicles, including bodywork or painting or major engine or transmission repairs.

LIGHT WATERCRAFT SALES, RENTAL, OR SERVICING

A facility or area used for the sale, lease, rental, service, or repair of light watercraft including boats, jet skis, kayaks, and other water-related recreational equipment. This use includes

watercraft fueling facilities and maintenance activities including engine tune-ups and oil changes, as well as the incidental storage of watercraft and marine products, sale of parts, and recreational vending conducted as an accessory use.

LONG-TERM MEDICAL CARE FACILITY

Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Long-term personal care facilities that do not emphasize medical treatment are included under RESIDENTIAL CARE FACILITY. When conducted as a home occupation, this type of facility is an ACCESSORY RESIDENTIAL CARE HOME.

LOT OR SITE AREA

Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights-of-way. The total of the area measured in a horizontal plane, within the lot lines bounding the lot, exclusive of the access strip required to serve a flag lot.

LOT

A recorded lot or lot of real property under single ownership, lawfully created as required by the Subdivision Map Act and city ordinances, including this Development Code. Types of lots include the following. See Figure 6-1 (Lot Types).

LOT, CORNER

A lot located at the intersection of 2 or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.

LOT COVERAGE

The percentage of total site area occupied by structures. Structure or building coverage includes the primary structure, all accessory structures (e.g., carports, garages, patio covers, storage sheds, trash dumpster enclosures, etc.) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs, etc.).

LOT, FLAG

A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.

LOT, INTERIOR

A lot abutting only 1 street.

LOT, REVERSE CORNER

A corner lot, the street side line of which is substantially a continuation of the front lot line of an lot located immediately adjacent to its rear on which a primary structure has been constructed. The front yard of a reverse corner lot is defined by the street frontage to which the front door faces.

LOT, THROUGH

A lot with frontage on 2 generally parallel streets.

LOT DEPTH

The average linear distance between the front and the rear lot lines or the intersection of the 2 side lot lines if there is no rear line. The Zoning Administrator shall determine lot depth for lots of irregular configuration.

LOT FRONTAGE

The boundary of a lot adjacent to a public street right-of-way.

LOT LINE OR PROPERTY LINE

Any recorded boundary of a lot. Types of lot lines are as follows.

LOT LINE, FRONT

On an interior lot, the property line separating the lot from the street. The front lot line on a corner lot is the line with the shortest frontage. If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Zoning Administrator. On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

LOT LINE, INTERIOR

Any lot line not abutting a street.

LOT LINE, REAR

A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE

Any lot line that is not a front or rear lot line.

LOT OR SITE COVERAGE

The percentage of total site area occupied by structures. Structure or building coverage includes the primary structure, all accessory structures and architectural features. Structure/building coverage is measured from exterior wall to exterior wall.

LOT WIDTH

The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Zoning Administrator shall determine lot width for lots of irregular shape.

M. DEFINITIONS, "M"

MAIN STREET

When used to describe the general character and context of the Upper McCulloch Main Street District, refers to the area along McCulloch Boulevard between Smoketree Avenue and Acoma Boulevard to the east and west and Mesquite Avenue and Swanson Avenue to the north and south. The actual boundaries of the MU-UMS and R-UMS zone districts may differ from these boundaries, and are as shown on the adopted Zoning Map.

MAJOR CONDITIONAL USE

A permit issued by the Commission authorizing the recipient to make use of a property for a major conditional use identified in Article 3, in accordance with the requirements of this Code, as well as any additional requirements imposed by the Commission.

MANUFACTURED HOME

A transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401)(as amended and interpreted by the federal courts) and that is designed to be used as a permanent

single-family dwelling unit. This definition does not include recreational vehicles, travel trailers, or other similar vehicles and does not include a MOBILE HOME.

MANUFACTURED HOME PARK

Any site that is planned and improved to accommodate two or more manufactured homes used for residential purposes, or on which two or more manufactured home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes used for residential purposes.

MARINAS

A recreationally-oriented harbor that may include mooring, launching, and other facilities and services related to boating and recreational fishing, including: boat building and repair; marine hardware sales and service; petroleum storage and handling; boat storage and miscellaneous storage activities.

MARINE EQUIPMENT SALES, RENTAL, SERVICE, OR STORAGE

A facility or area used for the sale, rental, service or storage of large boats, watercraft, and other marine equipment. The display and sale or rental of these new or used items includes the outdoor storage of inventory. Repair and maintenance activities may range from light activities such as engine tune-ups and detailing to heavy activities such as engine overhauls and body work. This use does not include the sale of fuel, gasoline, or petroleum products. Accessory uses may include an office and the sale of parts related to repairs performed at the facility.

MEDICAL MARIJUANA

All parts of the genus cannabis whether growing or not, including the seeds of such plants, that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

MEDICAL MARIJUANA BUSINESS

A medical marijuana cultivation facility, medical marijuana dispensary, or a medical marijuana infusion facility either in combination or as a standalone facility.

MEDICAL MARIJUANA CULTIVATION FACILITY

A building, structure, or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary. This facility may or may not include an infusion facility.

MEDICAL MARIJUANA DISPENSARY OR INFUSION FACILITY

A non-profit entity defined in A.R.S. § 36-2801(11), that acquires possesses, cultivates, manufactures, delivers, transfers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and educational materials to cardholders, or that produces medical marijuana products by the means of cooking, blending, or incorporating it into consumable/edible goods.

MEDICAL MARIJUANA QUALIFYING PATIENT

A person who has been diagnosed by a physician as having a debilitating medical condition as defined in the Arizona Medical Marijuana Act.

MEDICAL OFFICES AND CLINICS

Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but that are separate from hospitals, including: health management organizations (HMOs); medical, dental and psychiatric offices; out-patient care facilities; and other allied health services. Accessory uses may include laboratories related to medical and dental services. Counseling services by other than medical doctors or psychiatrists are included under OFFICES.

MICROBREWERY

A facility where beer brewed on the premises is sold for on-site consumption.

MINI-MARKET

See definition for CONVENIENCE STORE.

MINOR CONDITIONAL USE PERMIT

A permit issued by the Director authorizing the recipient to make use of a property for a minor conditional use identified in 14.02.06.D, in accordance with the requirements of this Code, as well as any additional requirements imposed by the Director.

MIXED-USE PROJECT

A project that combines both non-residential and residential uses.

MOBILE HOME

A transportable, factory-built structure, that is designed to be used as a single dwelling unit with or without a permanent foundation, that was manufactured before 1976 or does not otherwise comply with the construction standards in the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401)(as amended and interpreted by the federal courts). This definition does not include recreational vehicles, commercial coaches, travel trailers, or other similar vehicles.

MODULAR HOUSING UNIT

A dwelling that is constructed in a factory and assembled on the building site, and that complies with all applicable provisions of the adopted Building Code but does not meet the definition of a Manufactured Home or Mobile Home.

MONOPOLE

For purposes of telecommunications facility regulations, a structure composed of a single spire used to support antennae and related equipment.

MOTORSPORTS FACILITY

A facility with supporting and accessory uses including but not limited to, spectator seating/ grandstands, parking or pitting areas, and structures designed and operated primarily for motorsports uses. Motorsports uses include but are not limited to: two or four wheeled, on or off-road motor vehicles, and motorcycles on defined tracks, drag strips or courses of dirt or pavement for practice, testing, education, recreation or competition purposes.

N. DEFINITIONS, "N"

NONCONFORMING LOT

A lot that was legally created prior to the adoption of this Development Code and that does not conform to current Code provisions/standards prescribed for the zoning district in which the lot is located.

NONCONFORMING PARCEL

A parcel of record that was legally created before the adoption of this Development Code and that does not comply with the access, area, or width requirements of this Development Code for the zoning district in which it is located.

NONCONFORMING SIGN

A sign that lawfully existed prior to the effective date of this Development Code, or any amendment thereto, but that fails by reason of adoption or amendment to conform to all of the standards and regulations of the adopted or amended provision.

NONCONFORMING STRUCTURE

A structure that was legally constructed prior to the adoption of this Development Code and that does not conform to current Code provisions/standards prescribed for the zoning district in which the structure is located.

NONCONFORMING USE

A use of a structure (either conforming or nonconforming) or land that was legally established and maintained prior to the adoption of this Development Code and that does not conform to current Code provisions governing allowable land uses for the zoning district in which the use is located.

O. DEFINITIONS, "O"

OCCUPANCY

All or a portion of a structure occupied by 1 tenant.

OFFICE

A room or group of rooms used for conducting the affairs of a business, profession, government, or service industry. Examples include professional services such as lawyers, accountants, bankers, broadcasters, engineers, architects, planners, insurance agents, brokers, consultants, or real estate agents, data processing, sales offices, artists, writers, and counseling services by those that are not medical doctors or psychiatrists. This use does not include facilities meeting the definition of a Research and Development use or any facility where sales or rental of goods occurs on more than an incidental basis related to the primary office function.

OFFICE, TEMPORARY

A manufactured home, recreational vehicle or modular unit used as a temporary office facility. Temporary offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

OFF-SITE

An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

ON-SITE

An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

OPEN SPACE

An area that is not developable due to environmental constraints or on which development has been limited for aesthetic, environmental, or recreational purposes. Open space may include parks and playgrounds, conservation areas, hiking trails, and nature preserves.

ORDINARY MAINTENANCE AND REPAIR

Any work for which a building permit is not required, the purpose and effect of which is to correct deterioration of or damage to a structure or any part thereof and to restore the structure to its condition before the deterioration or damage.

ORGANIZATIONAL HOUSES

Residential lodging facilities operated by membership organizations for their members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.

OUTDOOR RECREATION OR ENTERTAINMENT

Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including: amphitheaters; amusement and theme parks; golf driving ranges; health and athletic club outdoor facilities; miniature golf courses; skateboard parks; stadiums and coliseums; swim and tennis clubs; tennis courts; water slides; and zoos. Accessory uses include the sales of food, beverages, and items related to or required for participation in the recreation or entertainment activity.

OUTDOOR RETAIL SALES AND ACTIVITIES

Permanent outdoor sales and rental establishments including lumber and other material sales yards, newsstands, street vendors, outdoor facilities for the sale or rental of other vehicles/equipment, and other uses where the business is not conducted entirely within a structure.

OUTDOOR RETAIL SALES, TEMPORARY

Temporary outdoor retail operations including: Christmas trees, pumpkins or the sale of other seasonal items; farmers' markets; semi-annual sales of art/handcrafted items in conjunction with community festivals or art shows; and sidewalk or parking lot sales longer than 1 weekend.

OUTDOOR STORAGE

The keeping in an unroofed area of any equipment, goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

P. DEFINITIONS, "P"

PARCEL

See LOT.

PARKING FACILITY

A public or private lot or structure, that provides parking for operable vehicles as the property's primary use or as an accessory use to the properties' primary use. This use includes facilities offering both day and longer-term public parking. .

PARK OR PLAYGROUND

An area or facility to be used for recreation, exercise, sports, education, rehabilitation, or similar activities, or an area intended to enhance the enjoyment of natural features or natural beauty. This use does not include commercially businesses, but may include accessory retail and eating and drinking uses.

PEDESTRIAN ORIENTATION

Any physical structure or place with design qualities and elements that contribute to an active, inviting, and pleasant place for pedestrians including but not limited to:

- Highly articulated facades at the street level with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk at the build-to line;
- Design amenities related to the street level ;
- Visibility into buildings at the street level;
- Continuity of the sidewalk with a minimum of intrusions into pedestrian right-of-way;
- Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
- Signs oriented and scaled to the pedestrian rather than the motorist;
- Landscaping; and
- Street furniture.

PEDESTRIAN ORIENTED USE

A use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A PEDESTRIAN ORIENTED USE provides spontaneous draw from sidewalk and street due to intense and surprising visual interest, high customer turnover, and intense social interaction.

PERMITTED USE

A use of land identified in Article 3 (Permitted uses) of this Development Code as a permitted or conditionally permitted use that may be established with land use permit and, where applicable, site plan and design review and/or building permit approval, subject to compliance with all applicable provisions of this Development Code.

PERSON

Any individual, firm, co-partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

PERSONAL SERVICES

Establishments engaged in the provision of information, instructional, personal improvement, personal care, and similar non-medical services as a primary use. This use includes but is not limited to barber and beauty shops, clothing rental and repair, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, self-service laundromats, shoe repair shops, tailors, copy shops, printing and shipping services, and similar uses supporting

common business and personal support services. These uses may also include accessory retail sales of products related to the services provided.

PLANNING COMMISSION

The Lake Havasu City Planning Commission.

PLANT NURSERIES AND GARDEN SUPPLY STORES

Commercial agricultural establishments engaged in the production of ornamental plants and other nursery products, grown under cover or outdoors. Includes stores selling these products, nursery stock, lawn and garden supplies, and commercial scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under GENERAL RETAIL STORES. Home greenhouses are included under RESIDENTIAL ACCESSORY USES AND STRUCTURES.

PRIMARY STRUCTURE

A structure that accommodates the primary use of the site.

PRIMARY USE

The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

PRIMARY ZONING DISTRICT

The zoning district applied to a site by the Zoning Map, to which an overlay zoning district may also be applied.

PROPERTY LINE

The recorded boundary of a lot of land.

PROPOSED PROJECT

A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

PUBLIC NUISANCE

An act or omission to discharge a legal duty related to one's property, or the unreasonable, unwarranted, or unlawful use of one's property, in a manner that interferes with the use or enjoyment of property by the general public.

PUBLIC SAFETY FACILITY

A facility used to provide police, fire, emergency medical services, or detainment and confinement services to the surrounding community, as well as holding areas for persons requiring confinement, processing or services by the operating entity. Accessory uses may include offices, and areas for emergency vehicle service and maintenance.

PUBLIC UTILITY FACILITY, MAJOR

A facility or structure owned or operated by a public, quasi-public, private, or cooperative electric, fuel, communications, sewage, or water company for the generation, transmission, distribution, processing, and disposal of it products. This may include but is not limited to electrical substations and switching stations; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; telephone switching facilities; wastewater treatment plants, and settling ponds and disposal fields, as well as accessory

offices, but not customer service centers (which are an OFFICE use), and equipment and material storage yards.

PUBLIC UTILITY FACILITY, MINOR

Local power, sewer, water, gas, and telephone service distribution lines and associated minor facilities that do not meet the definition of a MAJOR PUBLIC UTILITY FACILITY and are necessary to deliver direct service to a property.

Q. DEFINITIONS, "Q"

QUALIFYING RESIDENT

Senior citizens or other persons eligible to reside in senior citizen housing.

R. DEFINITIONS, "R"

RAZOR WIRE

A continuous coil of stainless steel ribbon with razor type barbs or sharp points.

RECREATIONAL VEHICLES (RV)

A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:

- It contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
- It contains 400 square feet or less of gross area measured at maximum horizontal projections;
- It is built on a single chassis; and
- It is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

RECREATIONAL VEHICLE PARK

A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. Recreational vehicle parks may also include additional traveler amenities, including eating and drinking establishments, and recreational facilities, and incidental accessory uses to create a recreational vehicle resort environment for Recreational Vehicle park patrons only.

RECYCLING FACILITY

A center for the collection and/or processing of recyclable materials. A Recycling Facility does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site. A Recycling Facility may include the following:

- LARGE COLLECTION FACILITIES: A center where the public may donate, redeem, or sell recyclable materials, occupying an area of more than 350 square feet, that may or may not include permanent structures.

- SMALL COLLECTION FACILITIES: A center where the public may donate, redeem, or sell recyclable materials, occupying an area of no more than 350 square feet, that may include reverse vending machines and mobile recycling units.
- HEAVY PROCESSING FACILITIES: A building or enclosed space, of more than 45,000 square feet of gross floor area, used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing, and shredding, or other similar means.
- LIGHT PROCESSING FACILITIES: A building or enclosed space, of no more than 45,000 square feet of gross floor area, used for baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source separated recyclable materials, as necessary to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers. This use averages two outbound truck shipments each day.

RECYCLABLE MATERIAL

Reusable domestic containers and other materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

RELIGIOUS FACILITY

A facility operated, maintained, and controlled a religious organization for worship or the promotion of religious activities, including but not limited to a church, mosque, synagogue, temple, monastery, or other structure, together with its accessory buildings and uses. Accessory uses may include educational facilities, pastor or caretaker housing, and parking.

RESEARCH AND DEVELOPMENT FACILITY

Indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site, except as incidental to the main purpose of the facility. Includes but is not limited to chemical, biotechnology, pharmaceutical, and medical research and development, software development, and soils and other materials testing laboratories.

RESIDENTIAL ACCESSORY USES AND STRUCTURES

Any use or structure that is customarily a part of, and clearly incidental and secondary to, a residence and does not change the character of the residential use. These uses include the following detached accessory structures, and other similar structures normally associated with a residential use of property, including: garages; gazebos; greenhouses; storage sheds; studios; and workshops. In addition, the following residential accessory uses may be allowed so long as they are not commercial uses and do not exceed 15 feet in height: tennis and other on-site sport courts; batting cages; skate-board half-pipes; trampolines; and playground equipment. Also includes the indoor storage of automobiles (including their incidental restoration and repair), personal recreational vehicles and other personal property, accessory to a residential use. Does not include home satellite dish and other receiving antennas for earth-based TV and radio broadcasts; see TELECOMMUNICATIONS FACILITIES.

RESIDENTIAL CARE FACILITY

A facility providing residential social or personal care, custody, or treatment for more than 6 individuals, not related to the operator and with limited ability for self-care, but where medical care is not a major element. Includes: children's homes; transitional houses; orphanages; rehabilitation centers; self-help group homes. Convalescent homes, nursing homes, and similar facilities providing medical care are included under the definition of MEDICAL SERVICES - EXTENDED CARE.

RESORT

A self-contained commercial property providing an array of traveler amenities including lodging, eating and drinking establishments, entertainment, and recreational activities.

RESTAURANT

An establishment where food and drink are prepared and served primarily for on-premise consumption or carryout. Drive-in/drive-through facilities are only permitted if the restaurant is located in a district where ACCESSORY DRIVE-IN/DRIVE-THROUGH facilities are permitted. This use may include an outdoor dining area as an accessory use if located in a district where ACCESSORY OUTDOOR DINING is permitted.

RETAIL, BIG BOX

A retail establishment that contains 75,000 square feet or more of gross floor area.

REVERSE VENDING MACHINE

An automated mechanical device that accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by state law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

REVIEW AUTHORITY

The individual or official city body (the Community Investment Department Director, Board of Adjustment, Zoning Administrator, Planning and Zoning Commission, or City Council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Article IV (Development Code Administration).

ROOF-MOUNTED

Mounted above the eave line of a structure.

ROOMING AND BOARDING HOUSE, LARGE

A residential dwelling with more than 5 rooms that are rented or intended to be rented primarily for sleeping only, on a weekly or longer basis, but that do not constitute separate dwelling units. This use is generally occupied by longer-term residents than hotels, motels or bed and breakfast establishments and includes sororities, fraternities, and dormitories.

ROOMING AND BOARDING HOUSE, SMALL

A residential dwelling with no more than five rooms that are rented or intended to be rented primarily for sleeping only, on a weekly or longer basis, but that do not constitute separate

dwelling units. This use is generally occupied by longer-term residents than hotels, motels or bed and breakfast establishments and includes sororities, fraternities, and dormitories.

ROOM RENTAL

The renting of individual bedrooms within a dwelling and/or the providing of table board to 2 or more unrelated people, whether or not meals are provided.

S. DEFINITIONS, "S"

SATELLITE DISHES

See definition for ANTENNA.

SCRAP

Used metal, including appliances and machine parts, which can be re-used only with repair, refurbishing, or attachment to other materials.

SCRAP AND DISMANTLING YARDS

Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. This use includes light and heavy processing facilities for recycling, but does not include places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

SECURITY FENCING

Fencing that includes no more than 3 strands of barbed wire at the top of a fence.

SELF STORAGE (MINI-STORAGE)

A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

SENIOR CITIZEN

Persons at least 62 years of age; or persons at least 55 years of age in a senior citizen housing development, in compliance with state and federal law.

SERVICE STATION

A retail business selling gasoline or other motor vehicle fuels, which may also provide services that are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body, or fender work, or the rental of vehicle storage or parking spaces.

SETBACK

The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. Setbacks from private streets are measured from the edge of the easement. See also YARD. Figure 6-2 (Location and Measurement of Setbacks) shows the location of front, side, street side, rear, and interior setbacks.

SEXUALLY EXPLICIT DISPLAY

A picture or illustration displaying male or female genitals, pubic hair, perineum, anuses, or anal regions, the female breast or any portion thereof below the top of the nipple; the depiction of covered male genitals in a discernibly turgid state, where the picture or illustration depicting explicit sexual acts has as its purpose, or effect, sexual arousal, gratification or affront.

SHOOTING RANGE

An outdoor facility for practice or competition with firearms.

SHOPPING CENTERS

Primarily retail commercial sites with 2 or more separate businesses sharing common pedestrian and parking areas. A small-scale shopping center: is 55,000 square feet or less in gross floor area; is on a site less than 5 acres in net area; has the majority of its parking located between the public streets and its buildings, and no parking underground or within a parking structure.

SIGN

A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following.

- ABANDONED SIGN. A sign that advertises a business, lessor, owner, product, service or activity that has not existed on the premises where the sign is displayed for at least 60 days.
- ANIMATED OR MOVING SIGN. A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

- AWNING. A roof-like cover, made of fabric, or other flexible material, over a door or window and attached to a building.
- AWNING SIGN. A sign copy or logo attached to or painted on an awning.
- BANNER, FLAG, OR PENNANT. Cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to a structure, staff, pole, line, framing, or vehicle, not including official flags of the United States, the State of Arizona, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.
- BENCH SIGN. Copy, pictures, or images painted, etched, or attached to a portion of a bench.
- BUSINESS IDENTIFICATION SIGN. A sign that serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

- CABINET SIGN (CAN SIGN). A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated.
- CHANGEABLE COPY SIGN. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
- CIVIC EVENT SIGN. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.
- CONTRACTOR OR CONSTRUCTION SIGN. A sign that states the name of the developer and contractor(s) working on the site and related engineering, architectural or financial firms involved with the project.
- DIRECTIONAL SIGN. An on-site sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project. A directional sign shall not include advertising material.

- DIRECTORY SIGN. A sign for listing the tenants and their suite numbers of a multiple tenant structure or center.
- DOUBLE-FACED SIGN. A sign constructed to display its message on the outer surfaces of 2 identical and/or opposite parallel planes.
- ELECTRONIC READER BOARD SIGN. A sign with a fixed or changing display composed of a series of lights, but not including time and temperature displays.
- FLASHING SIGN. A sign that contains an intermittent or sequential flashing light source.

- FUTURE TENANT IDENTIFICATION SIGN. A temporary sign that identifies the names of future businesses that will occupy a site or structure.
- FREESTANDING SIGN. Any sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.
- GARAGE SALE SIGN. A sign with a message advertising the resale of personal property that has been used by the resident.

- GRAND OPENING. A promotional activity not exceeding 30 calendar days used by newly established businesses, within 2 months after initial occupancy, to inform the public of their location and services available to the community. GRAND OPENING does not mean an annual or occasional promotion of retail sales by a business.

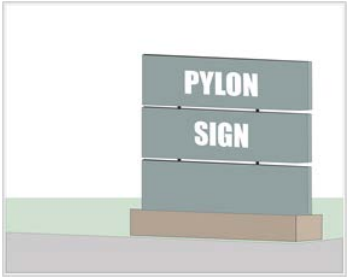
- GROUND MOUNTED SIGN. A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole, or device, erected primarily to support the sign. Includes monument signs and pole signs.
- HOLIDAY DECORATION SIGN. Temporary seasonal signs, in the nature of decorations, clearly incidental to and customarily associated with nationally recognized holidays and that contain no advertising message.
- ILLEGAL SIGN. A sign that includes any of the following:
  - A sign erected without first complying with all regulations in effect at the time of its construction or use;
  - A sign that was legally erected, but whose use has ceased, the structure upon which the display is placed has been abandoned by its owner, or the sign is not being used to identify or advertise an ongoing business for a period of not less than 90 days;
  - A sign that was legally erected that later became nonconforming as a result of the adoption of an ordinance, the amortization period for the display provided by the ordinance rending the display conforming has expired, and conformance has not been accomplished;
  - A sign that was legally erected that later became nonconforming and then was damaged to the extent of 50% or more of its current replacement value;
  - A sign that is a danger to the public or is unsafe;
  - A sign that is a traffic hazard not created by relocation of streets or highways or may acts of the city; or
  - A sign that pertains to a specific event, and 5 days have elapsed since the occurrence of the event.
- INDIRECTLY ILLUMINATED SIGN. A sign whose light source is external to the sign and that casts light onto the sign from some distance.
- INTERNALLY ILLUMINATED SIGN. A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source that is attached to the face of the sign and is perceived as a design element of the sign.

- INTERIOR SIGNS. A sign that is located within the interior of a building, stadium, or within an enclosed lobby, court, mall, or entrance of a theater and is not visible from the public right-of-way.
- MARQUEE (CANOPY) SIGN. A sign that is attached to or otherwise made a part of a permanent roof-like structure that projects beyond the building wall in the form of a large canopy to provide protection from the weather.
- MEMORIAL SIGN. A sign, tablet, or inscription that is cut into a masonry surface or inlaid with a

building façade to become part of the building. This sign may identify a building name, dates of construction, or other similar information.

- MONUMENT SIGN. An independent, freestanding structure supported on the ground and having a solid base, as opposed to being supported by poles or open braces.

- MULTI-TENANT SIGN. An identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.
- OFF-SITE DIRECTIONAL SIGN. A sign identifying a publicly owned facility, emergency facility, or a temporary subdivision sign, but excluding real estate signs.
- OFF-SITE SIGN. A sign identifying a use, facility, service, or product that is not located, sold, or manufactured on the same premise as the sign or that identifies a use, service, or product by a brand name that, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise.
- PARK BENCH SIGN. A sign indicating the name of the donor of the park bench.
- PERMANENT SIGN. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

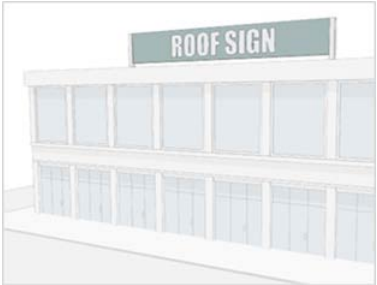


- PLAQUE. A sign or nameplate that is fastened directly to a building.
- POLITICAL. A sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.
- PYLON SIGN. A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground and which has a width of two (2) feet or a height at least three (3) times the width.

- POLE. An elevated freestanding sign, typically supported by 1 or 2 poles or columns.
- PORTABLE SIGN. A sign that is not permanently affixed to a structure or the ground.
- PROJECTING SIGN. A sign other than a wall sign suspending from, or supported by, a structure projecting outward.

- PROMOTIONAL SIGN. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.
- PUBLIC NOTICES. Official notices posted by public officers or employees in the performance of their duties.

- PUBLIC SIGNS. Signs required or specifically authorized for public purposes by law, rule, order, or regulation, which may be of any type, number, area, height above grade, location, illumination, or animation required by the law, rule, order, or regulation. This includes advertising signs located on the inside surfaces of publicly owned bus stop shelters.
- REAL ESTATE SIGN. A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.
- ROOF SIGN. A sign constructed upon or over a roof, or placed so as to extend above the edge of the roof.



- SPECIAL EVENT SIGN/BANNER. A temporary sign or banner that is intended to inform the public of a community happening, action, purpose, or occasion (i.e., grand opening or community event).
- SYMBOLS OR INSIGNIA. Religious symbols, commemorative plaques or recognized historical agencies, or historical identification emblems of religious orders or historical agencies.
- TEMPORARY SIGN. A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.
- UNDER MARQUEE SIGN. A sign suspended from a marquee or canopy.
- VEHICLE SIGN. A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

- WALL SIGN. A sign that is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
- WINDOW SIGN. A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and is located within three feet of the window.

SIGN AREA

The entire area within a perimeter defined by a continuous line composed of right angles using no more than 4 lines that enclose the extreme limits of lettering, logo, trademark, or other graphic representation.

SIGN HEIGHT

The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest.

SITE

A lot or adjoining lots under single ownership or single control, considered a unit for the purposes of development or other use.

SITE COVERAGE

See lot coverage.

SPECIFIED ANATOMICAL AREAS

Defined as:

- A human anus, genitals, the pubic region or a female breast below a point immediately above the top of the areola that is less than completely and opaquely covered.
- Male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Defined as:

- Human genitals in a state of sexual stimulation or arousal.
- Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy.
- Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.
- Excretory functions as part of or in connection with any of the activities under described above.

STAND

A structure for the display and sale of products with no space for customers within the structure itself.

STEALTH FACILITY

A telecommunications facility that is designed to blend into the surrounding environment, often by architecturally integrating the tower into a structure. Also referred to as a concealed facility.

STORAGE OR USE OF HAZARDOUS MATERIALS

Any light, heavy operation that stores, uses, or produces materials on-site in sufficient enough quantities to create an immediate risk of impacts beyond the boundaries of the facility. These risks of impacts include those resulting from explosion, fire, migration to waterways, toxic gas release or release of radioactive gases. This definition includes but is not limited to uses such as manufacturing of batteries, storage of primary batteries, wet or dry; cement, lime and gypsum; creosote, including treatment of products; explosives, matches, and fireworks; fertilizer; oil, including refining or processing; and granaries, grain processing, and milling.

STREET

A public thoroughfare accepted by the city, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this subsection.

STREET LINE

The boundary between a street right-of-way and property.

STRUCTURE

Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Development Code, the term STRUCTURE includes BUILDINGS, but does not include swimming pools.

STRUCTURE-MOUNTED

Equipment, fixtures, or building features that are mounted to the side or top of a structure.

STRUCTURE, PRIMARY

See PRIMARY STRUCTURE.

STUDIO

An enclosed space used by anyone engaged in artistic employment or instruction in painting, sculpture, photography, music, dancing, dramatics, literature, or similar activities.

T. DEFINITIONS, "T"

TELECOMMUNICATIONS FACILITY

The plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

TEMPORARY CONSTRUCTION OFFICE OR YARD

A facility or area used as a temporary field construction office or temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures, or infrastructure.

TEMPORARY REAL ESTATE SALES OFFICE

A facility or area used as a temporary office to sell land or buildings within a specified area or subdivision.

TEMPORARY STRUCTURES

A structure without any foundation or footings, and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TEMPORARY USES

A use of land that is designed, operated and occupies a site for a limited period of time. Permits are available for 3 days or less; or up to 30 days.

THEATERS AND AUDITORIUMS

Indoor facilities for public assembly and group entertainment, other than sporting events, including: civic theaters, and facilities for "live" theater and concerts; exhibition and convention halls; motion picture theaters; public and semi-public auditoriums; and similar public assembly uses. Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see OUTDOOR RECREATION AND ENTERTAINMENT.

TOWER

For purposes of telecommunications facility regulations, any structure under the federal Telecommunications Act and Middle Class Tax Relief and Job Creation Act (as amended and interpreted by the federal courts) including, but not limited to self-supporting lattice, guy,

monopole, or stealth towers, built for the sole or primary purpose of supporting any Federal Communications Commission – licensed or authorized antennas and their associated facilities.

TRANSIT STATIONS AND TERMINALS

Passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, and the like.

TRANSIT STOP SHELTERS

A small-scale covered waiting area for buses and taxis.

U. DEFINITIONS, "U"

UNIT

See HOUSING UNIT.

USE

The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

USE, PRIMARY

See PRIMARY USE.

UTILITY FACILITY

Fixed-base structures and facilities serving as junction points for transferring utility services from 1 transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are: corporation and maintenance yards; electrical substations and switching stations; natural gas regulating and distribution facilities; public water system wells, treatment plants and storage; telephone switching facilities; or wastewater treatment plants settling ponds and disposal fields. These uses do not include office or customer service centers (classified in OFFICES), or equipment and material storage yards.

UTILITY INFRASTRUCTURE

Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see OFFICES), or distribution substations (see UTILITY FACILITIES).

V. DEFINITIONS, "V"

VARIANCE (MAJOR AND MINOR VARIANCE)

A discretionary entitlement, which is subject to review and decision by the Director or the BOA, that may waive or relax the development standards of this Development Code, in compliance with Sec. 14.05.04.D (Variances).

VEHICLE AND FREIGHT TERMINALS

This land use consists of transportation establishments furnishing services incidental to air, motor freight, and rail transportation including: freight forwarding services; freight terminal facilities; joint terminal and service facilities; packing, crating, inspection and weighing services;

postal service bulk mailing distribution centers; transportation arrangement services; and trucking facilities, including transfer and storage.

VETERINARY HOSPITAL

An establishment that provides medical treatment and care to animals, and that may include temporary or overnight boarding of animals that are recuperating from treatment. This use may include a commercial boarding service, not related to overnight care for medical treatment, in the appropriate zoning district.

W. DEFINITIONS, "W"

WAREHOUSINGAND WHOLESALE DISTRIBUTION

A facility engaged in the storage, wholesale, and/or distribution of raw and manufactured goods and products to individual, business, or wholesale clients; including accessory offices and showrooms, and incidental retail sales. Use includes cold storage, but excludes personal self-storage (mini-storage), and bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

WATER-RELATED FACILITY

A public or quasi-public facility providing for boat docking, launching, mooring, and other similar marine related services, but not including a commercial MARINA.

X. DEFINITIONS, "X"

No specialized terms beginning with the letter "X" are used at this time.

Y. DEFINITIONS, "Y"

YARDS

An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections permitted by Sec. 14.04.01.B (Exceptions and Encroachments).

- FRONT YARD. An area extending across the full width of the lot between the front lot line and the required setback.
- REAR YARD. An area extending the full width of the lot between a rear lot line and the required setback.
- SIDE YARD. An area extending from the front yard to the rear yard between the nearest side lot line and the required setback.

Z. DEFINITIONS, "Z"

ZERO LOT LINE

The location of a building on a lot in a manner that 1 or more building sides rests directly on a lot line.

ZONING CLEARANCE

An authorization issued by the Department prior to issuance of any building permit to ensure that the proposed use and/or construction complies with all of the provisions of this Development Code.

ZONING DISTRICT

Any of the residential, commercial, industrial, public, or overlay districts established by Article II of this Development Code (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established.