SECTION 404. GENERAL PROVISIONS.

A. APPLICATION.

Except as hereinafter provided, no building, structure or premise shall be used and no building, or structure, or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished or materially altered except in conformity with these provisions and the provisions of the zone in which it is located. Any use that is not specifically allowed is hereby declared to be prohibited.

B. USE RESTRICTIONS.

1. Permitted Uses: Those uses listed as "Permitted Uses" shall be allowed to establish within any zone district in which they are listed, subject to the specific requirements of this Ordinance. All other uses shall be prohibited except as otherwise provided in this Ordinance.

2. Conditional Uses: Those uses listed as "Conditional Uses" shall require a "Conditional Use Permit" in order to establish within the zone district in which they are listed and shall be subject to all conditions and requirements imposed by the Planning and Zoning Commission in connection with the "Conditional Use Permit".

3. Accessory Uses: A use which is incidental, related, appropriate, and clearly subordinate to the main use of the lot or building and which does not alter the principal use of the lot or building, shall be allowed to establish within any given zone district, but may not be constructed more than six (6) months prior to the erection of the main building.

4. Unspecified Uses: Whenever a use is proposed which is not listed as permitted or conditional use in any zone district, the Planning and Zoning Commission shall determine, through minute action, the appropriate zoning classification of such use. In making their determination the Planning and Zoning Commission shall consider similar uses which are listed in the Code.

C. NONCONFORMING LOTS OF RECORD.

Notwithstanding any other provisions of this Ordinance, a building may be constructed on any lot of record before the adoption of this Ordinance in any zone in which such buildings are permitted even though such lot fails to meet the area or width requirements within the zone, except that such construction shall conform to any lot coverage and yard requirements of the zone. However, where two (2) or more contiguous lots of record are owned by the same person the land included in the lots shall be considered an undivided parcel once a structure is located so as to cross the lot lines separating said lots and no portion of said parcel shall be used as a building site or sold which does not meet the area and width requirements of the zone in which the lot is located.

D. REDIVIDING OF RECORDED LOTS.

No lot may be divided to create a lot not in conformance with these regulations. No lot shall be divided or combined in any manner other than through subdivision procedures as specified by the Subdivision Regulations.

E. STREET DEDICATION REQUIREMENTS.

1. All lots shall abut a public street connecting with the public street system, except that lots or parcels within shopping centers and group commercial centers shall be allowed where the use of private streets or shared access easements provides access to such lots or parcels within the shopping center, provided that such access is constructed to approved City standards, is contained in a recorded permanent nonexclusive access easement, and responsibility for continued maintenance of the access way is vested in the property owners.

2. A building permit shall not be issued for a lot which does not abut a dedicated public street or which abuts an undedicated portion of a partly-dedicated public street, except as permitted by this ordinance for lots within a shopping center. All public or private easements which are filed in the public records of Yavapai County as of August 14, 1979, are exempt from this requirement.

3. The City Council may require the dedication of streets and utility easements as a condition of rezoning.

F. SITE UNSUITABILITY.

Where land is held by the Zoning Administrator, Planning and Zoning Commission or Development Review Board to be unsuitable for development by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate, low bearing strength, erosion susceptibility or any other features likely to be harmful to the health, safety or general welfare of the community, such land shall not be used or built upon until the developer has proposed methods for overcoming these problems and has received approval from the Zoning Administrator or Development Review Board. The development of said land shall be conditioned upon the successful implementation of the proposed corrective measures.

G. YARD, LOT, AND AREA REQUIREMENTS.

1. Application: No building shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such building or open space is located, except as otherwise specifically provided.

2. Yards: Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc. and accessory structures as allowed in this Ordinance shall not be considered obstructions. No yard or other open space provided about any building for the purpose of complying with the provisions of these

Restrictions shall be considered as a yard or open space for any other building; and no yard or other open space on one lot shall be considered as a yard or open space for a building on any other lot.

3. Projections Over Required Yards:

   a. Awnings, open fire balconies, fire escape stairs, window type refrigeration units, suspended or roof evaporative coolers, and similar features may project not more than five (5) feet over any required side or rear yard, provided that they shall be no closer than three (3) feet to any lot line and shall not project into any required front yard.

   b. Architectural details such as canopies, cornices and eaves may project not more than three (3) feet over any required yard, provided that they shall be no closer than three (3) feet from any lot line.

   c. Sills, leaders, belt courses and similar ornamental features may project not more than six (6) inches over or into any required yard.

4. Porches, Patios and Steps: Architectural features providing a transition from the outside to the inside of buildings are permitted, subject to the following conditions:

   a. Unroofed porches, terraces, patios, steps or similar features not over three (3) feet in height above grade, may project into any required yard, provided that projections into required front yards shall not exceed ten (10) feet from the main wall of the building, provided that they shall be no closer than three (3) feet from any lot line.

   b. In commercial and industrial zones, unless restricted by this ordinance, covered porches, terraces, patios, steps or similar covered features may project up to six (6) feet into a required front yard, provided said projections shall not exceed fifty percent (50%) of the lineal frontage of subject building face, and provided the front and sides of the structure shall remain open and are not enclosed with windows, walls, screens or similar materials.

   c. In residential zones, unless restricted by this ordinance, covered porches, terraces, patios, steps or similar covered features may project up to six (6) feet into a required front yard, provided the front and sides of the structure shall remain open and are not enclosed with windows, walls, screens or similar materials.

5. Accessory Structures (Attached): A private automobile garage, carport or accessory structure having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determining yard, lot and area requirements. The determination of yard requirements shall not include covered front porches, patios and decks permitted to project into a front yard setback area, where allowed by this ordinance.

6. Swimming Pools and Detached Accessory Buildings

   a. Swimming Pools: A swimming pool, in any zone shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.

   b. Detached Accessory Buildings in Commercial and Industrial Zones: Any detached accessory building in a commercial or industrial zone shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone. All accessory buildings including galvanized and zinc-coated structures must be painted.

   c. Detached Accessory Buildings in Residential Zones:

      (1) Accessory buildings eight (8) feet in height or less shall not be located in the required front yard, shall be at least ten (10) feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.

      (2) Accessory buildings over eight (8) feet in height must meet all the setback requirements for the principal building in that zone.

      (3) In the AR-20, R-1, R-2, R-3, and R-4, no single accessory building or aggregate of accessory buildings shall exceed 2,000 square feet except by approval of a conditional use permit.

      (4) In the GA, AR-70 and AR-43 zones, no accessory building or aggregate of accessory buildings shall exceed 3,000 square feet except by approval of a conditional use permit.

      (5) In the MH zone, no single accessory building or aggregate of accessory buildings shall exceed 750 square feet except by approval of a conditional use permit.

      (6) All accessory buildings, including galvanized and zinc-coated structures must be painted.

   d. Detached Accessory Guest House in Residential Zones:

      (1) Where listed as a Permitted or Conditional Use, one (1) detached guest house may be considered for parcels or lots with no more than one single-family dwelling.

(2) The parcel or lot must meet the minimum size required for the zoning district where the use is proposed and any other area requirements specified through the zoning.

(3) The guest house shall not exceed 750 square feet of livable building area.

(4) The guest house shall meet all setbacks and building separation requirements as the primary residence and it shall be located to the rear of the primary residence.

(5) The guest house shall not have a separate primary property address.

(6) The guest house shall not have a separate set of utility meters for water, electricity or natural gas; or separate sewer connections.

(7) One (1) additional off-street parking space shall be required for the Guest House, in addition to the off-street parking required for the primary residence. The guest house shall share a common driveway with the primary residence with no additional driveway access allowed from the street to accommodate the guest house.

(8) Manufactured homes, mobile homes, travel trailers, recreational vehicles and similar structures shall be prohibited for use as guest homes in all districts.

(9) Guest homes may include a full kitchen; however, such units shall not be used as separate rental units. The guest house is intended for sole use by the occupants of the primary residence and their non-paying guests.

7. Solar Units: Solar heating and solar cooling units, solar greenhouses and associated apparatus may, notwithstanding any other provision of this Ordinance, be located in a required rear or side yard provided that such apparatus does not cover more than thirty (30) percent of that side or rear yard and shall be no closer than two (2) feet to any lot line.

8. Service Station Pumps: No automobile service station pump shall be located closer than twenty four (24) feet from a street property line nor closer than fifty (50) feet from a residential, agricultural or mobile home zone.

H. BUILDING HEIGHT REQUIREMENTS.

1. Application: No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.

2. Exceptions: Height regulations established elsewhere in this Ordinance shall not apply:

   a. In any district, to church spires, belfries, cupolas and domes not for human occupancy; monuments; water towers; flagpoles; provided that such structures shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.

   b. In any district, to noncommercial radio or television antennas.

   c. In industrial districts, to chimneys, smokestacks, derricks, conveyors, grain elevators or similar structures wherein the industrial process involved customarily require a height greater than otherwise permitted, provided that such structures shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.

   d. In any district to solar heating or cooling apparatus, the plans of which have been approved by the Zoning Administrator.

3. Residential Accessory Buildings: No building which is accessory to any residential building shall be erected to a height greater than one (1) story or sixteen (16) feet to the peak or highest point of the roof, except as otherwise may be permitted by a conditional use permit.

I. HEIGHT LIMITATIONS ON CORNER LOTS.

Within a triangle formed by the street front and side lot lines and a line connecting these lot lines at points measured along these lot lines a distance of twenty five (25) feet from their intersection, all fixtures, construction, hedges, shrubbery and other plantings shall be limited to a height not over two (2) feet above the elevation of the street line level at the same intersecting streets. Within the same triangle and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at the said intersecting streets.

J. WALLS AND FENCES.

1. PERMITS:

   a. A fence permit shall be required before a perimeter fence or wall may be constructed, reconstructed or altered within the City of Cottonwood.

   b. A legible drawing shall be submitted showing all fence dimensions, gates, lot lines, setbacks and buildings on the property and all adjacent streets and alleys. On the drawing also indicate the height of the fence and type of materials from which it is to be constructed. If the fence\wall is to be constructed of block or concrete indicate the type of reinforcing and type and size of footings.

2. EXCEPTION:

   Fences within the GA, General Agricultural Zone, intended for the keeping of livestock, however said fences shall conform to requirements of this Section.

3. ALL FENCE PERMITS:

   Shall be reviewed by the Code Review Board prior to being issued so as to be in compliance with all Codes.

4. HEIGHT:

   a. No solid, view obscuring wall, fence or hedge over three (3) feet high and no chain link or wire fence or similar open, non-view obscuring fence over four (4) feet high shall be constructed or maintained nearer to the street line than the required front or street-side building setback line, nor be more than six (6) feet in height in any rear or side yards, provided that fences exceeding the above heights may be built around schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants thereof, or within Industrial areas when approved by the Development Review Board or in Agricultural or Agricultural-Residential Zoning Districts when a Conditional Use Permit has been secured for such purposes. The height regulations shall not apply when fences of greater height are required by the Planning and Zoning Commission or Development Review Board in order to provide adequate screening as required by this Ordinance.

   b. Refer to Article V. for specific screening requirements.

5. No person shall place a fence or wall near any fire hydrant, fire department connection or fire protection system valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum of three (3) feet clear space shall be maintained around the circumference of the fire hydrant except as otherwise required or approved by the Code Review Board.

6. Hazardous Materials: No wall or fence shall contain barbed wire, electrical current or charge of electricity, broken glass or similar hazardous materials or devices, provided that fences enclosing storage areas in Industrial Zoning Districts may contain barbed wire so long as such wire is located not less than six (6) feet above grade. Fences containing electrical current or barbed wire shall be allowed within Agricultural or Agricultural- Residential Zoning Districts provided a Conditional Use Permit has been secured for such purpose.

7. Materials and Design: Fences and walls in all Zoning districts shall be constructed of material in new condition only. Material must be wood, woven wire or masonry, of conventional design. Fences or walls of other than specified material or of other than conventional design, shall be allowed only by Conditional Use Permit, except that fence constructed of pipe shall be allowed in any Agricultural or Agricultural-Residential Zoning Districts.

8. Swimming Pools: All swimming pools shall be enclosed by a solid wall, wood or chain link fence not less than five (5) feet nor more than six (6) feet in height so as to prevent uninvited access.

9. Storage Facilities: Where "storage facilities" are to be enclosed by a masonry wall or solid fence as required elsewhere in this Ordinance, such enclosure shall be considered adequate only when constructed of: masonry without aperture, chain link with slats or wood fence with no aperture exceeding one quarter (1/4) inch.

10. Refer to Article V, Section 501, for specific screening requirements.

11. Fees: No fee shall be charged for Conditional Use Permits concerning fences.

K. DUMPING, DISPOSAL, AND EXCAVATION.

1. Prohibited Dumping: The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, refuse, ashes, slag or industrial wastes or by-products, shall be prohibited in every district except as otherwise provided in this Ordinance.

2. Dumping of Dirt or Material: In any district, the dumping or stockpiling of dirt, sand, rock, other material excavated from the earth or other organic or inorganic landscape material in quantities which exceed 50 cubic yards total for the overall development site or project site shall be subject to the requirements of the Building Code regarding review and approval of a Grading Permit and shall be subject to Section 304 of the Zoning Ordinance requiring review and approval by the Design Review Board, except as otherwise provided herein.

3. Excavation: A Conditional Use Permit shall be required for any person, firm or corporation to strip, excavate or otherwise remove soil, earth, gravel, etc., for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

L. OUTDOOR STORAGE AND JUNK AUTOMOBILES.

1. Definitions:

   a. Outdoor Storage: The location of any goods, services, wares, merchandise, commodities, junk, debris, vehicles or any other item outside of a completely enclosed building for a continuous period longer than twenty four (24)) hours.

   b. Junk Automobile: A vehicle or any other major portion thereof which is incapable of movement on its own power and will remain so without major repair, or does not have a valid and current State of Arizona registration certificate and/or which does not conform to the State of Arizona Motor Vehicle Division standards for operation of a motor vehicle on public streets or highways.

2. Outdoor Storage: With the exception of automobiles, trailers, motorcycles, mobile homes, boats, motor homes, growing plants, nursery stock, Christmas trees, service stations displaying new automotive and related merchandise and landscaping items, outdoor storage shall not be allowed in the required front yard of a lot, and shall be screened by a six (6) foot high solid masonry fence or a fence or screening of a height and material as allowed or required by the Planning and Zoning Commission.

   Refer to Article V, Section 501, for specific screening requirements.

3. Junk Automobiles: Junk automobiles shall be stored between the rear of the main structure and the rear lot line and shall not be visible from any public street. In no case shall junk automobiles be stored on a lot, tract or parcel unless screened from view from any public street by a screened fence in accordance with the screened fencing provisions of the Zoning Code pertaining to height and materials. No more than two (2) junk automobiles shall be stored on any lot, tract or parcel unless authorized by Conditional Use Permit granted by the Planning and Zoning Commission.

4. Existing Outdoor Storage and Junk Automobiles: All outdoor storage and junk automobiles existing at the time of the passage of this Ordinance shall, within twelve (12) months of its passage, be made to comply fully with these requirements or be removed.

5. Vending Machines: Exempt from the requirements of this Section are vending machines, not to exceed three (3) in number or on any one property. Permission to maintain in excess of three (3) vending machines shall be by Conditional Use Permit.

M. STORAGE AND PARKING OF MOBILE HOMES AND TRAILERS.

1. Storage: Mobile homes, house trailers, commercial trailers, boat trailers, campers or travel trailers shall not be stored, parked, or located in any zone other than as listed in the zone regulations or as otherwise provided herein, except that the storage of one (1) boat trailer and not more than one (1) uninhabited camper or uninhabited travel trailer shall be allowed for each residence. Such vehicles may not be located in the front yard of a residence.

2. Construction Office or Security Personnel Housing: A mobile home or trailer may be allowed in any zone to conduct business or provide housing for security personnel, during the construction of permanent building when a valid building permit is in effect. Such mobile home or trailer shall be removed immediately after completion of the building.

N. HOME OCCUPATIONS.

1. Home occupations shall be "permitted" or "conditional" as indicated within each zone district regulations, subject to the following requirements:

   a. Home Occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes, shall be conducted entirely within the dwelling and shall not change the character thereof.

b. Area: No more than 25 percent (25%) of the gross floor area of the dwelling shall be devoted to the home occupation.

c. Employees: There shall be no employees other than members of the immediate family residing on the premises.

d. Delivery Vehicles: No business shall be conducted which requires delivery vehicles or other services not customary to a residence.

e. Nuisances: There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration or other nuisances discernible beyond the property lines.

f. Signs shall be subject to applicable provisions of Section 405.

O. ANIMALS AND PETS.

1. Household Pets: Except as otherwise permitted in this Ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three (3) pets, such as dogs, cats and similar household pets, exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building and which do not create odor or sound which is detectable on an adjoining lot.

2. Show Animals: The keeping of animals as show projects, not to exceed one lamb, or three adult poultry, rabbits or other small animals per project or premises, shall be an allowable use only by family members residing on the premises. Annually a completed form, prescribed by the Planning and Zoning Department, with name and physical address of each applicant and type, duration and number of animals of each project shall be submitted to the Planning and Zoning Department by said resident. Goat, swine, beef, adult sheep and horse projects shall be limited to Agricultural zones. Lamb, poultry, rabbits and other small animal projects shall be allowed in residential zones by permit only. The projects in zones other than Agricultural shall be of a limited duration not exceeding six (6) months in one (1) calendar year, allowing for the care, feeding and grooming of such animals to be shown and/or sold annually at events such as the Verde Valley, Yavapai County and/or Arizona State Fair. In the instance that a prize winning animal is to be entered into competition more than one time, an extension of the permit may be applied for and after evaluation by the Planning and Zoning Department conditionally extended. Pens, stables, cages and other shelters for such animal projects shall not be located closer than twenty five (25) feet to any property line. All structures shall be kept in a neat and sightly manner and shall be controlled daily from refuse, manure, flies and other nuisances at all times. Storage of feed equipment and other material related to such animals shall be entirely within an enclosed building. Carports or garages attached to a residence shall not be used to contain such animal projects.

3. Nuisance: Where the keeping of such animals becomes a nuisance, the Planning and Zoning Inspector shall have the authority to require a reduction in the number of and/or removal of the animals. Normally the Inspector will allow a ten (10) day grace period

for compliance to the Ordinance. In exceptional cases the Inspector shall require immediate removal of the animals in question.

4. The provisions of the Ordinance are not intended to authorize the keeping of animals, regardless of number, size or type, in a manner which constitutes a nuisance and which impairs the enjoyment or use of nearby properties or violates other legal restrictions the properties are subject to.

P. CARNIVALS, CIRCUSES, REVIVALS, RODEOS, SWAP MEETS, OUTDOOR RETAIL SALES, AND SIMILAR ACTIVITIES.

Deleted by Ordinance 531, adopted November 4, 2008. Please refer to Section 307. "Temporary Use Permits."

Q. EXTERIOR LIGHTING.

Deleted by Ordinance 384, adopted December 21, 1999. Please refer to Section 408, "Outdoor Lighting Code."

R. PUBLIC SERVICE FACILITIES.

A Conditional Use Permit shall be required by all Public Service Companies in order to establish or substantially expand utility buildings, structures or appurtenances thereto in any zoning district. Extension of public service lines in public or private right of way is exempt from these requirements.

S. TRASH ENCLOSURES.

1. A Permanent Enclosure for temporary storage of garbage, refuse, and other waste materials shall be provided for every use, other than single-family dwelling, multiple-family dwellings of less than four (4) units and mobile homes in every zoning district except where an approved mechanically loaded steel bin is used for the purpose or where a property is entirely surrounded by screen, walls or buildings. Trash enclosures shall comply with the following regulations:

   a. Construction: Construction of trash enclosures shall be so constructed that the contents are not visible from a height of five (5) feet above grade from any abutting street or property and shall be constructed of solid fencing such as new weather resistant wood or chain link fencing with screening slats and of sufficient height to conceal contents, including containers, but in no case shall be less than five (5) feet in height above grade. Gates shall be solid or baffled, equal to the height to the enclosure and equipped with latches to ensure closure when not in use.

   b. Location: Trash enclosures shall not be located in any required front or side yard.

T. STRUCTURES NEAR AIRPLANE RUNWAY OR LANDING STRIP.

Current Federal Aviation Agency regulations and guidelines shall govern the location, placement, height, size and design of all buildings and structures within the vicinity of airplane runways and landing strips within the City of Cottonwood.

U. MOVING OF BUILDINGS.

No building or structure, which has been wholly or partially erected on any premises located either within or outside the City of Cottonwood shall be moved to or placed upon any premises within the City until a permit for such removal and for such relocation shall have been issued by the Zoning Administrator. Any such building or structure shall conform to all provisions of this Ordinance in the same manner as any new building or structure. No such building or structure shall be used or occupied until a final inspection and notice of approval by the Building Inspector.

V. PERFORMANCE STANDARDS.

Any permitted or conditional use must conform to the following performance standards. In conjunction with the Plan Review and Development Review, the developer-applicant shall provide to both the Zoning Administrator and the Development Review Board data which are sufficient to show that the proposed use and the manner of its conduct will meet these performance standards.

1. NOISE: At no point on the property line shall the sound pressure level of any individual operation exceed the decibel levels in the designated octave bands shown below. (Excluding operation of motor vehicles or other transportation facilities.)

OCTAVE BAND CYCLES PER SECOND	MAXIMUM SOUND PRESSURE LEVEL IN DECIBLES .0002 DYNES PER CM2
0 TO 75	72
75 TO 150	67
150 TO 300	59
300 TO 600	52
600 TO 1200	46
1200 TO 2400	40
2400 TO 4800	34
ABOVE 4800	32

Sound levels shall be measured with a sound level meter and associated octave band filer manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards provided

that such noises shall be capable of being so measured, for the purpose of this Section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

2. SMOKE: No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U. S. Bureau of Mines shall be the standard.

3. GLARE OR HEAT: Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.

4. VIBRATION: No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour of the day between the hours of 7:00 AM to 7:00 PM or of thirty (30) seconds or more duration in any one (1) hour during the hours of 7:00 PM and 7:00 AM.

5. FLY ASH, DUST, FUMES, VAPORS, GASES, AND OTHER FORMS OF AIR POLLUTION: No emission shall be permitted which becomes a nuisance, which can cause damage to health, to animals or vegetation, or other forms of property, which can cause any excessive soiling, or which results in the settling of dust on adjacent properties.

6. LIQUIDS AND SOLID WASTE: No wastes shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.

7. ODORS: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or create a nuisance or hazard beyond the property lines.

W. OUTSIDE DISPLAY.

1. Any outside display must be approved by the Development Review Board. The applicant shall provide a sketch showing the area to be used for display.

X. CAMPING WITHIN THE CITY LIMITS

1. It shall be unlawful for any person to camp on public property within the city limits, including public streets, public parks and facilities, except as permitted by the Cottonwood Municipal Code for certain temporary uses as described therein.

2. It shall be unlawful for any person to camp on any private property within the city limits, except as allowed for properties designated and approved for such uses, such as

for a legally established and permitted campground, RV park or mobile home park maintained and operated in accordance with all city codes and ordinances.

3. An exception shall be granted to allow temporary guests of detached residential properties to stay in RVs or trailers parked in a driveway or carport according to the following regulations:

    a. Temporary camping shall be allowed by guests on private property developed with a single-family residential use and not on vacant private property or on abutting public right-of-way, as per the standards set forth in this ordinance.

    b. No person(s) shall so camp for more than two weeks per visit.

    c. Property owners shall be limited to no more than three (3) such camping visits in total per calendar year.

    d. Camping shall be in a recreational vehicle (RV) or travel trailer only, with a self contained sewage collection system.

4. Camping shall be prohibited in commercial parking lots, including temporary use of vehicles, trailers, tents or other structures for sleeping, cooking or living accommodation purposes. Such activity shall be indicated by the behavior of the occupants, including sleeping or resting activities, display of outdoor seating and furniture, use or display of cooking equipment, generator use, outdoor lighting sources, unhooking of trailers from tow vehicles, and the extension or use of stabilizer legs, supports, leveling blocks or jacks with vehicles, recreational vehicles or trailers.

5. This section shall not apply to the temporary use of a recreational vehicle or trailer that may be permitted as a temporary residence or watchperson's trailer during construction so long as a valid building permit remains in force, or until such time that construction is completed or a Certificate of Occupancy is issued.

6. This section shall not apply to the recreational use of temporary structures, such as play structures, canopies and tents, for activities which have the property owners permission and are commonly referred to as "backyard camping" for children, where such structures are located in the backyard of a single-family residence, erected for no more than 72 hours, and provided the structure is no more than 120 square feet in size.

7. Self-powered vehicles, recreational vehicles or travel trailers not designed for attachment to a lot shall not by any definition be deemed a residence or be used as such in any zoning district except as allowed by this ordinance.

Y. GROUP HOME FOR THE HANDICAPPED.

A Group Home for the Handicapped is permitted in zoning districts that permit single-family dwellings, subject to the following standards:

1. Registration is required with the Planning Department prior to occupancy of the building by the group home use. Registration shall become effective upon issuance of the Group Home Registration by the City and shall terminate when the group home use ceases or the registration is revoked by the City.

2. Revocation. A group home use which exhibits ongoing or periodic activities out of character with the residential nature of the neighborhood or exhibits disruptive activities to the extent that such use becomes a nuisance or threat to the health, safety and well-being of the neighborhood shall be subject to review by the Zoning Administrator to determine if the group home use is in conformance with the standards set forth in this section. If it is determined that the group home use is not in conformance with the standards for such use, the Zoning Administrator shall provide the operator of the group home with a written notice describing the alleged violations and shall allow the operator at least thirty (30) calendar days to correct the violations. Upon completion of the notification period, if the Zoning Administrator determines that the violations are not corrected and such conditions or activities are continuing in association with the group home use, the Zoning Administrator shall issue a revocation of the group home registration by written order, which shall become effective thirty (30) calendar days from the date of mailing to the group home operator and property owner. The group home operator may request cancellation of the revocation order within the thirty (30) day notice period by submitting a written operation plan describing measures to be enacted to correct conditions contributing to the violation of the group home status. The Zoning Administrator shall review the proposed operations plan and either approve or deny the plan based on the standards for group home uses. If denied, the group home use shall be terminated upon the effective date of the revocation order. The operator shall have the right to appeal any such decision of the Zoning Administrator subject to the procedures specified in this Ordinance.

3. A Group Home for the Handicapped shall not include persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not apply to or protect persons who currently use illegal drugs or controlled substances, persons who have been convicted of the manufacture, sale or distribution of a controlled substance, or persons with or without disabilities who present a direct threat to the persons or property of others. In addition, a Group Home for the Handicapped shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or a direct threat of physical damage to the property of others.

4. Administrative review. The Zoning Administrator or designee shall review all such proposals for group homes as described herein and shall then issue a written determination approving or denying the registration based on the following:

    a. A complete registration form with the required processing fee shall be submitted describing the proposed group home use in detail.

    b. The Zoning Administrator shall review the registration form for the proposed group home use to determine that all conditions are met. If additional information is required to make a determination, the Zoning Administrator will contact the applicant.

    c. The Zoning Administrator shall issue a written determination within ten (10) working days of submission of a completed registration form that the use does or does not comply with the requirements of this ordinance.

5. Appeal. Appeal of any decision of the Zoning Administrator shall be subject to Section 306 of this Ordinance.

6. State license. If the proposed use is required to be licensed by the State of Arizona, provide copies of license documents prior to issuance of the Group Home Registration for the use. Submit any required State of Arizona Zoning Clearance forms with the registration application.

7. Inspection. For uses that require zoning clearance by the State of Arizona, any required inspections must be completed by the applicable City departments prior to approval of the Group Home Registration.

8. Spacing. The minimum spacing between group homes shall be five-hundred (500) feet feet, as measured from the closest property lines. Spacing requirement shall not apply to residential Health Care Institutions, Foster Care Homes, Child Welfare facilities or similar facilities licensed by the State of Arizona. The Planning Department will keep records of all such uses in Cottonwood for determination of minimum separation requirements.

9. Request for reasonable accommodation. If the owner or operator of a proposed group home believes any requirement of this ordinance has prevented the establishment of the group home, the owner or operator shall submit a written request for accommodation to the Zoning Administrator. The written request shall contain sufficient facts to allow the Zoning Administrator to make a determination of the specific needs and such determination shall be based on the following procedures:

a. All related correspondence shall be forwarded by the City to the City Attorney for review and recommendation.

b. The review shall consider the request subject to the provisions of the Fair Housing Act and related amendments.

c. The accommodation shall take into consideration public safety and welfare concerns, the residential character of the neighborhood and any such accommodation shall fully comply with the intent of the Fair Housing Act.

Z. BOARDING HOUSE REGULATIONS.

A boarding house shall be considered as a conditional use in the R-2, R-3 and R-4 zoning districts, subject to the following requirements:

1. The location of the use shall not have a detrimental effect on nearby properties or be contrary to the public safety, health or general welfare.

2. The building and site is in compliance with all applicable Zoning Ordinance, Building Code and Fire Code regulations.

3. The site is or will be brought into conformance with current City development standards, including but not limited to design review, parking, signage, landscaping and screen walls. Additional setbacks, parking, landscaping or screen walls may be required as a condition of approval so as to mitigate any potential impact by the proposed development on surrounding properties or the city in general.

4. Parking. As per Section 406 Parking Requirements, minimum on-site parking shall include at least one (1) parking space per sleeping room or one (1) per bed, which ever number is greater, and one (1) space for the manager.

5. Three (3), four (4) or five (5) bedrooms may be provided as lodging for compensation for a definite period of time provided no more than two persons occupy any one bedroom.

6. The occupancy of no more than one (1) or two (2) bedrooms for compensation shall not be considered a boarding house provided not more than two guests shall occupy a bedroom.

7. The operators of the facility may serve food and meals to the residents in a group dining room or a common kitchen facility may be provided for use by residents but the use shall not include separate kitchen, cooking or food preparation facilities with individual bedrooms or suites.

8. The maximum number of residents not including staff shall be ten (10).

9. The term "boarding house" shall not include group homes for the handicapped, nursing homes, assisted care facilities, hotels, motels, bed and breakfast establishments, correctional transitional facility, or a dwelling occupied by one or more individuals living together without supervision or management as a single housekeeping unit.

AA. CORRECTIONAL TRANSITIONAL FACILITY

1. Correctional Transitional Facilities shall be considered as a conditional use in the C-2, I-1 and I-2 zoning districts, subject to the following requirements:

   a. The location of the proposed facility will not have a detrimental effect on nearby properties or be contrary to the public safety, health or general welfare.

   b. The building and site is in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.

   c. The site is or will be brought into conformance with current City development standards, including but not limited to, design review, parking, signage, landscaping and screen walls. Additional setbacks, parking, landscaping or screen walls may be required as a condition of approval so as to mitigate any potential impact by the proposed development on surrounding properties or the city in general.

   d. Management Plan. The applicant must submit a management plan to the Zoning Administrator and the Police Chief describing the management and operation of the facility including, names and addresses of the owner and operator of the facility, local contact information, names and phone numbers of all governmental licensing and contract agencies and related contact persons, types of offenders housed, number and general professional qualifications of staff of the facility, and details for emergency management, including plans to contact local public safety officials.

   e. Parking. Ten (10) spaces for staff and visitors for facilities with up to ten resident beds; and one (1) space for each additional resident bed for staff and visitors.

   f. Maximum Capacity Calculation. The maximum number of resident beds not including staff is thirty (30). The allowable number of resident beds shall be determined by dividing the area of the site by twenty-two hundred (2,200).

   g. Separation of at least five-hundred (500) feet from the property boundary of the proposed use to the any residential zoning district, or to the property boundary of any public or private school that provides programs for any grades from

h. kindergarten through grade twelve, or any public park or recreational facility, or a public library.

i. Separation of at least two thousand, six hundred and forty (2,640) feet (one-half mile) from any other Correctional Transitional Facility as measured in a straight line between property boundaries.

j. At the applicant's expense, all property owners within 500 feet of the property boundaries of the site of the proposed use shall be notified by first class mail of the proposed use and of the time and place of the public hearing to consider the conditional use. In addition to any other public notification, the property shall be posted with a notice of the public hearing in at least two places conspicuously visible from the adjacent public streets and properties.

k. The Correctional Transitional Facility shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or a direct threat of physical damage to the property of others.

BB. BED & BREAKFAST ESTABLISHMENTS

1. Bed & Breakfast Residence: A bed & breakfast residence shall be considered as a "conditional" use in the R-1, R-2, R-3, R-4, AR-20, AR-43, AR-70 and CR zoning districts, subject to the following requirements:

a. Facility shall be owner-occupied with no more than 60% of the gross floor area of the primary structure used for guest units, guest dining or Bed and Breakfast purposes.

b. The building and site shall be in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.

c. No more than three (3) guest units shall be available at any time for overnight or otherwise temporary lodging. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.

d. At least one (1) parking space per guest unit and one (1) parking space for the owner shall be provided on-site in accordance with the parking standards of this ordinance.

e. One (1) wall sign for identification purposes up to six (6) square feet in area may be attached to the primary structure or placed as a freestanding sign located in the front yard with a maximum height of three (3) feet above grade.

f. A current business registration is required.

2. Bed & Breakfast Inn: A bed & breakfast residence shall be considered as a "conditional" use in the R-2, R-3, R-4, AR-20, AR-43, AR-70 and CR zoning districts,, subject to the following requirements:

   a. Facility shall be owner-occupied with no more than seventy five percent (75%) of the floor area or structural coverage to be used for guest units, guest dining or Bed and Breakfast purposes.

   b. The building and site shall be in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.

   c. No more than five (5) guest units shall be available for overnight or otherwise temporary lodging. A guest unit consisting of more than one room shall not be constructed, converted, or modified so as to permit division into separate guest units.

   d. At least one (1) parking space per guest unit, one (1) parking space for the owner, and one (1) space per two employees shall be provided on-site in accordance with the parking standards of this ordinance.

   e. One (1) wall sign for identification purposes up to six (6) square feet in area may be attached to the primary structure or placed as a freestanding sign located in the front yard with a maximum height of three (3) feet above grade.

   f. A current business registration is required.

3. Country Inn: A country inn shall be considered as a "conditional" use in the C-1, C-2, AR-43, AR-70 and CR zoning districts, subject to the following requirements:

   a. The building and site shall be in compliance with all Zoning Ordinance, Building Code and Fire Code regulations.

   b. Between six (6) and eleven (11) guest rooms are offered.

   c. Signage shall meet applicable sign code standards.

   d. At least one (1) parking space per guest unit, one (1) parking space for the owner, and one (1) space per two employees shall be provided on-site in accordance with the parking standards of this ordinance.

e. Additional parking shall be provided as per this ordinance for any restaurant use or other accessory use offered as part of the country inn.

f. A current business registration is required.