

ARTICLE III - PROCEDURES

SECTION 301. AMENDMENTS OR ZONE CHANGES.

A. PURPOSE.

The Council may, from time to time as the public necessity, convenience, general welfare and good zoning practice requires, change the district boundaries or amend, change, repeal or supplement the regulations herein established. Such changes or amendments may be initiated by the Council or the Commission on its own motion or by petition of one or more owners of real property within the area proposed to be changed.

B. CITIZEN REVIEW AND PARTICIPATION.

1. For all zone change applications, the following citizen review and participation process is required:
 - a. At least 60 days prior to any public hearing, the applicant or an appointed representative shall arrange a meeting with planning staff which identifies development issues as well as arrangements and scheduling for the neighborhood meeting described in subsection b below.
 - b. At least 30 days prior to any public hearing, the applicant or an appointed representative shall conduct a neighborhood meeting designed to inform adjoining residents and property owners about the proposed zone change.
 - c. At least 15 days prior to the scheduled neighborhood meeting, the City shall notify all property owners within 300 feet of the subject site by first class mail. The notification shall include the date, time and place for the neighborhood meeting, as well as a description of the proposed land uses.
2. It is the responsibility of the applicant or their representative initiating the zone change to conduct the meeting and provide an opportunity for a question and answer period by the audience. It is also the responsibility of the same to identify a point of contact to the public for follow up questions and comments. A written summary of the meeting, including a list of attendees and the issues and concerns discussed, must be prepared by the applicant and a copy submitted to the Planning Department within 15 days after the neighborhood meeting.

C. PUBLIC HEARINGS REQUIRED.

1. The Planning and Zoning Commission shall hold a public hearing on any zoning ordinance. Notice of the time and place of the hearing, including a general explanation of the matter to be considered and general description of the area affected, shall be given at least fifteen (15) days before the hearing in the following manner:
 - a. The notice shall be published at least once in a newspaper of general circulation.

- b. In proceedings involving rezoning of land which 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.
- c. In proceedings that are not initiated by the property owner, involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each property owner, as shown on the last assessment of the property, of the area to be rezoned and to all property owners, as shown on the last assessment of the property, within three hundred (300) feet of the property to be rezoned.
- d. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by subsection e.
 - (1) A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.
 - (2) A ten percent (10%) or more increase or reduction in the allowable height of buildings.
 - (3) An increase or reduction in the allowable number of stories of buildings.
 - (4) A ten percent (10%) or more increase or decrease in setback or open space requirements.
 - (5) An increase or reduction in permitted uses.
- e. In proceedings governed by subsection d of this section, the City shall provide notice to real property owners pursuant to at least one of the following notification procedures:
 - (1) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
 - (2) 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 such changes with such utility bills or other mailings.
 - (3) The City shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation. The changes shall be published in a “display ad” covering not less than one-eighth (1/8) of a full page.
- f. If notice is provided pursuant to subsection e (2) or (3) 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.

- g. In addition to the notification methods described above, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.

D. PETITIONS FOR AMENDMENTS.

1. Petitions for change of district boundaries or amendment of regulations shall be filed with the Zoning Administrator by an owner of real property within the area proposed to be changed. In the case of a petition requesting a zoning district change which includes other property in addition to that owned by the petitioner, the petition shall include the signatures of the real property owners representing at least seventy-five (75) percent of the land in the area proposed to be changed. Such petition shall be filed on a form provided for the purpose and shall include:
 - a. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.
 - b. A Tentative Development Plan which shall show the following:
 - (1) Topographical description showing existing and proposed grades and drainage systems and natural and man made features with indication as to which one to be retained and which one to be removed or altered.
 - (2) Proposed street system.
 - (3) Proposed block layouts.
 - (4) Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.
 - (5) Off-street parking space.
 - (6) Types and uses of structures.
 - (7) Locations of structures, garages and/or parking spaces.
 - (8) A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.
 - (9) Preliminary plans and elevations of the structure types.
 - c. Reasons justifying the petition.
 - d. A true statement revealing any conditions or restrictions of record (if any) which would affect the permitted “uses” of the property if rezoned as requested and the date or dates (if any) of expiration thereof and
 - e. Such photographs, drawings and other supporting documents (if any) as the applicant may desire to present.

- f. Payment of a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the City Clerk. No part of the filing fee shall be returnable. Payment of filing fee shall be waived when the change or amendment is initiated by the Council or the Commission or when the petitioner is the City, County, State or Federal Government.
2. Upon receipt of a complete application for amendment, the Zoning Administrator shall forward the application to the Planning and Zoning Commission.
3. Any plan approved by the Zoning Administrator under the provisions of Section 303 must substantially conform to the Tentative Development Plan submitted as part of the petition for a change of district boundaries.

E. COMMISSION ACTION.

1. Upon receipt of any complete application for amendment, the Commission shall fix a reasonable time for the hearing of the proposed zone change, amendment or addition and shall give notice thereof to interested parties and to the public in the time and manner provided for as specified in Subsection C. and by posting the area included in the proposed change, not less than fifteen (15) days prior to the hearing. It shall be the responsibility of the applicant to maintain the posting. The notice shall set forth the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected. The Commission may for any reason, when it deems such action necessary or desirable, continue such hearing to a time and place certain. Within thirty (30) days after the close of the hearing, the Commission shall render its decision in the form of a written recommendation to the Council. The recommendation shall include the reasons for the recommendation.
2. Prior to publishing a petitioned Zoning Map change, the Commission may, on its own motion, delimit or extend the boundaries of such area, so as to constitute a more reasonable zone district boundary.
3. The Commission may, on its own motion, propose any amendments to this Ordinance and map. After holding a public hearing as required by this Section, the Commission shall either:
 - a. Transmit such proposal to the Council which shall thereupon proceed as set forth herein for any other amendment or;
 - b. Vote to quash the Commission initiated proposal, in which case no further action need be taken by the Commission or Council.
4. The Commission may recommend to the Council that a time limit be established for the development of the proposal for which a rezoning is conditionally approved.

F. COUNCIL ACTION.

1. Once the Commission has held a public hearing, the Council may adopt the recommendations of the Commission without holding a public hearing if there is no objection, request for public hearing or other protest. The Council shall hold a public hearing if requested by the party aggrieved or any member of the public or of the governing body. Notice of the time and place of the hearing shall be given in the time and manner provided for the Commission as specified in Subsection C. In addition, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.
2. If the owners of twenty (20) percent or more, either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred and fifty (150) feet therefrom or, of those directly opposite thereto of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three fourths (3/4) of all members of the Council. If any members of the Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three fourths (3/4) of the remaining membership of the Council, providing that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.
3. The Council shall not make any changes in any proposal recommended by the Commission until the proposed changes have been referred back to the Commission for a report. Failure of the Commission to file a report back to the Council within thirty (30) days from date of receipt of the recommended changes shall be deemed to be the approval of the proposed change(s) as recommended by the Council.
4. At the time of rezoning, the Council may establish a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, it shall revert to its former zoning classification without legislative action.
5. The Council may require the dedication of streets and utility easements as a condition of rezoning.

G. RECONSIDERATION OF DENIED AMENDMENTS.

In the event that a petition for an amendment is denied by the Council, or is withdrawn after the Commission hearing, the Commission shall not consider the petition or any other petition for the same amendment of this Ordinance as it applies to the same property described in the original petition, or any part thereof, within a period on one (1) year from the date of such denial action, unless the conditions upon which the original denial was based have changed.

H. EXCEPTIONS.

In the event that a request for amendment concerns only the amendment of general requirements of this Ordinance, no signature of affected property owners or posting of property shall be required; provided, however, that all other provisions of this Section shall be complied with.

SECTION 302. CONDITIONAL USE PERMITS.

A. PURPOSE.

Every zoning district contains certain buildings, structures and uses of land which are normal and complementary to Permitted Principal Uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets or similar conditions and often incompatible with adjacent activities and uses. It is the intent of this Ordinance to permit Conditional Use in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses. It is the purpose of this Section to establish principles and procedures essential to proper guidance and control of such uses.

B. GENERAL REGULATIONS.

1. Zoning district regulations established elsewhere in this Ordinance specify that certain buildings, structures and uses of land may be allowed by the Commission as Permitted Conditional Uses in a given district subject to the provisions of regulations. The Planning and Zoning Commission is empowered to grant and to deny applications for Use Permits and to impose reasonable conditions upon them.
2. Any building, structure or use existing on the effective date of this Ordinance which is reclassified as a Permitted Conditional Use by this Ordinance for the district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by this Ordinance and its continuance shall not be subject to issuance of a Conditional Use Permit; provided, however, to the extent that such fails to conform to the requirements of this Ordinance, it shall be considered nonconforming as described in Section 501 and its continuance shall be governed by all nonconforming use regulations applicable thereto.
3. Every Conditional Use Permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. Upon completion and final inspection by the Zoning Administrator of any authorized structures, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the Conditional Use Permit shall thereafter be transferable and shall run with the land, whereupon the maintenance of special conditions imposed by the Permit, as well as the compliance with other provisions of this Ordinance, shall be the responsibility of the property owner.

C. CONDITIONAL USE PERMIT APPLICATION.

Application for a Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Commission. The application shall be forwarded to the Planning and Zoning Commission by the Zoning Administrator and when required by the Commission, shall be accompanied by a detailed site plan prepared in accordance with Section 303 showing all information necessary to demonstrate that the proposed use will comply with all special conditions as well as other regulations and requirements of this Ordinance. The

applicant shall furnish the Commission any additional information it may consider relevant to investigation of the case.

D. COMMISSION ACTION AND FINDINGS.

1. It is the express intent of this Ordinance that any use for which a Conditional Use Permit is required shall be permitted as a Principal Use in the particular zoning district, provided that all special conditions and requirements of this Ordinance are met. Therefore, the action of the Commission shall be one of approval or denial based upon its judgment as to whether the specified conditions have been or will be met. The Commission shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated and the influence that such factors are likely to exert on adjoining properties. The Commission may make such suggestions as it considers desirable and shall provide all possible guidance to the applicant in his preparation of application, plans and date in such manner as to satisfy the intent of this Section.
2. Notice of the nature of the Conditional Use Permit Application and the date of the meeting at which it will be considered shall be posted on the property.
3. The Commission shall consider the application at their next regular meeting if the application was filed at least fifteen (15) days prior to such meeting. Otherwise it shall be carried over until the next regularly scheduled meeting. The Commission may reach a decision, continue the matter to a specified date (but not later than the next regularly scheduled meeting), or may set the matter for public hearing. If the Commission does set the matter for public hearing, notice thereof shall be given to the public by official newspaper of the City and by posting the area included in the proposed change, not less than fifteen (15) days prior to the hearing. It shall be the responsibility of the applicant to maintain the posting. The notice shall set forth the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected.
4. In order to grant any Use Permit, the findings of the Commission must be that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, convenience, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
5. The Commission may designate such conditions in connection with the Use Permit as it deems necessary to secure the intent and purposes of this Ordinance and may require such guarantees and evidence that such conditions are being or will be complied with.

6. If the Commission finds that the application and supporting data does not indicate that all applicable conditions and requirements of this Ordinance will be met, it shall deny the permit. Notice of denial, including reasons therefore, shall be mailed to the applicant at the address shown on the application and the Commission shall report its actions to the Council at the next regular meeting.
7. If the Commission approves the application, it shall direct the Zoning Administrator to issue a Conditional Use Permit setting forth all conditions and requirements governing such use, shall make the approved site plan a part of the record of the case and shall report its actions to the Council at the next regular meeting. Failure of the applicant to comply with the conditions and safeguards which are a part of the terms under which a Conditional Use Permit is granted shall cause the Conditional Use Permit to be revoked in accordance with Subsection G. of this Section.

E. APPEALS.

1. Any person may file an appeal with the Cottonwood Council over any decision of the Planning and Zoning Commission regarding the granting, or denying, of Use Permits. If no appeal is filed with the Council within fifteen (15) days after Commission action, the action of the Commission shall be considered final.
2. When written appeal is filed with the City Clerk, the Council shall evaluate the request at their regular meeting and may approve or deny it. The Council may elect to set the matter for a public hearing and if such action is taken a legal notice shall be published at least once in the official newspaper of the City and the property included in the application shall be posted at least fifteen (15) days prior to the hearing date. Notice shall be given to the Planning Commission of such appeal and the Commission shall submit a report to the Council setting forth the reasons for its action taken. The Commission shall be represented at the hearings by the Commission Chairman or his designee.
3. The Council shall within fifteen (15) days after their regular meeting or public hearing either uphold the action of the Planning and Zoning Commission, reverse that action, or make a decision of its own findings.
4. If the Council makes a decision which upholds granting of a permit the Council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this Ordinance and require such guarantees and evidences that such conditions are being, or will be complied with.
5. The Council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown on the application.

F. TIME LIMITS.

1. Use Permits become effective fifteen (15) days after approval by the Planning Commission, but in the event an appeal is filed, said permit shall not become effective until a decision is arrived at by the City Council.

2. Any Use Permit issued by the Planning and Zoning Commission shall be commenced within six (6) months from the date of approval and diligently pursued, otherwise it shall become null and void. The Commission shall establish a time limitation for all Use Permits and at the termination of this limit, the Commission shall reconsider said Use Permit to determine if the permit should be reissued for an additional time period or be terminated.
3. No person shall re-apply for the same or substantially the same Use Permit on the same or substantially the same plot, lot or parcel of land within a period of one (1) year from the date of denial or revocation of said Use Permit.

G. REVOCATION.

1. Use Permits granted in accordance with the provision of this Ordinance may be revoked if any of the conditions or terms of the permit are violated or if any law or ordinance is violated in connection therewith.
2. The Zoning Administrator shall notify the permittee of a violation or termination of a Use Permit by mail. If no attempt to change the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void and the continued violation of the terms of the Use Permit shall be deemed a violation of this Ordinance and punishable under the provisions of Section 110.
3. Any Use Permit issued by the Planning and Zoning Commission shall be considered null and void if construction does not conform to the originally approved site plan. Any deviations requested from the originally approved site plan, shall be processed as a new Use Permit.

H. FEE.

The application for a Conditional Use Permit shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the City, County, State or Federal Government.

SECTION 303. ZONING CLEARANCE.

A. PURPOSE.

The purpose of zoning clearance is to allow the Zoning Administrator or his or her designee to make a finding that the proposed development, activity or use is in conformity with the intent and provisions of the Zoning Ordinance and all other applicable City codes and ordinances.

B. APPLICABILITY.

Zoning clearance is staff-level review of planning and zoning regulations that is required for proposed development activity. This review applies to new development, as well as to changing or expanding the use of existing properties. Development activity and changes to the use of a property that may otherwise be exempt from the requirements for Building Permits may still be subject to compliance with Zoning Ordinance requirements.

No building or structure shall be erected, added to, usage/occupancy changed or structurally altered until a Zoning Clearance has been issued by Community Development Department. All applications for zoning clearances shall be made in the Community Development office on forms provided, together with a plot plan of the proposed construction containing sufficient information for the enforcement of this Ordinance. All such clearances shall be obtained prior to the start of construction.

C. APPLICATION FOR ZONING CLEARANCE.

A request for zoning clearance shall be filed with the Community Development Department on a form provided by the City. Sufficient information shall be provided for staff to review the proposed development and/or use to ensure compliance with ordinance requirements.

1. Assessor's Parcel Number/s identifying the property.
2. Street address, if any, or description of location.
3. Property owner and applicant names and contact information. Signatures of property owner/s or authorized representatives, as applicable.
4. Complete plans and exhibits as necessary for staff to review the proposal. All such plans and exhibits shall be drawn to scale.
5. Such other information as may be required for the purpose of determining whether the application complies with the Ordinance requirements.

D. REVIEW PROCEDURES.

1. The Zoning Administrator shall review said plan and approve, conditionally approve or reject the application based on its compliance with all provisions of applicable City codes, ordinances and regulations. The decision shall set forth in detail the reasons for denial, or in the event of conditional approval, the changes or additions which are necessary to make the plan acceptable.

2. All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the Zoning Administrator, or his/her designee, and said copies and forms shall be included in applicable Department files.

E. ACTIVITIES REQUIRING ZONING CLEARANCE.

The following list provides a general overview of typical activities that require Zoning Clearance.

1. New Building and Development.
2. Change of Use for Existing Properties.
3. Tenant Improvements.
4. Expansion or Changes to Nonconforming Structure or Use.
5. Additions and Expansion of Use.
6. Renovations and Remodeling.
7. Demolitions.
8. Temporary Buildings and Temporary Uses.
9. Manufactured Homes and Prefabricated Structures.
10. Accessory Structures and Uses.
11. Fences and Walls.
12. Decks, Patios, and Porches.
13. Signs.
14. Grading and Stockpiling.
15. Parking Lots.
16. Outdoor Storage and Outdoor Display.
17. Swimming Pools.

F. EXEMPTIONS FROM CLEARANCES.

The exemption of an object or improvement from the requirement for a Zoning Clearance does not remove such object or improvement from the requirement to comply with all other regulations of this Ordinance and other codes. Some types of permits or minor activities do not require Zoning Clearance, including the following:

1. Gas Line Permits.
2. Fire Sprinkler Plans.
3. Fire Alarm Permits.
4. Satellite dishes or up-right mast antennae (not including slabs, foundations, enclosures or permanent structural supports).
5. Landscaping for single-family residential.

G. AUTHORITY

No Zoning Clearance presuming to give authority to violate any of the provisions of this ordinance or any existing law, shall be issued, and if issued shall not be valid except in so far as the work or use which it authorizes is lawful and permitted. In all other instances the clearance is valid provided:

1. Every Zoning Clearance issued by the City under the provisions of this ordinance shall expire by limitation and become null and void if the building, work or use authorized by such clearance is not commenced within one hundred eighty (180) days from the date of issuance of such clearance, or if the building, work or use authorized by such clearance is suspended or abandoned at any time after the work is commenced and a period of one hundred eighty (180) days has passed. Before such work can be recommenced, a new permit shall first be obtained to do so.
2. A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence the work within the time required by this Section for good and satisfactory reasons. The Zoning Administrator may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.
3. Any requirements or stipulations conditional upon which the clearance was issued are complied with.

H. FEE

The application for Zoning Clearance shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the City Council and filed in the office of the City Clerk. No part of the filing fee shall be refundable. Payment of the filing fee shall be waived when the petitioner is the City, County, State or Federal Government.

I. REVOCATION.

The Zoning Administrator may, in writing, suspend or revoke a permit issued under the provision of this Ordinance when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of this Ordinance.

H. EXPIRATION OF ZONING CLEARANCE APPROVAL

1. One hundred eighty (180) days from the date of approval, the Zoning Clearance approval shall expire if the work or use approved has not commenced.
2. An extension of approval may be granted if the applicant files a written request for an extension with the Zoning Administrator prior to the approval expiring. The Zoning Administrator may extend the time of action by the applicant for a period not exceeding one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.
3. An application shall not be extended if this Ordinance or any other pertinent laws or ordinances have been amended subsequent to the date of application.

J. APPEAL.

Any applicant for Zoning Clearance approval who is dissatisfied or aggrieved by a decision of the Zoning Administrator may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Zoning Administrator's decision.

SECTION 304. DESIGN REVIEW.

A. PURPOSE.

1. The purpose of Design Review is to enable the Planning and Zoning Commission, to make a finding that the proposed development is in conformity with the intent and provisions of both this Ordinance, all other City Ordinances and protects and enhances the attractive appearance of development in the City of Cottonwood. The City of Cottonwood realizes the importance of a pleasing environment to protect the potential for business, industrial and residential development. The Design Review process is intended to preserve compatible land-uses and building design; rendering safe, attractive and harmonious development within the City and is therefore considered to be a furtherance of public health, safety and general welfare.

B. APPLICABILITY.

1. The provisions of this Section shall apply to all buildings, structures, signs, site plans, landscape plans and other plans which are to be hereafter erected, constructed, converted, established, altered (including resurfacing and repainting), or enlarged within the City of Cottonwood, as follows:
 - a. Proposed Development: The provisions of this Section shall apply to the exterior portion of all sites, buildings, structures and signs, except single-family residences not otherwise part of a Planned Area Development, which are to be hereafter erected, constructed, or established within the City of Cottonwood.
 - b. Existing Properties: The provisions of this Section shall apply to the exterior portion of sites, buildings, structures and signs, except single-family residences not part of a Planned Area Development, which are to be hereafter remodeled, converted, altered (including resurfacing and repainting), or enlarged after the effective date of this ordinance, or when there is a change in the distinguishing traits or primary features of the use of a building or land as evidenced by increased parking requirements, change in occupancy designation, change in outside storage, or other features and such change which occurs after the effective date of this Ordinance. The use of a building or land shall refer to the primary or specific purpose for which the building or land is occupied, designed, intended or maintained.
2. The provisions of this Section apply to grading activity, including any stripping, cutting, excavating, filling or shaping of the earth, land, soil or material, or removal of vegetation.

C. EXCEPTIONS:

1. Single-family detached dwellings and accessory uses which are not a part of a Planned Area Development; including manufactured homes.
2. Temporary sales and construction offices.

3. Public utility electrical transmission structures. Substations are considered to be voltage reduction facilities and are not exempt from the provisions of this Section.
4. Grading activity (cut and/or fill) on a parcel or total development site that is less than one (1) acre in size or that involves less than 50 cubic yards of material.
5. Under the following circumstances, the Zoning Administrator may approve a building, structure or grading without going to the Commission.
 - a. Signs which have no more than one background color, one letter color and are flush mounted to the building, or free standing and are professionally rendered so as not to create a "tacked on" or "eye sore" appearance.
 - b. That the building or structure is either an addition or an accessory use to an existing building and does not exceed one thousand (1,000) square feet. The addition or accessory use must be determined to be compatible with the existing building so as not to create a "tacked on" appearance.
 - c. That the addition or accessory use does not substantially alter the appearance of the site as seen from off the site.
 - d. That all proposed and existing buildings, structures, signs and landscaping on the site conform to the criteria set forth in Subsection E.
 - e. Grading activity (cut and/or fill) that involves less than 1,000 cubic yards of material and is considered minor or is part of a site development plan previously approved by the Planning and Zoning Commission, Development Review Board or City Council.
6. The Zoning Administrator shall have the same duties and powers of the Commission in regard to these buildings, structures and grading activity. If there are problems which cannot be resolved between the Planning Staff and the applicant, or the proposal does not clearly meet the criteria set forth in Subsection E. of this Section, the matter will be referred to the Commission.

D. APPLICATION FOR DESIGN REVIEW

1. All applications for Design Review shall first be reviewed by the Code Review Board. Upon satisfactory completion of the review of technical requirements and conformance with zoning regulations, the Zoning Administrator will provide the applicant with the application for Design Review.
2. Application for Design Review shall be filed with the Zoning Administrator on the form provided. The application form contains the required information which must be submitted with the application.

3. Prior to the preparation of final architectural or engineering drawings for any buildings, structures or grading to which this Section is applicable, the property owner or his agent shall submit the following information for consideration:
 - a. Application for Design Review.
 - b. Complete site plans showing the areas devoted to buildings, parking layout, existing grades and drainage systems, landscaped areas, with a description of size and type of landscape materials to be used and the method for maintaining same.
 - c. Elevation drawings of all sides of the building or structure with an indication of materials and colors being used. Submit material and color samples, as well as other supportive information as required to clarify the application.
 - d. Any proposed signs must be shown with a sketch showing; size, height and shape of the sign; with a description of materials and colors to be used. Free standing signs must be shown on the site plan and building mounted signs must be shown on the building elevation.
 - e. Grading plans submitted for review must include a site development plan in compliance with approved zoning district standards.
 - f. Grading activity (cut and/or fill) that involves 1,000 cubic yards of material or greater shall require preliminary engineering plans to be prepared by a Civil Engineer. Submit all preliminary grading plans to the Community Development Department, who will then forward copies of such to the Building Official for preliminary review and comments prior to Design Review consideration.
 - g. The grading plan shall indicate the limits of cut and fill in relation to existing and proposed conditions with elevation contours shown and cross-section drawings as necessary to adequately describe the proposed project. The grading plan must adequately describe the proposed changes in relation to existing topographical conditions, including natural slopes and drainage features. Three dimensional studies shall be required for major projects. Any grading activity related to a proposed subdivision must be in compliance with an approved Preliminary Plat.
 - h. All other items as indicated in the application.
4. The Planning and Zoning Commission shall have the power to approve, conditionally approve or deny all applications for Design Review.

E. CRITERIA:

1. The Design Review process shall be guided by the following criteria:
 - a. Architectural Quality: The design quality of a building or structure shall enhance, strengthen and preserve the qualities and character of surrounding development and the City of Cottonwood as a whole.
 - b. Materials, Colors and Textures: The materials used in constructing the building, structure, or sign shall be of similar or superior quality, color and texture and shall be compatible with those materials used in construction of buildings, structures or signs in the general proximity to the applicant's request.
 - c. Scale: The buildings, structures or signs shall be in proper scale with the parcel upon which it is located. The scale of the proposed buildings, structures or signs shall be compatible with those in the general proximity to the applicant's request and to the community.
 - d. Proportion: The relationship of the width of a building or structure to its height, as well as the relationships of the buildings components, including windows, doors, openings, walls and similar architectural elements, shall include balanced and harmonious proportions.
 - e. Architectural Details: Doors, windows, eaves, cornices and other architectural details of a building or structure shall be visually compatible with buildings and structures to which they are related.
 - f. Site Design: The overall design of the site plan, which is comprised of buildings, structures, engineering features, landscape and open space areas, parking and circulation facilities and similar elements, shall be done in a comprehensive manner that integrates the various aspects in a unified, efficient manner and it shall not adversely affect the existing or potential development of properties in the general proximity.
 - g. Access: Ingress, egress and on-site traffic, parking and circulation shall be designed to promote safety and convenience and shall meet the minimum requirements outlined in Section 406 Parking and Loading Requirements of this Ordinance.
 - h. Landscape Design: Landscaping, including trees, plants and integrated site features, shall visually enhance the overall development project and be compatible with the surrounding buildings, structures and natural landscape, and shall incorporate xeriscape design principles with drought-tolerant, low-water use plant varieties.
 - i. Lighting: Any on-site illumination shall be architecturally compatible to the overall project and not create a negative or visually detrimental effect on the building or neighboring properties.

- j. Signs: Signs shall be appropriate in scale, proportion, color and overall design relative to the exterior architectural character of the building, structure or site.
- k. Health, Welfare and Safety: The proposed development shall not have any detrimental effect upon the general health, welfare, safety and convenience of persons within the community.
- l. Site Grading: All grading plans must be submitted for preliminary technical review from the Building Official to ensure compliance with code requirements, including slope limits, setbacks, drainage, erosion, dust control, and other concerns.
- m. Grading Criteria: The design and implementation of all grading shall address the following:
 - 1) Ensure that grading activity is designed and implemented to minimize adverse impacts and include appropriate restorative measures;
 - 2) Avoid unnecessary visual scaring, excessive deposits of fill material on slopes and other adverse visual impacts resulting from cut and fill;
 - 3) Blend with the natural contours of the land. Alterations to the terrain shall be integrated with the existing landscape in a harmonious manner;
 - 4) Conserve the natural scenic beauty and vegetation of the site to the greatest extent possible, including major rock outcroppings, natural drainage courses and native plants and trees;
 - 5) Restrict the areas and volumes to the minimum necessary to implement the planned development;
 - 6) Ensure that graded areas, hillsides, slopes, or other areas subject to erosion are stabilized;
 - 7) Reduce the erosion effects of storm water discharge, preserve the flood-carrying capacity of natural or constructed waterways by limited soil loss, and protect drainage ways from siltation; and,
 - 8) Minimize dust pollution and surface water drainage from graded areas during grading and development.

F. APPEAL.

Any applicant or any citizen of the City of Cottonwood who is dissatisfied or aggrieved by the decision of the Planning and Zoning Commission may appeal such decision to the City Council by filing a written Notice of Appeal with the City Clerk, not later than fifteen (15) days from the date of the decision.

G. VIOLATION AND ENFORCEMENT.

1. Prior to issuance of a building permit or grading permit the Zoning Administrator shall determine that all requirements of the Design Review process have been met.
2. The Zoning Administrator shall insure that all matters are undertaken according to conditions of the approved plans. Noncompliance with the approved plans shall be grounds for stopping work on the project or for denial of a Certificate of Occupancy.

H. CONFORMANCE TO CITY CODES, ORDINANCES AND REGULATIONS.

Any reference to “Development Review Board” or “Design Review Board” in this ordinance or any other City of Cottonwood code, ordinance or regulation shall be considered to mean the same thing as “Planning and Zoning Commission,” unless the City Council chooses to appoint a separate Design Review Board. Any reference to “Development Review” shall be considered to mean the same thing as “Design Review.”

SECTION 305. CODE REVIEW.

A. PURPOSE.

The purpose of Code Review is to enable the Code Review Board to make a finding that the proposed development is in conformity with the intent and provisions of both this Ordinance and all other City Ordinances. The provisions of this Section shall apply to all uses except for single-family residences and individual mobile homes.

B. APPLICATION FOR CODE REVIEW.

1. Application for Code Review can be made after the proposed development has received preliminary approval from the Development Review Board.
2. A request for plan approval shall be filed with the Building Official on a form prescribed by the Building Official. The request for approval shall be accompanied by four (4) identical copies of the plan. Each copy shall be on one or more sheets of paper measuring not more than twenty-four (24) by thirty-six (36) inches, drawn to a scale not smaller than forty (40) feet to the inch, which show the following:
3. A site plan showing the following a through o:
 - a. Lot Dimensions.
 - b. Location, size, height, use and exterior materials of all buildings and structures.
 - c. Size and dimensions of yards and space between buildings.
 - d. Location and height of walls and fences.
 - e. Location, number of spaces, dimensions, circulation patterns and surface materials for all off-street parking and loading areas, driveways, access ways and pedestrian walkways.
 - f. The location, dimensions, area, materials and lighting of signs.
 - g. Location and general nature of lighting.
 - h. Street dedications and improvements.
 - i. Existing and proposed grades and drainage systems.
 - j. The size and location of all existing and proposed public and private utilities. All easements must be shown.
 - k. Natural features such as mesas, rock outcroppings or streams and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.

- l. Landscaping, including all surfacing material around buildings and in all open spaces and methods for maintaining said landscaping.
 - m. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified.
 - n. A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer.
 - o. Any other information which the Zoning Administrator may find necessary to establish compliance with this and other Ordinances.
4. Drainage report and drainage plan which conform to the requirements of the City of Cottonwood Ordinance Number 172.
 5. A complete set of construction drawings which conform to the following Codes:
 - a. 2003 International Fire Code
 - b. 2003 International Residential Code
 - c. 2003 International Building Code and Appendix G
 - d. 2003 International Plumbing Code
 - e. 2003 International Fuel Gas Code
 - f. 2003 International Mechanical Code
 - g. 2003 National Electric Code

C. FEE.

The application for Code Review shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the City, County, State or Federal Government.

D. REVIEW PROCEDURES.

1. The Building Official shall forward the complete application together with all accompanying plans and documents of the Code Review Board for their consideration.
2. Within fifteen (15) working days of receipt of a complete application, the Code Review Board shall consider the application. The Code Review Board shall approve, conditionally approve or reject said plan based on its compliance with all provisions of this Ordinance, all other Ordinances, Master Plans of the City of Cottonwood and the Review Criteria of Subsection E. The decision shall set forth in detail the reasons for

denial, or in the event of conditional approval, the changes or additions which are necessary to make the plan acceptable.

3. All copies of the approved or disapproved plan, together with any conditions, shall be dated and signed by the Code Review Board. One copy shall be to the applicant, one copy shall be filed in the project review file in the Planning & Zoning Department.

E. REVIEW CRITERIA.

1. In reviewing a proposed development, the Code Review Board shall consider the following:
 - a. They shall enforce all of the requirements as set forth previously by the Development Review Board preliminary development review.
 - b. The proposal shall adequately and safely provide for vehicular and pedestrian safety by reason of properly arranged vehicular and pedestrian ingress and egress or that excessive traffic congestion will not be created.
 - c. Proposed lighting shall be so arranged as to not shine upon or reflect onto adjoining properties and proposed signs and their lighting shall be of such size, location and color as to not interfere with traffic or limit visibility of adjoining property.
 - d. Adequate provision shall be made to protect adjoining properties and structures from excessive and unreasonable noise, vibrations, gases, odors and other factors which will interfere with the use and enjoyment of surrounding properties.
 - e. The proposal shall not be detrimental to or endanger the public peace, health, safety or general welfare of the surrounding properties, or unreasonably interfere with the use or enjoyment of property in the vicinity by occupants thereof for lawful purposes.
 - f. The required landscaping shall be provided and maintained in an attractive manner.
 - g. The drainage report and plan must meet the minimum requirements of Ordinance Number 172 and not create an adverse effect on adjacent properties.
 - h. The construction plans meet the Code requirements of the International Building Codes outlined in Subsection B.5.

F. APPEALS.

Any applicant for plan approval who is dissatisfied or aggrieved by the decision of the Code Review Board may appeal such decision to the Board of Adjustment by filing a written notice of appeal with the City Clerk, not later than fifteen (15) days from the date of the Code Review Board's decision.

G. VIOLATION AND ENFORCEMENT.

1. Prior to the issuance of a building permit the Building Inspector shall ascertain that the Development Review Board has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this Ordinance have not elapsed.
2. The Building Official shall ensure that all matters are undertaken according to the conditions of the approved plan. In the event of a violation, the Building Official shall notify the permittee by mail that he/she is in violation of the conditions of the approved plan. If no attempt to change the circumstances of the violation is made within ten (10) days after notification, the building permit shall be revoked and considered null and void.
3. The Code Review Board shall have the authority to withhold electrical power to insure compliance with the conditions of the Building Permit and/or authorized to be withdrawn temporary electrical power as a means of enforcing compliance with the conditions of the permit or Conditional Certificate of Occupancy.

H. EXCEPTION.

Under certain circumstances where the nature of the permitted or conditional use is such that it would be unnecessary or economically unfeasible for the applicant to prepare a plan in accordance with this Section, the Code Review Board may waive certain of the requirements of Subsection B. of this Section, but in all cases the applicant will be required to prepare and submit some type of site plan drawn to scale.

SECTION 306. APPEALS AND VARIANCES.

A. APPEALS TO THE BOARD OF ADJUSTMENT.

1. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or department of the City affected by any decision of the Zoning Administrator.
2. Applications for any matter to be considered by the Board shall be filed with the Zoning Administrator on forms furnished for the purpose within thirty (30) days after the action appealed from and shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
3. The appeal stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Board that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril; to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by a court of record on application and notice to the Zoning Administrator.
4. The Board shall hear the appeal within thirty (30) days and shall give notice of hearing by publication of a notice in the official newspaper of the City and by posting the property affected not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered.
5. The Board may reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator appealed from and make such order, requirement, decision or determination as necessary.
6. Any party may appear at the hearing in person or by agent or attorney. Parties shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts. The Board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence and in furtherance of this policy, may limit cross-examination.
7. Any aggrieved person may appeal to the Board of Adjustment for a Variance from the terms of the Zoning Ordinance only, if because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings the strict application of the Zoning Ordinance will deprive such property of privileges enjoyed by other property of same classification in the same zoning district. Any Variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

8. A Variance shall not be granted by the Board based on personal inconvenience and/or financial hardship or as the result of self-imposed actions by a property owner or appellant.
9. In granting a Variance, the Board may impose such conditions and safeguards as are appropriate to insure that the purpose and intent of this Ordinance will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a Variance is granted shall be deemed a violation of this Ordinance.
10. No nonconforming use or violations of this Ordinance with respect to neighboring lands, structures or buildings, in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for granting a Variance.
11. Every Variance granted shall be personal to the appellant therefor and shall be transferred and shall run with the land only after completion of any authorized structure or structures.
12. Nothing herein contained shall be construed to empower the Board to change the terms of this Ordinance, to authorize uses which violate any other City Ordinance, to affect changes in the Zoning Map, or to add to or change the uses permitted in any zoning district.

B. APPEAL FROM THE BOARD.

The decision of the Board shall be final, provided, however, that any person aggrieved by the decision of the Board, or a taxpayer, or a municipal officer may, at any time within thirty (30) days after the filing of the decision in the office of the Board, petition the court for special action review of the Board's decision. The filing of a petition for special action relief shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and for good cause shown, grant a restraining order and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.

C. FEES.

1. Upon filing an application for appeal, the appellant shall pay a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the City, County, State or Federal Government.
2. In the case of an appeal for a Variance to more than one provision of this Ordinance, the filing fee shall equal the total amount chargeable for all provisions as prescribed by the fee schedule.

SECTION 307. TEMPORARY USE PERMITS

A. PURPOSE.

Temporary events, activities and uses are intended to operate for a limited period of time. Such temporary uses are permitted in appropriate zoning districts subject to meeting minimum standards but which by their nature involve a non-permanent use of a site and therefore generally have a less restrictive set of development standards. Temporary uses include special events provided for the enjoyment of the public, civic events in recognition of issues of public importance, sales and promotional activities intended to serve commercial interests, seasonal activities, temporary construction related activities, and similar temporary uses.

B. APPLICABILITY.

The temporary uses listed herein shall be permitted in various zoning districts as specified, subject to the restrictions and standards established in these regulations, including the requirement for a Temporary Use Permit, unless exempted. Additional review and approval may be required for certain types of temporary uses, as specified herein, including review and approval by the City Parks and Recreation Department, Police Department, Public Works Department, Fire Department and Building Division, as well as outside agencies, including Yavapai County Health Services Department, ADOT and others, as required.

C. GENERAL REGULATIONS.

1. These regulations are applicable to all zoning districts, unless restricted by this ordinance. The allowable time period for a temporary use shall be as described in this section or as specified through the permitting process for each use. No temporary use or structure shall continue for such a length of time that it in effect constitutes a permanent use.
2. Unless otherwise exempted, all applications for temporary uses shall require site plan approval to address access, traffic safety, parking, signage, compatibility with surrounding uses and other site development concerns.
3. Any tent, trailer, recreational vehicle or structure subject to the requirements of these regulations and intended or used for human occupancy shall comply with the International Building Codes, as amended by the City of Cottonwood, as well as with any County Health Services Department requirements, and shall not be used or occupied until approved by the City of Cottonwood Building Division.
4. Temporary outdoor seasonal uses or other on-site temporary uses at retail stores or shopping centers that occur on the property on an annual basis or other regular period basis exceeding the allowable time periods shall be treated as a conditional use and shall be subject to the requirements for a Conditional Use Permit. Except as specifically permitted in this ordinance, no such recurring use or uses at any one location shall be permitted for a period exceeding three (3) months total within any one calendar year without obtaining a Conditional Use Permit.

5. Separate permits or approvals may be required by County or State agencies for any food or drink provided at temporary events. Contact the applicable agencies well in advance of the event to ensure adequate time for processing any applications, including Yavapai County Health Service Department regarding requirements for food service handling and the Arizona Department of Liquor Licenses & Control regarding requirements for Liquor Permits.

D EXCEPTIONS.

The following uses and activities shall be considered exempt from the requirements for a Temporary Use Permit where such uses are conducted entirely on private property or permitted public facilities. Uses listed as exempt are required to be in compliance with all applicable City codes, ordinances and regulations at all times, including those pertaining to noise, signs and off-premise activities.

1. Verde Valley Fair Grounds: Activities conducted entirely within the boundaries of the Verde Valley Fair Grounds, not including events with outdoor amplified music or temporary structures subject to building or fire codes.
2. Weddings and funeral ceremonies. Weddings, funerals and similar religious ceremonies conducted at churches, cemeteries, private facilities or residences.
3. Yard and garage sales. Sales events conducted at single-family residential properties by and for the residents to allow disposal of miscellaneous used personal property, where such events are otherwise in compliance with all applicable City codes, ordinances and regulations.
4. Benefit car washes and bake sales. One-time events at approved locations conducted by individuals, schools, churches, non-profit groups, and other non-commercial groups entirely for benefit fundraising.
5. Election activities and political rallies. Activities, meetings, and gatherings of a political nature.
6. Church and school rummage sales. Temporary sales events conducted by and for churches and schools entirely at the church or school location. Benefit sales events that include outdoor activities with live or amplified music or any temporary structures, or other types of unrelated activities are required to obtain a Temporary Use Permit.
7. Private community center events. Activities and events, including craft and art shows, meetings, exhibitions and similar community events, conducted by and for residents of planned developments within their community centers. Events that include any temporary structures, outdoor musical or performance activities, or are sponsored or managed by organizations or businesses from outside the community are required to obtain a Temporary Use Permit.

E. TEMPORARY USE PERMIT APPLICATION.

Application for a Temporary Use Permit shall be filed with the Community Development Director or his/her designee on a form provided by the City. The application shall include a detailed site plan showing all information necessary to demonstrate that the proposed temporary use will comply with all applicable City codes, ordinances and regulations. The applicant shall furnish the City and other relevant agencies with any additional information that may be considered necessary to adequately review and make a decision, including estimated attendance for event, peak times and estimated number of employees, vendors or staff on-site at peak times, noise levels, lighting, traffic control plan, dust control and other conditions that may impact surrounding properties or the city in general.

1. Review and Approval:

- a. Upon receipt of a complete application, the Community Development Department will route copies to other City departments for review and comments. Such comments will be returned to the Community Development Department within a specified timeframe.
- b. After review of all required information and comments from other departments and agencies, the Community Development Director shall approve, conditionally approve, or deny the application. Approval shall be given only when in the judgment of the Director such approval is in compliance with all applicable City ordinances and regulations.

F. SPECIFIC TEMPORARY USES. The following section lists specific temporary uses and standards applicable to those uses:

1. Special Events. Includes indoor and outdoor concerts and music festivals, arts and crafts events, cultural festivals, carnivals and circuses, religious meetings and revivals, parades, vehicle shows, rodeos and related activities, outdoor entertainment, neighborhood block parties, and public sporting and recreational events shall be subject to the following requirements:
 - a. Permitted in commercial, industrial, planned development or community facility zoning districts, or at existing public facilities, parks, streets or property, subject to requirements contained herein;
 - b. Such events shall be held no more than four (4) times a year at a location and shall not be more than seven (7) days within any 30 day period. Events conducted more frequently or for greater duration at a location shall require approval of a Conditional Use Permit;
 - c. Indicate primary access routes to the property and available parking for the crowds anticipated. Special traffic control personnel may be required for larger events;
 - d. Events intending to use public right-of-way for all or part of their operations, including parades, festivals, block parties or other types of gatherings, shall obtain necessary right-of-way permits from the City Public Works Department, approval

from the Police Department and other agencies, as necessary to ensure public safety;

- e. Operation of amusement rides in association with carnivals and festivals shall be in accordance with all state and local regulations, including Arizona Revised Statutes § 44-1799.61 et. seq., regarding Amusement Ride Safety; and
 - f. Upon cessation, expiration, or revocation of the permit, the premises will promptly be cleaned up and restored to substantially the same condition as existed prior to commencement of such use as permitted. Failure to comply with this provision will require approval all future events at the property to be contingent on the submittal of a clean up bond in an amount and form adequate to ensure the City may cause the restoration of the property at the completion of the event.
2. Temporary Sales Events.
- a. Temporary sales events, other than those listed as exempt, are permitted only on developed sites with a permanent commercial or industrial use, and only on improved areas of the site. This includes, but is not limited to, vehicle sales events, general merchandise sales, and promotional sales events;
 - b. Each new or recurring event at a location requires a separate Temporary Use Permit, to be issued by the City following review and approval of the site plan and other required application materials;
 - c. If the event is proposed for an existing parking lot, there must be no disruption of normal required parking, access and traffic flow, pedestrian access ways or sidewalks, or landscaped areas;
 - d. The application shall specify the dates and times for the event including set-up and tear-down, and what provisions are to be made for site security, sanitation, trash removal, outdoor lighting or other electrical needs, and signage; and
 - e. Such events shall be held no more than four (4) times during a calendar year on a property and shall not be more than seven (7) consecutive days within any 30 day period. Events conducted more frequently or for greater duration on a property shall require approval of a Conditional Use Permit.
3. Temporary Street Vendors. These provisions shall not apply to ongoing street vendor uses or permitted sidewalk sales display of products associated with an abutting permanent business use, which are regulated as a separate type of commercial use. Temporary vendor carts and stalls shall be subject to the following regulations:
- a. Temporary vendor carts and stalls may be approved in association with permitted special events for the period of the event. Permanent or seasonal street vendor use shall be subject to separate City requirements and regulations;

- b. The cart or stall shall not be located so as to block any public sidewalk or entry to any building. A minimum five (5) feet clear area shall be maintained at all times for pedestrian access on sidewalks;
 - c. The cart or stall shall not block any driveway or other point of vehicular access to any property;
 - d. Where located on private property, the vendor shall provide written consent of the owner of the property to place the cart or stall on the property;
 - e. Vendors operating on any sidewalk or public right-of-way are required to obtain approval from the City Public Works Department; and
 - f. No amplified music or sound amplification may be used.
4. Christmas Tree and Pumpkin Sales Lots.
- a. Christmas tree sales lots shall be allowed from the period between Thanksgiving and New Years Day. Pumpkin sales lots shall be allowed only during the month of October;
 - b. Set up of the seasonal tree sales lot may begin no earlier than Thanksgiving day and all products, materials, temporary structures, signs, fencing and other evidence of the operation must be completely removed from the site no later than New Years Day;
 - c. Permitted on private property in commercial, industrial or agricultural districts, or at properties with an established church or school. All activities, including product display, parking and loading operations, must occur entirely on private property and may not occur in the public right-of-way;
 - d. An approved Business Registration must be filed with the City of Cottonwood prior to beginning operations, including such operations by non-profit organizations;
 - e. A site plan must be submitted with the application for a seasonal Christmas tree sales lot showing the layout for tree display areas, pedestrian circulation aisles, sales transaction area, temporary structures, temporary fencing and customer parking area with adequate parking capacity provided in a safe, convenient location;
 - f. A site plan must be submitted with the application for a seasonal pumpkin sales lot showing the product display areas, sales transaction area, temporary structures, temporary fencing and customer parking area with adequate capacity provided in a safe, convenient location;
 - g. Provide detailed information regarding the location, size and type of any temporary trailers proposed for the site;
 - h. Fire Department approval is required prior to any site activity; and

- i. Provide information regarding any proposed amplified music, and provide a complete lighting plan and a sign plan for the proposed operation.
5. Temporary Construction Uses, Construction Office Trailer, Construction Watchperson's Trailer, and/or Construction Storage Yards.
 - a. Temporary construction trailer, construction office, watchperson's trailer and/or construction storage yard located on-site for approved construction projects are allowed with a Temporary Use Permit in commercial, industrial or planned development zoning districts or with a multi-unit residential development or subdivision;
 - b. Length of permit shall be one (1) year with additional extensions of one (1) year for active projects;
 - c. The temporary use or structure shall be removed from the property upon issuance of a Certificate of Occupancy or cessation of construction activities;
 - d. Watchperson trailers shall be limited to one (1) per construction site; and
 - e. Water and sanitary facilities shall be provided, as required by the City.
6. Temporary Concrete Batch Plant, Asphalt Plant, Stone Crushing and/or Processing Operations.
 - a. Temporary batch plants and material processing operations located on-site for approved construction projects are allowed with a Temporary Use Permit in commercial, industrial or planned development zoning districts or with a multi-unit residential development or subdivision. Such uses shall be required to obtain all necessary permits from applicable federal, state and local agencies prior to beginning operations;
 - b. Temporary batch plants and material processing operations located off-premise may be considered in commercial or industrial zoning districts in association with a permitted construction project located within the City of Cottonwood subject to obtaining a Conditional Use Permit;
 - c. The application for any temporary material processing plant shall include a detailed routing plan indicating truck and vehicle access to the plant location along with estimated hours of operation and frequency of travel. Primary routing shall be by arterial and collector streets and highways. Operations proposing to use local residential streets for direct access to and from the plant shall be required to obtain a Conditional Use Permit;
 - d. Upon completion of activities, the site shall be completely restored to the pre-development condition which existed prior to the beginning of operations;

- e. Such temporary facilities may only be considered for projects located within the City of Cottonwood, such as local, state or federal road projects, public works improvements, newly platted subdivisions or individual commercial development sites;
 - f. Such facilities shall be permitted only for the period of construction activity for a one (1) year period. An extension of the permit may be considered for up to one (1) year; however, any additional time beyond a total of two (2) years shall require approval of a Conditional Use Permit;
 - g. Facilities proposed to be located within one thousand (1,000) feet of any property used for residential purposes shall require approval of a Conditional Use Permit; and
 - h. Prevention of any dust, fumes, vapors, mists, or gas nuisances due to operations shall be maintained at all times in accordance with established City property nuisance standards.
7. Real Estate Sales Office and Model Homes. New units constructed as part of a subdivision may be used as a sales office and model home display for properties within that development subject to the following:
- a. Permitted in any district for any new subdivision development approved in accordance with the City of Cottonwood Subdivision Ordinance; and
 - b. Maximum length of permit shall be two (2) years, and may be renewed from year-to-year until the completion of the development. The subdivision sales office and model home use shall be discontinued following the sale or occupancy of all homes in the subdivision other than the model homes and the property shall be restored in a manner similar to surrounding residential uses.

G. SIGNS FOR TEMPORARY USES.

- 1. General Requirements:
 - a. Signs displayed in connection with a temporary use shall be approved under the Temporary Use Permit, except as exempted by this ordinance.
 - b. Off-premise signs shall not be permitted for temporary uses, except as allowed by this ordinance.
 - c. A site plan with proposed sign locations and graphic exhibits describing the proposed signs shall be submitted for review with the Temporary Use Permit application.

2. Banners are permitted for temporary uses, subject to the following requirements:
 - a. A maximum of one (1) banner per building street frontage is allowed for a permitted temporary use;
 - b. The maximum allowed area for each banner shall be at least thirty-two (32) square feet and no more than forty (40) square feet;
 - c. Banners may not be attached to utility structures or street signs, located in a public right-of-way, or attached to trees or plants;
 - d. Banners shall be attached flat on exterior building walls or site walls and may not extend above the roof line of the building; and
 - e. Banners announcing or identifying events or uses conducted outside of the City of Cottonwood shall be prohibited.
3. Special Event Signs:
 - a. Issuance of an approved Temporary Use Permit is required prior to installation of special event signs;
 - b. Special event signs may be installed on the site of the special event no more than ten (10) days prior to the beginning of the event and they must be removed within twenty-four (24) hours of the conclusion of the event;
 - c. A-frame or portable signs for special events shall be limited to size restrictions as set forth by this ordinance;
 - d. Signs may not be attached to traffic control devices, utility poles or street signs; and
 - e. Temporary on-site banners shall be permitted for Special Events subject to compliance with the provisions of this ordinance.
4. Temporary sales events signs.
 - a. Issuance of an approved Temporary Use Permit is required prior to installation of any signs announcing or advertising a temporary sales event; and
 - b. Temporary on-site sales event signs may be installed on a business premise no more than ten (10) days prior to the event with an approved Temporary Use Permit and such signs must be removed within twenty-four (24) hours of the conclusion of the event.

H. APPEALS REGARDING TEMPORARY USES.

1. Any person may file an appeal with the Cottonwood City Council over any decision of the Community Development Director regarding the granting, or denying, of a Temporary Use Permit. If no appeal is filed within fifteen (15) days after the Community Development Director's action, the action shall be considered final.
2. A written appeal shall be filed with the City Clerk who shall then schedule the item for consideration by the City Council. The Council shall consider the appeal at their regular meeting and shall either uphold the action of the Community Development Director, reverse that action, or make a decision of its own findings.
3. The Council may elect to set the matter for a public hearing and if such action is taken, a legal notice shall be published at least once in the official newspaper of the City and the property included in the application shall be posted at least fifteen (15) days prior to the hearing date. The Community Development Director shall submit a report to the Council setting forth the reasons for the actions taken in the issuance or denial of the Temporary Use Permit.
4. If the Council makes a decision which upholds granting of a permit, the Council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this Ordinance and require such guarantees and evidences that such conditions are being, or will be complied with.
5. The Council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown on the application.

I. REVOCATION.

1. Temporary Use Permits granted in accordance with the provision of this Ordinance may be revoked if any of the conditions or terms of the permit are violated or if any law or ordinance is violated in connection therewith.
2. The Community Development Director shall notify the permittee of a violation or termination of a Temporary Use Permit by mail. If no attempt to change the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void and the continued violation of the terms of the Temporary Use Permit shall be deemed a violation of this Ordinance and shall be subject to enforcement action through the Administrative Hearing Officer of the City of Cottonwood.
3. Any Temporary Use Permit issued by the Community Development Director shall be considered null and void if the operation or activity does not conform to the approved plan of operations. Any major deviations requested from the originally approved site plan or plan of operations, shall be processed as a new Temporary Use Permit.

J. FEES.

The application for a Temporary Use Permit shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the office of the City Clerk. No part of the application fee shall be returnable. Payment of the application fee shall be waived when the petitioner is the City, County, State or Federal Government. All other agencies, organizations and entities shall be required to pay all required fees unless such fees are waived by the City Council.

