Town of Thatcher

Zoning Ordinance

Approved June 2013 – Last modified June 2019

Acknowledgments

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Town Council	Bob Rivera, Mayor Bill Mulleneaux, Vice Mayor Aaron Allen, Council Member D. Wayne Griffin, Council Member Donald Innes, Council Member Ken Larson, Council Member Joy Martin, Council Member
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Project Consultants	Contract Planning Service, Inc. Livability Law Group

Ordinance Updates:

1. Ordinance No. 177-2015 (passed 7/2015): Added two (2) additional Conditional Uses in the "C-2" Zoning District – amending Section 7.3D
2. Ordinance No. 180-2017 (passed 3/2017): Modified to allow drive-thru facilities in the "C-1" Zoning District – amending Sections 1.9 & 7.2
3. Ordinance No. 181-2017 (passed 6/2017): Modified the notification requirements for public meetings – amending Section 3.2A
4. Ordinance No. 184-2019 (passed 6/2019): Added an "R-2" Zoning District and modified text relating to Cargo Containers, Fences and Walls and Underground Utilities - amending portions of Sections 3.2.B, 4.1, 6, 13.8C, 13.9, 13.17 and some terms in the glossary

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CHAPTER 153, ARTICLE 1: Title, Purpose and Scope

Section 1.0 **Short Title.** These regulations shall be known and may be cited as the "Town of Thatcher Zoning Ordinance" and will be referred to herein as "this Code", or "this Ordinance". All appendices, tables, exhibits and/or maps within this Ordinance are hereby adopted and shall be incorporated herein as a part of this Ordinance.

Section 1.1 **Authority.** This Ordinance is adopted pursuant to the authority contained in the Arizona Revised Statutes (A.R.S.) § 9-462, et seq. and general laws in order to conserve and promote the public health, safety, and general welfare of the present and future citizens of the Town of Thatcher. The Town of Thatcher may be referred to herein as the "Town".

Section 1.2 Purpose of Ordinance and Intent of its Application.

A. To provide the minimum requirements for the implementation of the Town of Thatcher General Plan (the "General Plan") and to ensure consistency and conformity between the General Plan Land Use designations and Zoning Districts;

B. Maintain and enhance the appearance and function of both new and existing development;

C. Promote an efficient use of land resources and ensure compatibility between land uses;

D. Establish standards regulating the use and physical development of land;

E. Direct growth with priority to those areas where infrastructure and urban services can be economically provided;

F. Provide for procedures that respond uniformly and consistently to development proposals; and

G. Establish offices, boards, and commissions and define the power and duties of each.

Section 1.3 Applicability.

A. The provisions of this Ordinance shall govern the development and the uses of all buildings, structures, and land within the corporate limits of the Town of Thatcher.

B. Any use not described and included by this Ordinance as being a permitted use, a use subject to conditions, or a use subject to a use permit within a specific zoning district shall be prohibited and is a violation of this Ordinance unless the Town of Thatcher Planning and Zoning Commission (the "Commission") and Town of Thatcher Town Council (the "Town Council") determine the use is substantially similar to other uses permitted in the zone.

C. No building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed, and no permit, certificate or license shall be issued for any building, structure, or land unless it is in conformity with all applicable provisions of this Ordinance. Any permit, certificate or license issued in conflict with the terms or provisions of this Ordinance is subject to revocation, and/or work stoppage order, and any other remedy available as law.

D. All changes to distinguishing traits or primary features or the use of a building or land, as evidenced by increased parking requirements, change of occupancy, or other features, occurring to existing properties after the effective date of this Ordinance shall be subject to all provisions of this Ordinance.

E. This Ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although through the implementation, administration and enforcement of this Ordinance, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a by-product of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the Town shall not be enforceable in tort, nor create a case of action against the Town.

Section 1.4 Conformance with the General Plan. This Ordinance is intended to implement the goals, objectives and policies of the "Town of Thatcher General Plan" and is hereby deemed to be in conformance with the adopted General Plan. Any amendments to or actions pursuant to this Ordinance shall be in conformance with the General Plan and relevant laws, as it may be amended from time to time.

Section 1.5 Interpretation.

A. The standards and restrictions established by this Ordinance shall be held to be the minimum requirements for the promotion of the General Plan, and for the interpretation and administration of the zoning regulations, standards, restrictions, uses, procedures, enforcement, fees, administration, and all other areas addressed herein.

B. This Ordinance is not intended to interfere with, abrogate, or annul any existing provisions of other laws or ordinances, except those zoning and building ordinances specifically repealed by this Ordinance, and providing that they are

not in conflict with this Ordinance. In the event of a conflict, the provisions of this Ordinance shall govern. This Ordinance also is not intended to interfere with, abrogate, or annul any private agreements between persons, such as easements, deeds, covenants, except that if this Ordinance imposes higher standards or a greater restriction on land, buildings or structures than an otherwise applicable provision of a law, ordinance, or a private agreement, the provisions of this Ordinance shall prevail.

C. Where other laws, ordinances, or private restrictions are more restrictive, the Town cannot enforce the more restrictive laws, ordinances, or private restrictions as a part of this Ordinance.

D. This Ordinance, upon its adoption, amends the text of all other zoning ordinances previously adopted by the Town of Thatcher, Arizona.

Section 1.6 Compliance.

A. No building permit or other permit required by this Ordinance may be lawfully issued nor shall a Certificate of Occupancy be granted until the Zoning Administrator or his/her designee has given authorization indicating all requirements of this Ordinance, all conditions and stipulations of approval, and any other specific project related requirements have been met.

B. Except as specifically provided to the contrary in this Ordinance, each review and approval required by this Ordinance shall be independent of every other review and approval, and no review or approval shall be deemed to waive or satisfy any other requirement set forth herein.

C. Where, in any specific case, different sections of this Ordinance or any other Town ordinance or code specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall apply.

Section 1.7 **Fees.** The Mayor and Town Council of the Town of Thatcher may from time to time establish, and set by resolution, administrative fees considered necessary to enforce this Ordinance and for the administration and processing applications for development. The developer/applicant shall, at the time of filing, pay to the Town those established fees. These fees shall be non-refundable.

Section 1.8 Enforcement.

A. The Zoning Administrator shall be responsible for the administration of this Ordinance and his/her designated representative shall be responsible for the

enforcement of this Ordinance to further the promotion of the public health, safety, and general welfare.

B. The Zoning Administrator shall in no case grant permission for the issuance of any permit for the construction, reconstruction, alteration, demolition, conversion, movement, use or occupancy of any building, structure, lot, or parcel if the Zoning Administrator determines that the building, structure, lot or parcel as proposed to be constructed, reconstructed, altered, converted, used, or moved, would be in violation of any of the provisions of this Ordinance, unless directed to issue such permit by the Board of Adjustment after interpretation of the ordinance or the granting of a variance.

Section 1.9 Violations and Penalties.

A. Violation. Any building or structure erected or maintained or any use of property in violation of this Ordinance shall be declared unlawful and a public nuisance, and the Town Attorney shall immediately commence action, or proceedings for the abatement, removal and enjoinment thereof in the manner provided by law; and shall take such other actions to grant such relief as will abate or remove such building or structure or use of any property in violation of this Ordinance. It shall be the right and duty of every citizen to participate and assist the Town officials in the enforcement of the regulations of this Ordinance.

Any person found guilty of violating any provision of this code which is classified as a Class 1 misdemeanor, upon conviction thereof, may be punished by a fine not to exceed $2500, by imprisonment for a period not to exceed six months, by a term of probation not to exceed three years, or by any combination of the fine, imprisonment and probation.

Section 1.10 Severability.

A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(End of Article)

CHAPTER 153, ARTICLE 2: Administration

Section 2.0 Town Council.

The Mayor of the Town of Thatcher (the "Mayor") and the Town Council shall have the following powers and duties, pursuant to the terms of this Ordinance (refer to Table 1 Decision Matrix Summary):

A. To hear, review and act upon applications, after considering recommendations of the Commission, on zoning applications, conditional use permits, and temporary use permits, in accordance with the provisions of this Ordinance.

B. To initiate, hear, review and adopt amendments to the Zoning District Map after recommendation by the Commission in accordance with the provisions of this Ordinance.

C. To initiate, hear, review and adopt amendments to the text of this Ordinance after the recommendation by the Commission, in accordance with the provisions of this Ordinance.

D. To initiate, adopt, and amend the General Plan; including the text, maps and exhibits, and all elements of the General Plan, after recommendation by the Commission in accordance with the provisions of this Ordinance.

E. To hear, review and act upon applications, after considering recommendations of the Commission, on subdivision applications and protected development rights plans in accordance with the provisions of this Ordinance.

F. To take such action not expressly delegated exclusively to the Zoning Administrator, the Commission, or the Board of Adjustment as the Town Council may deem desirable and necessary to implement the provisions of this Ordinance and the General Plan.

Section 2.1 Planning and Zoning Commission.

A. **Establishment.** There is hereby established, pursuant to Arizona Revised Statutes A.R.S. §9-461.01 et seq., a planning agency known as the Town of Thatcher Planning and Zoning Commission (the "Commission").

B. **Powers.** The Commission is the planning agency for the Town and has the powers to enable it to fulfill its planning function, in accordance with the Arizona Revised Statutes. The Commission shall provide an advisory function to assist the Town Council in making decisions pertaining to amendments to the General Plan and this Ordinance, and applications for development approval. In no event is the Commission authorized to render a final decision; except as otherwise authorized in this section of the Ordinance.

C. **Duties.** In addition to any authority granted to the Commission by Arizona law, this Ordinance or by other ordinances of the Town, the Commission shall have the following duties (refer to Table 1 Decision Matrix Summary):

1. To hold public hearings when necessary or when required by law.

2. To initiate, hear, review, and make recommendations to the Town Council regarding applications for amendments to the General Plan or Area Specific Plans, in accordance with the provisions of this Ordinance. On a biennial basis, review the implementation progress and make recommendations to the Town Council on necessary updates or refinements to the General Plan.

3. To make recommendations to the Town Council on all matters concerning or relating to the creation of Zoning Ordinances, the Zoning District Map, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this Ordinance, and to undertake any other activities within the scope of the planning and zoning power.

4. To initiate, hear and review applications for amendments to either the Zoning District Map and/or the text of this Ordinance.

5. To hear, review and make recommendations to the Town Council on applications for conditional use permits and temporary use permits.

6. To serve as the advisory body to the Town Council on such matters as applications for protected development rights plans, subdivision preliminary and final plats, and any subdivision regulation exceptions, in accordance with the provisions of this Ordinance and the provisions of the Town's Subdivision Ordinance.

7. To confer and advise with other town, city, county, regional, or state planning agencies and commissions.

D. **Membership.** The Commission shall be composed of a total of seven (7) members, all residents and taxpayers of the Town, who shall be appointed by the Mayor subject to the approval of the Town Council.

E. **Term of Office.** The term of office of the members of the Commission shall be four (4) years, with the terms of members so staggered that the terms of no more than three (3) members shall expire on July 1st in any one (1) year. The incumbent Commissioner shall continue to serve, after their term of office has expired, until a successor has been appointed. In the event of a death, resignation, or removal from the Commission, a resident appointed by the Town Council shall fill the vacancy, for the un-expired term.

F. **Nonattendance.** When a Commission member has three (3) successive unexcused or unexplained absences from any regular or special meeting it shall be grounds for termination of that Commission member at the will and pleasure of the Mayor without the necessity of a hearing or notice, and such action shall be final and the position shall thereupon be declared vacant.

G. **Organization.**

1. Officers. The Commission shall elect a Chairperson and Vice Chairperson from among its own members who shall serve for one (1) year until their successors are elected and qualified. The Chairperson shall preside at all meetings and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission. The Chairperson shall have the power to administer oaths and to take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability.

2. Meetings. Meetings of the Commission shall be open to the public. Public input shall be permitted in public meetings on matters before the Commission. The minutes of the meeting shall reflect the "ayes" and "nays" cast on a particular measure and shall reflect the vote of each member present. The minutes shall be kept and filed in the office of the Town Clerk as a public record. Special meetings may be called by the Chairperson or in his absence by the Vice Chairperson. In addition, any three (3) members of the Commission may make written request to the Chairperson for a special meeting in such a manner and form as may be provided in the Commission rules

3. Quorum. Four (4) members of the Commission shall constitute a quorum for the transaction of business. No matter may be considered by the Commission unless there are four (4) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has a conflict of interest, he/she shall declare said conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question.

4. Rules and Regulations. The Commission may make and publish by-laws to govern its proceedings and to provide for its meetings. The by-laws are to be reviewed by the Town Attorney and approved by the Town Council.

H. **Compensation.** All members shall serve without pay. However, Commission members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Commission and approval of such expenditures by the Town Council.

Section 2.2 Board of Adjustment.

A. Establishment. There is hereby established, pursuant to Arizona Revised Statutes A.R.S. §9-462.06 et seq., a Zoning Board of Adjustment to be known as the Town of Thatcher Zoning Board of Adjustment (the "Board").

B. Powers and Duties. In addition to any authority granted to the Board of Adjustment by Arizona law, the Board shall have the following powers and duties (refer to Table 1 Decision Matrix Summary):

1. To hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator in the interpretation of this Ordinance. This power shall include the power to reverse, affirm, or modify, wholly or partly, any order, requirement or decision of the Zoning Administrator properly appealed to the Board, and make such order, requirement, decision or determination as is necessary.

2. To hear and decide requests for variances from the terms of this 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 properties of the 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 same Zoning District where such property is located.

3. A variance from the terms of this Ordinance may only be granted, upon the presentation of evidence demonstrating satisfaction of the specific requirements established by State Statutes as follows:

    a. There exists special circumstances or conditions regarding the land or building for which the variance or adjustment is sought, which do not apply generally to other land or buildings in the same zoning district;

    b. The above special circumstances or conditions are preexisting and are not created or self-imposed;

    c. The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in the same zoning district and the variance or adjustment, as granted, is the minimum adjustment that will accomplish this purpose; and

d. The granting of the adjustment will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

4. The Board of Adjustment may not:

a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance, provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to State Statutes.

b. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner

C. Membership. The Board shall be composed of a total of seven (7) members who shall be residents and taxpayers of the Town of Thatcher. The Board members shall be appointed by the Mayor subject to the approval of the Town Council, provided however, that the Town Council shall serve as the Board of Adjustment until such time as the Council shall determine a need for a separate Board.

D. Term of Office. Whenever the Town Council is not serving as the Board, the term of office of the members of the Board shall be for a period of four (4) years each, with the terms of members staggered so that the terms of no more than three (3) members shall expire in any one (1) year. The terms of all members shall extend, after their term of office has expired, until their successors are qualified. In the event of a death, resignation, or removal from the Board, the Town Council shall fill the vacancy for the un-expired term.

E. Nonattendance. When a Board member has three (3) successive unexcused or unexplained absences from any regular meeting shall be grounds for termination of that Board member at the will and pleasure of the Town Council without the necessity of a hearing or notice, and such action shall be final.

F. Organization of Board of Adjustment.

1. Officers. Whenever the Town Council is serving as the Board, the Mayor and Vice Mayor shall serve as the Chairperson and Vice-Chairperson respectively. Otherwise, the Board shall elect a Chairperson and a Vice Chairperson from among its own members, who shall serve for one (1) year until their successors are elected and qualified. The Chairperson shall preside at all meetings and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Board. The Chairperson shall have the power to administer oaths and take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

2. Meetings. Meetings of the Board of Adjustment will be called as needed by the Chair of the Board. Meetings of the Board shall be open to the public and public input shall be taken at the discretion of the Chairman. The minutes of the proceedings, showing the votes of each member and records of it examinations and other official actions, shall be kept and filed in the office of the Town Clerk as a public record.

3. Quorum. Four (4) members of the Board shall constitute a quorum for the transaction of business. No matter may be considered by the Board unless there are four (4) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has a conflict of interest he/she shall declare said conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question.

4. Rules and Regulations. The Board may adopt all rules and procedures necessary or convenient for the conduct of its business. These rules are to be reviewed by the Town Attorney and approved by the Town Council.

G. Compensation. All members shall serve without pay. However, Board members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the Town Council.

Section 2.3 Zoning Administrator.

A. Establishment. The staff position of Zoning Administrator is hereby established for the general and specific administration of this Ordinance and serves under the direction of the Town Manager.

B. Powers. The Zoning Administrator is the Town official established pursuant to A.R.S. § 9-462.05. The Zoning Administrator is charged with the responsibility of administration of the General Plan and this Ordinance and the supervision of the enforcement of this Ordinance.

C. Duties of the Zoning Administrator. The Zoning Administrator shall have the following duties (refer to Table 1 Decision Matrix Summary):

1. To establish rules and procedures consistent with this Ordinance for its implementation.

2. Accomplish all administrative actions required by this Ordinance, including the giving of notice, scheduling of hearings, preparation of

reports, receiving and processing appeals, and the acceptance and accounting of fees, as provided in other provisions of this Ordinance.

3. Interpret this Ordinance to the public, town departments, and other branches of government, under the direction of the Town Manager and general or specific policies established by the Town Council.

4. Represent the Town in conference and preliminary discussions with property owners and provide non-legal advice to applicants requesting assistance.

5. Determine the location of any district boundary shown on the Zoning Map adopted as part of this Ordinance when such location is in dispute.

6. To provide advice, recommendations and staff assistance to the Commission, the Board, and the Town Council with respect to applications, requests for approvals, permits and meetings required by this Ordinance.

7. To review and either approve or reject applications for Administrative Use Permits, Site Plan Reviews and Minor Land Splits and to prescribe in connection with said applications such conditions as deemed necessary in order to fully carry out the provisions and intent of this Ordinance.

8. The Zoning Administrator may, due to the complexity of any matter, unless otherwise noted herein, refer a permit application to the Commission for recommendation.

9. Determine other permitted uses and conditional uses consistent with the purpose of each specific Zoning District.

D. Limitations of the Zoning Administrator. The Zoning Administrator may not make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Ordinance; provided that the restriction in this paragraph should not affect those duties as listed in Section 2.3 (C).

Section 2.4 Building Official.

The Building Official for the Town of Thatcher, working in concert with and under the supervision of the Zoning Administrator, shall be responsible for the enforcement of this Ordinance.

A. Duties of the Building Official. In conjunction with the enforcement of this Ordinance the Building Official shall have the following duties:

1. To assure that any development or use proceed only in accordance to the terms, conditions, or requirements as established by the Board, the

Commission, and/or the Town Council as a term, condition, or requirement of development and/or permit approval.

2. To direct such inspections, observations and analysis of any and all erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the Town as is necessary to secure compliance with the provisions of this Ordinance. No building shall be occupied until such time as the Zoning Administrator has issued a letter of compliance with this Ordinance or countersigned the Certificate of Occupancy as issued by the Building Official.

3. Make investigations in connection with any matter referred to in this Ordinance and render written reports when requested by the Town Council, or when the interests of the Town so require.

4. To issue such notices or orders as may be necessary for the purpose of enforcing compliance with the provisions of this Ordinance.

5. To take such action as is necessary for the enforcement of this Ordinance with respect to any violations of this Ordinance.

B. Limitations of the Building Official. The Building Official may not make any changes in the uses permitted in any Zoning Classification or Zoning District, or make any changes in the terms of this Ordinance.

(End of Article)

CHAPTER 153, ARTICLE 3: Application, Procedures and Appeals

Section 3.0 Decision Matrix Summary.

A. The following table describes the decision-making authority and the appeal authority for the applications processed and the approvals that may be granted under this Ordinance.

Table No. 1 – Application Type and Decision Authority Summary

Application Type / Decision Body	Notification Requirements	Citizen Review Required	Zoning Administrator	P & Z Commission	Town Council	Board of Adjustments
General Plan Amendments / General Plan Annual Review	**H/M**	**N**	**R**	**R**	**D**	
Specific Area Plan Requests	**H, L**	**Y**	**R**	**R**	**D**	
Rezoning Requests	**H, L**	**Y**	**R**	**R**	**D**	
Zoning Text Amendments	**H, L**	**Y**	**R**	**R**	**D**	
Site Plan Review	**N**	**N**	**D**		**A**	
Conditional Use Permits	**H, L**	**N**	**R**	**R**	**D**	
Temporary Use Permits	**M, L**	**N**	**R**	**R**	**D**	
Administrative Use Permits	**N**	**N**	**D**	~~**A**~~	**A**	
Appeal Zoning Administrator Interpretations	**N**	**N**				**D**
Variances Requests	**H, L**	**N**	**R**			**D**
Minor Land Splits	**N**	**N**	**D**		**A**	
Preliminary Plats	**M**	**Y**	**R**	**R**	**D**	
Final Plats	**M**	**N**	**R**	**R**	**D**	
Subdivision Regulation Exceptions	**M**	**N**	**R**	**R**	**D**	
Protected Development Rights Plans	**M**	**N**	**R**	**R**	**D**	

Key:
M = Public Meeting Notice
H = Public Hearing Notice
L = Letter by 1st class mail
N = No
Y = Yes
R = Reviews and recommends action to decision-making body
D = Decision-making body
A = Appeal authority

Section 3.1 General Procedural Requirements.

A. Application Process. The specific procedures followed in reviewing the various applications have the following three common elements:

1. Submittal of a completed Town application to the Zoning Administrator along with all requested information and the required fees.

2. Review and recommendation of the request to the decision making body.

3. Actions by the authorized decision body to approve, conditionally approve, or deny the application.

B. Application Submittal. To allow an opportunity for staff input and proper evaluation, all requests for Zoning Administrator, Commission, Board and/or Town Council action shall be filed with the Zoning Administrator. In order to have an application accepted by the Zoning Administrator the applicant shall progress through the following steps:

1. Pre-application Conference. This preliminary meeting with the Zoning Administrator is required for annexations, general plan and specific area plan requests, rezoning and zoning ordinance text amendments, use permits, variance requests, subdivisions, and site plan review; but is not required for individual single family dwelling applications. A pre-application meeting may also be held if requested by the prospective applicant for any proposal.

   a. The applicant shall provide the Zoning Administrator with a sketch plan at the time of the pre-application conference. A sketch plan shall, at a minimum, depict the boundaries of the property being considered and a tentative development proposal for the property.

2. Formal Submittal. The applicant shall submit a completed Town application, all the requested information and/or studies and reports, and the required application fees to the Zoning Administrator. Depending upon the specifics of the application, additional materials and/or studies may be required by the Town at its discretion to adequately review the application. Only complete applications and submittal packages shall be accepted. Applications must be signed by the property owner or the property owner's authorized representative, except that applications initiated by the Town must be signed by the Zoning Administrator.

C. Notification Requirements. When the Zoning Administrator determines that a development application/submittal package is complete, the Zoning Administrator shall cause public notification to be made if so required. (refer to Section 3.0 and Section 3.2 of this Ordinance).

D. Citizen Review Process. Prior to a public hearing on any application for a rezoning of property, amendment of the text of this Ordinance or creation of a specific area plan, a citizen review process complying with A.R.S. §9-462.03 shall be conducted. Additionally, the Town requires that a citizen review meeting be conducted prior to the public meeting on any application for a preliminary plat. The purpose of the citizen review meeting is to provide a reasonable opportunity for the applicant, adjacent landowners, and other potentially affected citizens an opportunity to ask questions and express any issues or concerns that they may have on proposed applications for rezoning of property, adoption of specific plans, adoption of zoning code text amendments or approvals of preliminary plats.

1. Rezoning, Specific Plan Applications, and Preliminary Plats: The applicant shall provide the Town with all the necessary material, including letters, envelopes and postage to mail notices of the citizen review meeting to all property owners within 1000 feet of the property boundary subject to the application and any other parties or entities as deemed necessary by the Zoning Administrator. The Town will mail the meeting notice at least five (5) days prior to the meeting. The notice shall state the date, time, and place of the meeting and shall include a general explanation of the application. The applicant shall be responsible for conducting the meeting and furnishing the Town with accurate minutes of the meeting and a list of all individuals in attendance within five (5) business days from the conclusion of the meeting. The Town shall have a staff member in attendance and shall report the results of the neighborhood meeting to the Commission and/or Town Council at such time as they take action on the rezoning or specific plan application.

2. Zoning Ordinance Text Amendments: The citizen review session for proposed text amendments shall be conducted by the Commission during a Work-Study Session. Said work-study session shall be held at least five (5) days prior to the Commission's Regular Session where the item has been scheduled for public hearing. The form of notice to be used will vary according to the type of text amendment proposed and the appropriate method of notice shall be determined by the Zoning Administrator. The method of notice may include, but is not limited to, publication in a local newspaper, posting at official Town posting locations, or posting on the Town's web site. The notice shall state the date, time, and place of the meeting and shall include a general explanation of the proposed text amendment. Notice shall be given to landowners and other potentially affected citizens at least ten (10) days prior to the Commission's Work-Study Session. The Commission shall report to the Town Council, along with their recommendation, the issues and concerns raised during the citizen review input and discussion session.

E. Public Meeting/Public Hearing. A public meeting or a public hearing shall

be held before the appropriate decision-making body. The purpose for these public meetings is to provide a means for the Commission, Board and/or Town Council to receive input from the public on an application. The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application or denial of the application. The reviewing body may allow amendments to the application if the effect of the amendments is to allow a less intense change than that requested on the original application, to reduce the impact of the development, or to reduce the amount of land involved from that indicated in the hearing notices. The reviewing body shall not, in any case, permit a greater amount of development, or a use falling in a different general use category, or a larger land area than indicated in the original application, or a greater variance than was indicated in the notice. The decision-making body shall render a decision on the application based on consideration of the following evidence and analysis including, but not limited to, all of the following:

1. Conformance with this Ordinance, and adopted Town standards and policies;

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2. Compliance with the General Plan and other adopted Specific Area Plans;

3. Staff recommendations and Commission recommendations, if applicable;

4. Outside reviewing agency input;

5. Public input and testimony received during the Citizen Review session, at the Commission hearing and during the public hearing; and

6. Overall effects of the proposal on the neighborhood, area, and community-at-large.

F. **Records.** The Town shall provide for summary minutes giving a reflection of the matters discussed and decisions made during a public hearing or meeting to be written and retained as part of the public record. Other materials and correspondence submitted prior to or at the public hearing or meeting shall be retained as part of the record. All such public records shall be open for inspection at reasonable times per the Town's public records request procedure. Public records are to be retained in accordance with A.R.S. public retention requirements.

G. **Reconsideration of Denied Applications.** In the event that an application is denied by the Town Council, the Commission shall not reconsider the application nor consider another application for the same amendment of the Zoning Ordinance applying to the property described in the original application, for at least six (6) months from the date of the denial, provided however, if within a six-month period there has been a bona fide change of ownership to the property for which the application was made, or a change in circumstances, then the new owner shall be permitted to apply for a zoning change.**Appeals.** Any

person, entity, or group aggrieved by a decision under this Ordinance may be party to an appeal hearing as provided by in Section 3.7 of this Ordinance.

Section 3.2 Notification Requirements.

A. **Notice for Public Meetings.** For those applications requiring only a public meeting, the notification for the public meeting shall be by posting of the agenda at Town Hall at least twenty-four (24) hours prior to the meeting in accordance with Arizona open meeting law. In addition, the Town shall send a notification letter by first class mail, at least fifteen (15) days prior to the public meeting, to all real property owners within 300 feet of the property for which the public meeting has been scheduled. Any changes to Arizona Law notice requirements shall have control over this provision in the manner of providing notice.

B. **Notice for Public Hearings.** For those applications requiring a public hearing, the notification for the public hearing shall be in accordance with A.R.S. §9-462.04 and §9-462.06. In addition the Town shall send a notification letter by first class mail, at least fifteen (15) days prior to the public hearing, to all real property owners within 300 feet of the property for which the public hearing has been scheduled. Public hearings for General Plan Amendments have additional notification requirements per A.R.S. §9-461.06. The applicant shall be responsible for the costs associated with the public notices for public hearings. Any changes to Arizona Law notice requirements shall have control over this provision in the manner of providing notice.

C. **Notice of Appeals.** Notice of an appeal of a decision made at a public meeting or public hearing shall be provided in the same manner as the original meeting or hearing. The party seeking the appeal shall be responsible for the costs associated with the public notification.

D. **No Notification Required.** There are several types of applications that do not require notification, per Arizona Law or by Section 3.0 of this Ordinance.

E. When multiple applications are under review for the same project, the Town may simultaneously issue notice for multiple applications. Such notice may be given in the initial posting and of the initial hearing and any subsequent hearing.

Section 3.3 Rezoning Requests and Zoning Text Amendments.

A. **Purpose.** In accordance with the provisions of Arizona Law, the Town Council may amend the Official Zoning Map and/or adopt text amendments to this Ordinance. All applications for rezoning and zoning text amendments shall follow the general procedural requirements as delineated in Section 3.1 of this Ordinance.

B. **Initiation of a Zoning Map Change (Rezoning).** An application for a change

in zoning district boundaries (rezoning) may be initiated by a owner of real property within the Town and/or by that owner's authorized representative. The property owner must provide proof of ownership and shall provide written authorization for such applications. The Commission or the Town Council, by its own motion at a public meeting, may also initiate such amendments. When the rezoning application filed by a private property owner includes other property, in addition to that owned by the petitioner, the application 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.

C. Initiation of Ordinance Text Amendment. Any person may request an amendment of the text of this Ordinance. The application must state the exact section of this Ordinance proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted to assist in understanding the benefits of the amendment.

D. Submittal Requirements. All zoning map changes (rezoning) applications shall comply with the submittal requirements as presented in the rezoning application and as outlined below:

1. A map showing the particular property or properties for which the rezoning application is being requested and the adjacent properties, buildings and structures, land uses, and public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.

2. A detailed land use/development plan at a scale of one inch equals one hundred feet (1"=100 ft.), which at a minimum shall include the following:

    a. A site plan drawn to scale and in such a manner as to indicate clearly and precisely what is planned for the subject property, including the location and arrangement of all proposed uses.

    b. The location, arrangement and dimensions of all proposed lots.

    c. Topography, showing existing and proposed grades and drainage systems, and natural and manmade features, with indications as to which are being retained and which are to be altered or removed.

    d. All buildings and structures existing and proposed.

    e. Proposed block layout, street system, street dedications, improvements and utility plans.

    f. The traffic and pedestrian circulation systems, including the locations and widths of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths.

g. Off-street parking facilities, including the number of spaces and dimensions of parking areas, loading bays, service access drives, and landscaping for the parking areas.

h. The amount of open space provided, the location and type of open space, the proposed reservation for parks, parkways, playgrounds, recreation areas, pedestrian access and other open space areas.

i. Proposed landscaping including; size, type and location; the native vegetation that will be salvaged; walls and fences; outdoor lighting; signs; and outdoor storage and activities.

3. The Town reserves the right to waive certain submittal requirements if found to be unnecessary for a particular application. Conversely, the Town reserves the right to require additional information, material, and the submission of relevant studies to assist in the adequate review the request.

E. **Procedures.** The Commission, in accordance with the requirements of A.R.S. §9-462.04, shall conduct a public hearing. Notification of the public hearing shall be provided as set forth in A.R.S. §9-462.04 and Section 3.2 of this Ordinance.

1. The Commission shall render a decision in the form of a written recommendation for: 1) approval, 2) approval with conditions, or 3) denial of the petitioned rezoning or zoning text amendment. The recommendation shall then be forwarded to the Mayor and Town Council unless withdrawn in writing by the applicant.

2. The Town Council shall: 1) approve, 2) approve with conditions, or 3) deny the rezoning or zoning text amendment request. Approval of a petition to rezone land may not be enacted as an emergency measure and the rezoning shall not become effective for at least thirty (30) days after Town Council approval.

3. When an application for rezoning is accompanied by an application for a conditional use permit or subdivision plat approval, both applications may be processed and reviewed concurrently. If the proposed rezoning is not in compliance with the General Plan - Land Use Plan, an application for an amendment to the Land Use Plan shall be submitted by the applicant in accordance with A.R.S. §9-461.06, the General Plan, and Section 3.9 of this Ordinance.

F. **Protest.** As prescribed by A.R.S. § 9-462.04, a super majority consisting of three-fourths (3/4) of Town Council votes shall be required if a protest petition is filed in accordance with said statute. The protest petition shall be filed in writing with the Town Clerk at or before noon on the date of the Town Council hearing.

G. **Reversion of Zoning.** The Town may approve a change of zone conditioned upon 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, the Town, after notification by certified mail to the owner and applicant who requested the rezoning, may schedule a public hearing before the Town Council to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

Section 3.4 Use Permits.

A. **General Requirements.** Land uses permitted by use permit are identified under the Zoning District regulations of this Ordinance. Generally, these uses require special consideration to ensure that they can be designed, located and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. There are three types of use permits; Administrative Use Permits, Conditional Use Permits, and Temporary Use Permits.

1. No use requiring a Use Permit may be commenced until a Use Permit is obtained.

2. Applications for Conditional Use Permits and Temporary Use Permits shall follow the general procedural requirements as delineated in Section 3.1 of this Ordinance. A public hearing is required for a Conditional Use Permit and a public meeting is required for a Temporary Use Permit with both requiring approval by the Town Council.

3. Applications for Administrative Use Permits shall be submitted to the Zoning Administrator. No public meeting or public hearing is required for Administrative Use Permits. The Zoning Administrator shall review the application for compliance with this Ordinance. The Zoning Administrator shall approve, approve with modifications and/or conditions, or deny the application and shall set forth the findings and decision in writing. The written decision shall be mailed to the applicant by First Class Mail within forty-five (45) days from the filing of the application. Decisions of the Zoning Administrator on Administrative Use Permits may be appealed to the Town Council. The Town Council's decision shall be final. The Town Council shall have the authority to uphold, modify, or overrule the decision of the Zoning Administrator.

4. Any use permit may be revoked by the approving body, for failure to comply with the conditions of the use permit, after following the same manner of notification and proceedings as required for the original

application. Revocation of a use permit may be initiated by the Zoning Administrator.

B. Administrative Use Permits. Those uses that are enumerated as administrative conditional uses in a zoning district, as set forth in this Ordinance, shall be authorized by the Zoning Administrator.

1. **Approval Criteria.** As may be specified within each zoning district, uses permitted subject to an Administrative Use Permit shall be permitted only after review and approval by the Zoning Administrator and only if the applicant demonstrates that:

   a. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

   b. The proposed use conforms with the purposes, intent, and policies of the General Plan and any applicable area, neighborhood, or other plan adopted by the Town Council;

   c. The proposed use conforms with the conditions, requirements, or standards of this Ordinance and any other applicable local, state, or federal requirements;

   d. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

2. **Validity Limit.**

   a. The Administrative Use Permit shall be valid for the use for which the permit was granted for the length of time indicated on the permit as long as the use is in compliance with the conditions of approval and other applicable ordinances.

C. Conditional Use Permits. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Those uses that are enumerated as conditional uses in a zoning district, as set forth in this Ordinance, shall be authorized by the Town Council.

1. **Approval Criteria.** As may be specified within each zoning district, uses permitted subject to a conditional use permit shall be permitted only after review and recommendation by the Commission and review and approval by the Town Council, and only if the applicant demonstrates

that:

a. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

b. The proposed use conforms with the purposes, intents, and policies of the General Plan and any applicable area, neighborhood, or other plans adopted by the Town Council;

c. The proposed use conforms with the conditions, requirements, or standards of this Ordinance and any other applicable local, state, or federal requirements;

d. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties nor be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;

e. The proposed use shall not be materially injurious to properties or improvements nor diminish or impair property values in the immediate vicinity;

f. The proposed use will be served by ingress and egress routes that minimize traffic congestion, shall not burden the existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and will be served by adequate public utilities;

g. The proposed use shall not impede the normal and orderly development and improvement of surrounding property for uses permitted by right in the zoning district;

h. The proposed use is necessary or desirable or provides a service or facility that contributes to the general well-being of the area; and

i. The proposed use shall not create more adverse impacts on existing uses in the surrounding areas than those that reasonably might result from development of the site with a use permitted by right in the zoning district.

2. **Validity Limit.**

a. Approval shall become effective immediately.

b. The Conditional Use Permit shall become null and void if the use

permit has not been exercised and the use established within twelve (12) months of the approval date. A Conditional Use Permit is exercised when the use has been established or when a building permit has been issued, construction commenced, and the building permit remains valid. A Conditional Use Permit shall be granted for a specified period of time, determined by the Town Council, as a term of conditions of the use permit.

c. If such use is abandoned or discontinued for a period of ninety (90) consecutive days, it may not be re-established unless reauthorized by the Town Council.

d. Amendments to Conditional Use Permits shall be processed in the same manner as the original permit, except that minor amendments may be authorized by the Zoning Administrator.

D. Temporary Use Permits. The Temporary Use Permit is a mechanism by which the Town may allow a use to be located within the Town on a short-term basis and by which it may allow seasonal or transient uses not otherwise allowed. Permissible temporary uses are those delineated within the individual zoning districts of this Ordinance. All temporary use permit applications shall be submitted to the Zoning Administrator not less than 35 days prior to the desired start date of the Temporary Use Permit.

1. **Approval Criteria.** As may be specified within each zoning district, uses permitted subject to a Temporary Use Permit shall be permitted only after review and recommendation by the Commission and review and approval by the Town Council. The Town Council shall have authority to require such reasonable conditions as necessary to protect the public health, safety and general welfare and to ensure that the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected. Approval shall be based on the applicant's ability to demonstrate that:

a. The proposed use is for a temporary use and will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to any adjacent property, to the neighborhood, or to the public in general;

b. The proposed use conforms with the conditions, requirements, or standards required by this Ordinance and any other applicable local, state, or federal requirements;

c. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties;

d. The location of the temporary use and any temporary structure is such that adverse effects on surrounding properties will be minimal with regards to the type of traffic generated, the amount of traffic generated, or the impact upon the traffic circulation in the area;

e. Adequate off-street parking will be provided to serve the use without displacing the required off-street parking spaces or loading areas of the principal permitted use on the site. The entrance and exit drives will be designed to prevent traffic hazards and nuisances;

f. Signage for temporary uses shall only be displayed within the time frame for which the Temporary Use Permit is valid and only with a sign permit issued in accordance with this Ordinance; and

g. Only one (1) Temporary Use Permit shall be permitted per parcel or lot at any given time. Permanent structures shall not be permitted under a temporary use permit.

2. **Validity Limit.**

a. The Temporary Use Permit shall be valid for the use for which the permit was granted for the length of time indicated on the permit as long as the use is in compliance with the conditions of approval and other applicable ordinances.

b. A Temporary Use Permit for a temporary structure shall be limited to a period of time not to exceed six (6) months from the date of approval unless otherwise outlined in this Ordinance. The Temporary Use Permit may be renewed provided that the property owner submits satisfactory evidence to the Zoning Administrator that the need for such temporary structure continues to exist.

c. In no case, shall the termination date of a Temporary Use Permit be automatically extended as a result of a delay on the applicant's part to comply with the conditions stipulated in the Temporary Use Permit.

d. Time extensions for a Temporary Use Permit shall be processed in the same manner as the original permit.

Section 3.5 Variances.

A. **Purpose.** The Board of Adjustment may decide appeals of administrative interpretations and decisions as well as authorize a departure from the zoning regulation terms, but not to the permitted uses. Notification for variance requests shall follow the requirements set forth in A.R.S. §9-462.06 and Section 3.1 of this Ordinance.

B. **Application.** A variance request shall be made by filing an application with the Zoning Administrator and paying the required application fee. The application shall be accompanied by a development plan showing such information as the Zoning Administrator may reasonably require for purposes of this Ordinance. The plans shall contain sufficient information for the Board to make a proper decision on the matter. In all cases, the application shall address the following hardship criteria:

1. There are existing special circumstances or conditions applicable to the property referred to in the application, including its size, shape, topography, location, or surroundings, to which the strict application of this Ordinance will deprive such property of privileges enjoyed by other properties of the same classification in the same zoning district.

2. The above special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant.

3. The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in this zoning district.

4. The variance authorization will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

C. **Variance Requests.** A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with all hardship criteria established in A.R.S. §9-462.06 and in Section 3.5 (B) of this Ordinance.

<u>Pursuant to State Statutes, the Board may not</u>:

1. Make any changes in the uses permitted in any zoning classification or zoning district.

2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

D. **Appeal of Decision.** Any person, entity, or group aggrieved by a decision under this Ordinance may be party to an appeal hearing as provided by in Section 3.7 of this Ordinance

E. **Validity Limit.** Rights and privileges established by the granting of a variance

shall be exercised within six (6) months following the date of approval unless the Board specifies a different time limit at the time the variance is granted. A variance that is not exercised within the time limits specified shall become null and void.

Section 3.6 Site Plan Review

A. Purpose. The purpose of the site plan review is to promote the safe, functional and aesthetic development of property and to ensure that all new non-residential, multiple residential, commercial and industrial structures and the associated; utilities, streets, parking, circulation systems, lighting, signage, drainage and landscaping are developed in conformance with the standards of this Ordinance. The site plan review shall consider the proposed development and the relationship of the project to adjacent developments and the community. No building permit shall be issued until approved by the Zoning Administrator and then such issuance shall only be in accordance with the plans and stipulations as approved by the Zoning Administrator.

B. Application.

1. Site Plan Review shall be required for all development and construction within every zoning district within the Town of Thatcher; except for interior tenant improvements:

2. Site Plan Review shall also be required for any public or quasi-public facility, community facility, or places of public assembly regardless of the zoning district in which they are proposed to be located.

3. If the proposed development requires a zoning change (rezoning) or a Conditional Use Permit, the site plan shall be submitted with the rezoning or use permit application and considered concurrently. For proposed developments that do not require rezoning or a use permit, the site plan must be approved prior to submittal for a building and/or grading permit.

4. All applications shall be filed on a form provided by the Zoning Administrator and shall be accompanied by the required fee and all required materials as outlined on the application. Depending upon the specific development circumstances and at the discretion of the Zoning Administrator, additional materials and/or studies may be required by the Town at its discretion to adequately review the application.

C. Submittal Requirements. The specific information/materials to be submitted for a single residence Site Plan Review may be found on the application form available from the Zoning Administrator. All Site Plan Review applications,

other than single residence, shall comply with the submittal requirements as outlined below and as may be specified on the Site Plan Review application form:

1. A map showing the particular property or properties for which the Site Plan Review application is being requested. This map shall indicate the future land use designation for the site, a legal description of the site, and the locations, dimensions and descriptions of all existing or proposed easements. This map shall also show the adjacent properties, buildings and structures, land uses, zoning designations, public streets and ways, and private access ways.

2. A detailed land use/development plan at a scale of one inch equals one hundred feet (1"=100 ft.), which at a minimum shall include the following:

    a. A site plan drawn to scale and in such a manner as to indicate clearly and precisely what is planned for the subject property, including but not limited to, the location and arrangement of all proposed uses and structures, storage areas, service or loading areas, service areas for mail delivery and trash enclosures, walls or fences, freestanding signs and exterior lighting, parking areas, on-site drainage areas, and landscape areas.

    b. The location, arrangement and dimensions of all proposed lots if applicable.

    c. Topography, at no more than two (2) foot intervals, showing existing and proposed grades and drainage systems, and natural and manmade features with indication as to which are being retained and which are to be altered or removed.

    d. All buildings and structures existing and proposed; including the percentage of the site covered by structures and percentage covered by impervious surfaces.

    e. Proposed street dedications, improvements and utility plans.

    f. The traffic and pedestrian circulation systems, including the location and width of all streets, driveways, entrances to parking areas, walkways and bicycle paths.

    g. Off-street parking facilities including the number of spaces and dimensions of parking areas, loading bays, service access drives, and landscaping for the parking areas.

    h. The amount of open space provided, the location and type of open space, the proposed reservation for parks, parkways, playgrounds, recreation areas, pedestrian access and other open

space areas.

i. Proposed landscaping including; size, type and location; the native vegetation that will be salvaged; walls and fences; outdoor lighting; signs; and outdoor storage and activities.

3. Building drawings including floor plans and elevations of all principal and accessory structures; noting exterior finish materials and color.

4. A Soils Report may be required.

5. A Hydrology and/or Drainage Report may be required.

6. The Town reserves the right to waive certain submittal requirements if found to be unnecessary for a particular application. Conversely, the Town reserves the right to require additional information, material, and the submission of relevant studies to assist in the adequate review of the request.

D. Procedures.

1. All projects subject to Site Plan Review must be reviewed and approved by the Zoning Administrator, or by the Town Council if in conjunction with a Rezoning or Conditional Use Permit, prior to submitting for building plan review. All Site Plan Review applications, for which Rezoning or a Conditional Use Permit is also required, shall be submitted along with the appropriate applications and processed in accordance with Section 3.1 of this Ordinance.

2. At the discretion of the Zoning Administrator, the applicant may be required to hold a neighborhood meeting if in the opinion of the Zoning Administrator the project may impact the adjacent neighborhood.

E. Scope of Action.

1. Approval shall become effective immediately if no other actions are required. If the site plan review is in conjunction with a request for rezoning, the approval of the petition to rezone the land may not be enacted as an emergency measure, and the rezoning and the site plan shall not become effective for at least 30 days after Town Council approval.

2. A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure for a period of two (2) years.

3. Any amendments or modifications to an approved site plan shall be processed in the same manner as the original application.

4. A "Certificate of Occupancy" shall not be issued if development activities do not conform to the approved site plan.

Section 3.7 Appeals

A. Appeals of Board of Adjustment Decision. A person aggrieved or affected by a Board of Adjustment decision may file a complaint for special action in Superior Court to review the Board's decision at any time within thirty (30) days after the Board has rendered its decision.

B. Appeal of Zoning Administrator Interpretation. A person aggrieved by an interpretation of this Ordinance made by the Zoning Administrator may appeal said interpretation to the Board of Adjustment. In an appeal to the Board regarding an administrative interpretation, the Board's review shall be limited to determining whether the interpretation by the Zoning Administrator was in accordance with the intents and requirements of this Ordinance. Accordingly, the Board may reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator.

1. Any person aggrieved or affected by an interpretation made by the Zoning Administrator may appeal to the Board of Adjustment, by filing a written request with the Zoning Administrator. Upon receiving a written appeal, the Zoning Administrator shall transmit to the Board of Adjustment all papers and pertinent data related to the appeal.

2. An appeal under this section must be filed within ten (10) working days from the date that the Zoning Administrator notified the applicant, in writing, of the decision. If no appeal is filed within the time specified, the Zoning Administrator's decision shall be final.

3. Stay of Proceedings. An appeal to the Board of Adjustment stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Board that, based on the facts stated, a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by restraining order granted by the Board or by a court of record on application and notice to the Zoning Administrator. Proceedings shall not be stayed if the appeal requests relief, which has previously been denied by the Board except pursuant to a special action in Superior Court as provided for in state law

C. Appeal of Zoning Administrator Decisions.

1. Any person aggrieved or affected by a Zoning Administrator's decision on a Site Plan Review, Administrative Use Permit or a Minor Land Split, may appeal to the Town Council by filing a written request with the Zoning Administrator. Upon receiving a written appeal, the Zoning Administrator shall transmit to the Town Council all papers and pertinent data related to the appeal.

2. An appeal under this section must be filed within ten (10) working days from the date that the Zoning Administrator notified the applicant, in writing, of the decision. If no appeal is filed within the time specified the Zoning Administrator's decision shall be final.

3. The Town Council shall fix a time for the Appeal and give notice to the interested parties and to the public as required by Section 3.2 of this Ordinance.

4. Stay of Proceedings. An appeal to the Town Council stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Town Council that, based on the facts stated, a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed except by restraining order granted by the Town Council or by a court of record on application and notice to the Zoning Administrator. Proceedings shall not be stayed if the appeal requests relief, which has previously been denied by the Town Council except pursuant to a special action in Superior Court as provided for in state law.

D. Appeals of Dedications and Exactions.

1. Appeals of a required dedication or exaction filed pursuant to A.R.S. §9-500.12 and of a zoning regulations alleged to create a taking pursuant to A.R.S.§9-500.13 shall comply with the procedures of A.R.S.§9-500.12G.

2. Appeals shall be filed only by a property owner or by a property owner's authorized representative. Appeals shall be filed on a form established by the Zoning Administrator within thirty (30) days of the date of the final action imposing the dedication or exaction or adopting or amending the zoning regulation.

Section 3.8 Specific Area Plans

A. Purpose. In accordance with the provisions of Arizona Law, the Town Council may approve and/or amend Specific Area Plans and regulations. Specific Area Plans, and amendments thereto, may be initiated by Town Council, Commission, the Zoning Administrator, or by the property owner or by the property owner's authorized representative.

B. Application.

1. All applications shall be filed on a form provided by the Zoning Administrator and shall be accompanied by the required fee and all required materials as outlined in this Ordinance and/or on the application. Depending upon the specific circumstances of the plan or amendment, additional materials and/or studies may be required by the Town at its discretion to adequately review the application.

2. By resolution, the Town Council may establish a schedule prescribing when and how frequently Specific Area Plans and regulations will be considered.

C. Procedures. Application processing and public hearings for amendments to a Specific Area Plan and its regulations shall be done in accordance with the A.R.S. §9-461.09 and this Ordinance.

D. Subsequent Applications. In the event that an application for, or an amendment to, a Specific Area Plan and regulation is denied by the Town Council or that the application is withdrawn after the Commission hearing, the Town shall not accept another application for the same plan and/or amendment within twelve (12) months of the original hearing unless agreed to by a super majority three-fourths (¾) vote of the Town Council.

Section 3.9 General Plan Amendments

A. Purpose. The General Plan is an evolving document that is designed to change based on community needs. The purpose of a General Plan Amendment is to facilitate reasonable changes in effort to maintain a livable and sustainable environment that is sensitive to issues that impact where people live, learn, work and play. In accordance with the provisions of Arizona Law, the Town Council may update and amend the General Plan. Such amendments or changes may be initiated by the Council, Commission, the Zoning Administrator or by a property owner or the property owner's authorized representative.

B. Application. All applications shall be filed on a form provided by the Zoning Administrator and shall be accompanied by the required fee and all required materials as outlined in this Ordinance and/or on the application. Depending upon the specifics circumstances of the amendment, additional materials and/or studies may be required by the Town at its discretion to adequately review the application.

C. Procedures. There are two (2) types of amendments to the General Plan: minor amendments and major amendments. Any change to the maps or text of the General Plan, is an amendment to the General Plan. Specific Area Plans are

amendments to the General Plan. Application processing and public hearings for any type of General Plan Amendment shall be done in accordance with A.R.S. §9-461.06, this Ordinance, and those provisions prescribed in the Town of Thatcher General Plan.

1. A "Major Amendment" to the General Plan must be filed prior to June 30th of every calendar year in order to be heard at the one (1) Town Council hearing designated each calendar year to review major amendments to the General Plan. Any major amendment must first be submitted for Commission review and recommendation. The Town Council hearing will occur between October 1 and December 31 within the calendar year the application was submitted. Major Amendments shall require an affirmative vote of at least two-thirds (2/3) of the Council.

2. A "Minor Amendment" to the General Plan may be submitted independently at any time or processed concurrently with a development application or application for rezoning subject to Town policies and procedures.

D. Approval Criteria. In determining whether the proposed General Plan Amendment shall be approved, the Commission and Town Council shall assure that the proposed amendment meets all of the following criteria:

1. The development pattern contained in the existing General Plan - Land Use Plan does not adequately provide appropriate optional sites for the use or change proposed in the amendment.

2. The amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

3. The amendment will not adversely impact the community as a whole or a portion of the community by:

    a. Significantly altering acceptable existing land use patterns,

    b. Requiring additional and more expensive improvements to roads, sewer, or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,

    c. Adversely impacting existing or previously planned uses through increased traffic generated by the proposal on existing systems, or

    d. Affecting the livability of the area or the health and safety of the residents.

4. The amendment is consistent with the General Plan's overall intent, vision, goals and objectives as well as being compliant with other adopted plans, codes, and ordinances.

E. **Burden of Proof.** It shall be the burden of the party requesting the General Plan Amendment to prove that the change constitutes an improvement to the General Plan. It shall not be the burden of the Town to provide a reason that an amendment should be denied.

(End of Article)

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CHAPTER 153, ARTICLE 4: Zoning Districts and Map

Section 4.0 **Purpose.** The Town of Thatcher General Plan establishes land use designations for Residential, Commercial, Mixed-Use, Employment, Public/Institutional and Parks/Open Space. This Ordinance designates zoning districts that classify and regulate the land uses within the zoning districts to:

A. Implement the goals, objectives, and policies of the Town of Thatcher General Plan;

B. Conserve and promote the public health, safety and general welfare;

C. Encourage the most appropriate use of land throughout the Town and to ensure logical and orderly growth and development of the physical elements of the Town;

D. Conserve and enhance the economic, social, cultural and aesthetic values of the Town;

E. Protect, maintain, and improve the integrity and character of the established neighborhoods, regulate new development, and improve the Town's overall quality of life.

Section 4.1 Establishment of Zoning Districts.

A. **Zoning Districts.** In accordance with the authority granted in the A.R.S. §9-462.01.B, the Town of Thatcher is divided into the following zoning districts and overlay districts, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference:

1. Single Residence Zoning Districts: (Article 5)

   "R1-43" Agricultural Residential - minimum 1 acre/dwelling unit.
   "R1-22" Low Density - minimum 22,000 square feet/dwelling unit.
   "R1-10" Low Density - minimum 10,000 square feet/dwelling unit.
   "R1-8" Medium Density - minimum 8,000 square feet/dwelling unit.

2. Multiple Residence Zoning Districts: (Article 6)

   "R-2" **Medium Density Residential**
   "R-3" Medium Density Residential
   "R-4" High Density Residential

3. Commercial Zoning Districts: (Article 7)

   "NC" Neighborhood Commercial

"C-1" General Commercial
"C-2" Highway Commercial
"MU" Mixed-Use

4. Industrial Zoning District: (Article 8)

"I-1" Light Industrial
"I-2" General Industrial

5. **"MH"** Manufactured Home Zoning District (Article 9)

6. **"OS"** Open Space Zoning District (Article 10)

7. **"P-I"** Public-Institutional Zoning District (Article 11)

8. Overlay Zoning Districts: (Article 12)

"TND" Traditional Neighborhood Development Overlay
"RV" Recreational Vehicle Overlay

B. **Additional Districts.** Additional zoning districts may be added from time to time upon recommendation from the Planning and Zoning Commission to the Town Council. Proposed changes to the zoning district regulations or the Official Zoning Map, including the addition of new districts, may be submitted by the Planning and Zoning Commission, Zoning Administrator, Town Council, or any other interested party.

Section 4.2 Zoning Map.

A. The locations and boundaries of the zoning districts shall be designated on the Town of Thatcher Zoning Map (the "Official Zoning Map") and said map and all notations, references and other information shown thereon, shall be included in this Ordinance as if the matters and other information set forth by said map were all fully described herein.

B. The Official Zoning Map, dated and signed by the Mayor and attested to by the Town Clerk, shall be located in the office of the Zoning Administrator and shall be the final authority in determining current zoning status.

C. No changes of any nature shall be made in the Official Zoning Map except in conformity with the procedures set forth in this Ordinance. Whenever amendments or changes are made in zone boundaries, such amendments or changes shall be made on the Official Zoning Map when officially adopted by the Town Council.

Section 4.3 District Boundaries.

A. Where uncertainty exists concerning the boundaries of any zoning district shown on the Official Zoning Map, the following rules shall apply:

1. Where the intended boundaries on the Official Zoning Map are approximately street or alley lines or the centerlines thereof, said street or alley lines shall be construed to be the zoning district boundaries.

2. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zoning district boundaries.

3. Where the indicated zoning district boundaries are approximately following the line of any stream or other waterway, the center of such stream or waterway shall be construed to be the zoning district boundaries.

4. Where zoning district boundary lines are fixed by dimensions shown on the Zoning Map, such dimensions shall govern. Where land has not been subdivided into lots, the zoning district boundary shall be determined by the use of the scale of measurement shown on the Official Zoning Map.

5. Whenever any street, alley or other public way is vacated by the Town Council as set forth in A.R.S. §9-240-B-3(e), the zoning districts adjoining each side of such street, alley or public way shall be considered as extended to the center of such vacation and all areas included in the vacation shall then be subject to all appropriate regulations of those zoning districts. Upon motion by the Town Council, such vacated public way may be designated as all or part of adjacent districts.

B. The Zoning Administrator shall have the authority to interpret and determine the final decision regarding any dispute as to the boundary(ies) and/or location of property(ies) within a zoning district or where other uncertainty exists regarding the Official Zoning Map.

C. Conditions imposed by special ordinance in conjunction with amendments to the Zoning Map may be referenced to separate files maintained in the office of the Zoning Administrator and are hereby made a part of the Official Zoning Map.

Section 4.4 Establishing Town Zoning in Annexed Areas.

Pursuant to A.R.S. §9-462.04 (E), Thatcher may enact an ordinance authorizing county zoning to continue in effect until the Town zoning is applied to land previously zoned by the county and annexed by the Town, but in no event for longer than six (6) months after the annexation

Section 4.5 **Regulations Within Zones.** Within each of the zones, the use, location, height, and size of buildings and structures, the use of land and the size of lots, yards, courts, and other open spaces and the density of population are regulated as set forth in the following articles of this Ordinance.

(End of Article)

CHAPTER 153, ARTICLE 5: Single Residence Zoning Districts

Section 5.0 General Requirements.

A. Purpose and Zones. The Single Residence Districts are designed to provide for a range of single-dwelling neighborhoods. The purpose of these districts is to promote and preserve single-family residential land uses, protect the stability of existing neighborhoods, encourage desirable new residential developments that provide housing choices to complement the many lifestyles of Thatcher's residents. It is also the intent of these districts to accommodate the needs of single residence neighborhoods by providing for associated, limited, non-residential uses. The Single Residence Zoning Districts are as follows:

1. "R1-43" Agricultural Residential Zoning District
2. "R1-22" Low Density Residential Zoning District
3. "R1-10" Low Density Residential Zoning District
4. "R1-8" Medium Density Residential Zoning District

B. Permitted Uses. Permitted uses shall only be those uses listed as permitted by right within the zoning district; all other uses are prohibited. Permitted uses are subject to all applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and for which the town has not issued an approval.

C. Conditional Uses. Conditional uses shall only be those uses listed as permitted as a conditional use, temporary use or administrative use within the zoning district and only after review and approval of a Conditional Use Permit, a Temporary Use Permit or an Administrative Use Permit in accordance with Section 3.4 of this Ordinance. All other uses are prohibited. Conditional uses are subject to all other applicable standards of this Ordinance and those that may be imposed by the decision-making body for the required use permit.

D. Review Process. Site plan review, by the Zoning Administrator, is required for all single residence dwellings prior to the issuance of a building and/or grading permit. Applications and submittal requirements for single residence construction can be obtained from the Zoning Administrator. All non-residential construction within any single residence zoning district shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fee shall accompany all applications.

E. Design and Development Standards. The site design standards, architectural guidelines, and the individual development regulations required for each specific single residence zoning district are outlined in Section 5.5, Table No. 2, and Table No. 3 contained herein. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

F. Compliance with Other Provisions.

1. Supplementary Requirements. The supplementary requirements in Article 13 herein shall apply.

2. Parking Regulations. The parking regulations in Article 14 herein shall apply.

3. Signs. All signage proposed shall comply with Article 15 herein.

4. Outdoor Lighting. All outdoor lighting shall comply with Article 16 herein.

Section 5.1 "R1-43" Agricultural Residential Zoning District.

A. Purpose. The purpose of this zoning district is to represent those areas of the community that are set aside especially for families wishing to maintain a limited and/or small-scale agrarian lifestyle (i.e. maintaining agricultural animals) in a residential environment on lots with a minimum area of one (1) acre. In order to protect the health of the zone's inhabitants and to prevent the emission of excessive odor and dust, limitations as to the number of animals are imposed. It will be expected that a certain amount of odor and dust associated with agrarian uses will be present in this district. Individuals choosing to live in this zone should expect to encounter these odors and dust on a regular basis.

B. Permitted Uses in the "R1-43" Zoning District.

1. One (1) single-residence detached dwelling unit per lot of record.

2. Farms and/or ranches and related activities for the production of crops, including vegetable garden plots and/or raising of livestock limited to domestic use, family food production, and youth projects. Farm and ranch uses shall be in compliance with the following standards:

   a. Application of pesticides shall comply with the buffer requirements of A.R.S. §3-365 as it relates to schools, daycares and adjacent residential uses.

   b. Animals must be contained and the containment must be within the buildable area of the lot. Only temporary pasturing and grazing activity may occur outside of the buildable area of the lot.

   c. Ranch uses may include the following equine activities: boarding, breeding, training, and the sale of animals owned by the rancher.

   d. All activity and pasture areas shall be grassed, sprinkled or treated with regularly tilled organic soil mix for dust suppression.

e. All feeding areas, buildings and corrals used for the keeping, housing or covering of livestock shall be located in the rear yard and set back a distance of not less than forty feet (40') from any residential dwelling.

3. Plant nurseries and greenhouses for the propagation, cultivation, and distribution of plants on the premises; without retail sales.

4. Group care homes for the elderly and handicapped, provided that:

   a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;

   b. The home contains six (6) or fewer residents, not including staff, in accordance with A.R.S. §36-582;

   c. No signage, graphics, display or other visual means of identifying the group home shall be visible from the public sidewalk or street;

   d. Such home is licensed by the State of Arizona Department of Health Services;

5. Public utility buildings and facilities when necessary for serving the surrounding territory; provided that no public business office and no repair or storage facilities are maintained therein.

6. Public and private parks and playgrounds.

7. Public and private homeowner's association owned recreational amenities and facilities.

8. Home Occupation in compliance with regulations prescribed in Article 13 of this Ordinance.

9. Accessory structures and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

C. Administrative Uses in the "R1-43" Zoning District.

1. Roadside produce stands offering for sale only garden and orchard products produced on the premises.

2. Private or commercial apiaries in accordance with all applicable State regulations.

3. Model homes or temporary sales office pertaining to the sale of homes being constructed in the immediate subdivision. In the review for a model home or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a three (3) year period, or until all lots in the subdivision are sold, whichever occurs first. The office shall be removed upon completion of the development.

4. Temporary construction site trailer pertinent to the construction of the homes and public improvements within the immediate subdivision.

5. One (1) guesthouse may be permitted on the same lot as a principal residence, provided the guesthouse complies with the following standards:

    a. The guesthouse must comply with the accessory building development regulations as outlined in Article 13 and all other applicable provisions of this Ordinance.

    b. A single common driveway shall serve both the principal residence and the guesthouse.

    c. The guesthouse may not exceed fifty (50) percent of the gross square footage of the livable area of the primary structure.

    d. The guesthouse must be connected to all of the primary structure's electric, water and gas meters.

    e. The guesthouse may not be used for any commercial or non-residential uses.

    f. A guesthouse may not be used for rental purposes.

    g. The guesthouse may be used by the same person and/or group for not more than thirty (30) consecutive days and by the same person and/or group not more than five (5) times per calendar year; unless a Temporary Use Permit is obtained for a longer duration and/or more times per year.

6. A single travel trailer or certified manufactured home, to be placed on a lot for temporary dwelling, while the permanent residence is being constructed on the same lot; with the following standards:

    a. Shall not exceed one (1) year from the issuance date of permit.

b. The manufactured home meets the most current HUD Code standards, is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, complies with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and is in good physical condition structurally and cosmetically.

c. The applicant has posted a five hundred (500) dollar bond with the Town guaranteeing the removal of the temporary dwelling (travel trailer or manufactured home) from the lot at the issuance of the permanent residence certificate of occupancy or within one (1) year whichever is less.

7. Amateur (ham) towers and antennas as approved in accordance with the requirements of Article 18 of this Ordinance.

D. Conditional Uses in the "R1-43" Zoning District.

1. Quarters for farm workers or caretakers employed on the premises subject to the following provisions:

   a. The residential units for farm employees shall not be used for any commercial or non-residential uses, leased to non-farm employees and/or otherwise used for income purposes.

   b. A recreational vehicle may be used for accessory agricultural living purposes provided it is placed only within the buildable area of the lot, and shall not be occupied for more than four (4) months out of any twelve (12) month period.

2. Retail sales in conjunction with a plant nursery or greenhouse for the sale of plants propagated or cultivated on the premise.

3. Retail operations such as, but not limited to, "you-pick" facilities, farmers market, and butcher shop for the sale of farm/ranch products generally produced on the premises provided the site has appropriate access, parking, and public facilities.

4. Veterinarian hospitals and clinics for both large and small animals and the associated corrals, pens and kennels used for the keeping of animals while under veterinary care.

5. Wireless communication towers and antennas, in limited locations, as approved in accordance with the requirements of Article 18 of this Ordinance and provided they are not located in areas near or surrounded by field crops where aerial spray applications may occur.

6. Commercial riding stables, boarding stables, and/or commercial ranch provided there is a minimum of ten (10) acres and only after it has been found to be in compliance with the following standards:

   a. There shall be no more than eight (8) agricultural animals/acre with a total of no more than 100 animals/facility at any given time under any circumstance.

   b. An attendant must be in residence on the property of any commercial ranch.

   c. All livestock structures, containment areas of facilities used for the stabling, storing, showing or training of livestock and for temporary manure storage shall be set back a minimum of fifty (50) feet from any property line and at least one hundred (100) feet from any other residences. Normal setbacks apply to all other structures and uses.

   d. No shows or other activities that would generate more vehicular traffic than is normal to an area with single-family residences are permitted unless the site has immediate access to a major or collector street. Occasional small shows may be allowed per stipulations of the Conditional Use Permit. Adequate parking for daily activities and additional parking, as determined by the Zoning Administrator, must be provided for shows or other special events.

   e. All livestock turnout areas and pens shall be enclosed with fences at least five feet in height. The design of these enclosures shall be shown on drawings submitted with the conditional use permit application.

   f. A specific plan for the physical containment and location of manure storage and/or disposal, which minimizes odor and fly impacts on adjacent lots or parcels, must be provided. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered manure disposal.

   g. The applicant must provide a specific program for fly control in barn and stable areas that minimizes the attraction and breeding of flies.

   h. All activity and pasture areas shall be grassed, sprinkled or treated with regularly tilled organic soil mix for dust suppression.

   i. With the exception of the principal residence and its accessory structures, upon revocation of the commercial ranch conditional

use permit or abandonment of the operation, all structures shall be removed.

j. Failure to maintain any of the standards described above is grounds for revocation of the conditional use permit.

k. In the review for a commercial riding stables, boarding stables, and/or commercial ranch, the Town may also consider lighting, landscaping, hours of operation, signage, plan of operation, and neighborhood impact.

7. Publicly owned or operated libraries, fire stations and police stations.

E. Temporary Uses in the "R1-43 Zoning District.

1. A single manufactured home for temporary dwelling of the resident's parent(s) with the following standards:

   a. All manufactured homes shall be required to meet the most current HUD Code standards, be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, comply with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and be in good physical condition structurally and cosmetically.

   b. Upon the death of the resident's parent(s) that live in the manufactured home the Temporary Use Permit shall terminate.

2. A guesthouse for temporary dwelling of the resident's parent(s) provided that upon the death of the resident's parent(s) that live in the guesthouse the Temporary Use Permit shall terminate.

3. A recreational vehicle or travel trailer for temporary dwelling of the resident's parent(s) with the following standards:

   a. The recreational vehicle or travel trailer shall be hooked up to the Town's sanitary sewer system. The use of the units holding tank is not permissible.

   b. Upon the death of the resident's parent(s) that live in the recreational vehicle or travel trailer the Temporary Use Permit shall terminate.

4. The use of a guesthouse by a person and/or group for more than thirty (30) consecutive days and/or by the same person and/or group more than five (5) times per calendar year.

Section 5.2 "R1-22" Low Density Residential Zoning District.

A. **Purpose**. The purpose of this zoning district is to provide for low density single residence development on lots with a minimum area of twenty two thousand (22,000) square feet and in areas where adequate public facilities and services are available. The intent of this district is to encourage a large lot neighborhood environment where more personal amenities can be provided privately on the individual lots.

B. **Permitted Uses in the "R1-22" Zoning District**.

1. One (1) single-residence detached dwelling unit per lot of record.

2. Group care homes for the elderly and handicapped, provided that:

    a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;

    b. The home contains six (6) or fewer residents, not including staff, in accordance with A.R.S. §36-582;

    c. No signage, graphics, display or other visual means of identifying the group home shall be visible from the public sidewalk or street;

    d. Such home is licensed by the State of Arizona Department of Health Services;

3. Flower and vegetable gardening, and orchards, provided that agri-business shall not be carried out upon the premises.

4. Animals that are considered customary household pets with the following limitations:

    a. Limited to a combined total of two (2) small animals (i.e. dogs, cats, or other small mammals) exclusive of animals under the age of four (4) months, provided that horses, cows, goats, and other hoofed animals shall not be permitted only in compliance with Article 13 of this Ordinance;

    b. Up to twelve (12) birds provided they are kept within a fully enclosed building or accessory structures, and which do not create odor or sound that is detectable on an adjoining lot.

5. Public and private parks and playgrounds.

6. Public and private homeowner's association owned recreational amenities and facilities.

7. Public and private utility installations for gas, electric, water, wastewater or communications including booster stations and lift stations.

8. Accessory buildings and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

9. Home occupations in compliance with regulations prescribed in Article 13 of this Ordinance.

C. Administrative Uses in the "R1-22" Zoning District.

1. Group care homes for the elderly and handicapped, provided that:

   a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;

   b. The home contains more than six (6) residents, not including staff, in accordance with A.R.S. §36-582;

   c. No signage, graphics, display or other visual means of identifying the group home shall be visible from the public sidewalk or street;

   d. Such home is licensed by the State of Arizona Department of Health Services;

   e. Such home is licensed with, and administratively approved by the Town, as to compliance with the standards of this Ordinance.

2. Child care, Home-based. Home-based child care shall comply with all the State of Arizona Department of Health Services regulations for licensing.

3. Model homes or temporary sales office pertaining to the sale of homes being constructed in the immediate subdivision. In the review for a model home or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a three (3) year period, or until all lots in the subdivision are sold, whichever occurs first. The office shall be removed upon completion of the development.

4. Temporary construction site trailer pertinent to the construction of the homes and public improvements within the immediate subdivision.

5. Temporary uses such as revivals, carnivals, circus, auctions, holiday or seasonal boutiques in association with a school or religious institution.

6. One (1) guesthouse may be permitted on the same lot as a principal residence, provided the guesthouse complies with the following standards:

    a. The guesthouse must comply with the accessory building development regulations as outlined in Article 13 and all other applicable provisions of this Ordinance.

    b. A single common driveway shall serve both the principal residence and the guesthouse.

    c. The guesthouse may not exceed fifty (50) percent of the gross square footage of the livable area of the primary structure.

    d. The guesthouse must be connected to all of the primary structure's electric, water and gas meters.

    e. The guesthouse may not be used for any commercial or non-residential uses.

    f. A guesthouse may not be used for rental purposes.

    g. The guesthouse may be used by the same person and/or group for not more than thirty (30) consecutive days and by the same person and/or group not more than five (5) times per calendar year; unless a Temporary Use Permit is obtained for a longer duration and/or more times per year.

7. A single travel trailer or certified manufactured home, to be placed on a lot for temporary dwelling, while the permanent residence is being constructed on the same lot; with the following standards:

    a. Shall not exceed one (1) year from the issuance date of permit.

    b. The manufactured home meets the most current HUD Code standards, is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, complies with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and is in good physical condition structurally and cosmetically.

    c. The applicant has posted a five hundred (500) dollar bond with the Town guaranteeing the removal of the temporary dwelling (travel trailer or manufactured home) from the lot at the issuance

of the permanent residence certificate of occupancy or within one (1) year whichever is less.

8. Amateur (ham) radio towers and antennas as approved in accordance with the requirements of Article 18 of this Ordinance.

D. Conditional Uses in the "R1-22" Zoning District.

1. Public schools (K-12).

2. Private schools, including charter schools, with a curriculum substantially the same as customarily offered in public schools (K-12).

3. Religious institutions; including clergy housing.

4. Publicly owned or operated libraries, fire stations and police stations.

5. Wireless communication towers and antennas, in limited locations, as approved in accordance with the requirements of Article 18 of this Ordinance.

E. Temporary Uses in the "R1-22" Zoning District.

1. A single manufactured home for temporary dwelling of the resident's parent(s) with the following standards:

   a. All manufactured homes shall be required to meet the most current HUD Code standards, be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, comply with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and be in good physical condition structurally and cosmetically.

   b. Upon the death of the resident's parent(s) that live in the manufactured home the Temporary Use Permit shall terminate.

2. A guesthouse for temporary dwelling of the resident's parent(s) provided that upon the death of the resident's parent(s) that live in the guesthouse the Temporary Use Permit shall terminate.

3. A recreational vehicle or travel trailer for temporary dwelling of the resident's parent(s) with the following standards:

   a. The recreational vehicle or travel trailer shall be hooked up to the Town's sanitary sewer system. The use of the units holding tank is not permissible.

   b. Upon the death of the resident's parent(s) that live in the

recreational vehicle or travel trailer the Temporary Use Permit shall terminate.

4. The use of a guesthouse by a person and/or group for more than thirty (30) consecutive days and/or by the same person and/or group more than five (5) times per calendar year.

Section 5.3 "R1-10" Low Density Residential Zoning District.

A. Purpose. The purpose of this zoning district is to promote and preserve urban single-residence development on lots with a minimum area of ten thousand (10,000) square feet. The intent of this district is to encourage a traditional neighborhood environment.

B. Permitted Uses in the "R1-10" Zoning District.

1. One (1) single-residence detached dwelling on any lot or parcel of record.

2. Public utility services and facilities when necessary for serving the surrounding territory, and providing that no public business offices and no repair or storage facilities are maintained therein.

3. Public and private parks and playgrounds.

4. Public and private homeowner's association owned recreational amenities and facilities.

5. Flower and vegetable gardening, provided that agri-business shall not be carried on upon the premises and provided further that obnoxious fertilizer shall not be stored and obnoxious soil renovation shall not be carried out upon the premises.

6. Child care, Home-based. Home-based child care shall comply with all the State of Arizona Department of Health Services regulations for licensing.

7. Home occupations in compliance with regulations prescribed in Article 13 of this Ordinance.

8. Accessory buildings and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

9. Animals that are considered customary household pets with the following limitations:

a. Limited to a combined total of two (2) small animals (i.e. dogs, cats, or other small mammals) exclusive of animals under the age of four (4) months, provided that horses, cows, goats, and other hoofed animals shall not be permitted only in compliance with regulations prescribed in Article 13 of this Ordinance;

b. Up to twelve (12) birds provided they are kept within a fully enclosed building or accessory structures, and which do not create odor or sound that is detectable on an adjoining lot.

10. Group care homes for the elderly and handicapped, provided that:

a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;

b. The home contains six (6) or fewer residents, not including staff, in accordance with A.R.S. §36-582;

c. No signage, graphics, display or other visual means of identifying the group home shall be visible from the public sidewalk or street;

d. Such home is licensed by the State of Arizona Department of Health Services;

C. Administrative Uses in the "R1-10" Zoning District.

1. Group care homes for the elderly and handicapped, provided that:

a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;

b. The home contains more than six (6) residents, not including staff, in accordance with A.R.S. §36-582;

c. No signage, graphics, display or other visual means of identifying the group home shall be visible from the public sidewalk or street;

d. Such home is licensed by the State of Arizona Department of Health Services;

e. Such home is licensed with, and administratively approved by the Town, as to compliance with the standards of this Ordinance.

2. Model homes or temporary sales office pertaining to the sale of homes

being constructed in the immediate subdivision. In the review for a model home or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a three (3) year period, or until all lots in the subdivision are sold, whichever occurs first. The office shall be removed upon completion of the development.

3. Temporary construction site trailer pertinent to the construction of the homes and public improvements within the immediate subdivision.

4. Temporary uses such as revivals, carnivals, circus, auctions, holiday or seasonal boutiques in association with a school or religious institution.

5. One (1) guesthouse may be permitted on the same lot as a principal residence, provided the guesthouse complies with the following standards:

    a. The guesthouse must comply with the accessory building development regulations as outlined in Article 13 and all other applicable provisions of this Ordinance.

    b. A single common driveway shall serve both the principal residence and the guesthouse.

    c. The guesthouse may not exceed fifty (50) percent of the gross square footage of the livable area of the primary structure.

    d. The guesthouse must be connected to all of the primary structure's electric, water and gas meters.

    e. The guesthouse may not be used for any commercial or non-residential uses.

    f. A guesthouse may not be used for rental purposes.

    g. The guesthouse may be used by the same person and/or group for not more than thirty (30) consecutive days and by the same person and/or group not more than five (5) times per calendar year; unless a Temporary Use Permit is obtained for a longer duration and/or more times per year.

6. A single travel trailer or certified manufactured home, to be placed on a lot for temporary dwelling, while the permanent residence is being constructed on the same lot; with the following standards:

    a. Shall not exceed one (1) year from the issuance date of permit.

b. The manufactured home meets the most current HUD Code standards, is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, complies with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and is in good physical condition structurally and cosmetically.

c. The applicant has posted a five hundred (500) dollar bond with the Town guaranteeing the removal of the temporary dwelling (travel trailer or manufactured home) from the lot at the issuance of the permanent residence certificate of occupancy or within one (1) year whichever is less.

7. Amateur (ham) radio towers and antennas as approved in accordance with the requirements of Article 18 of this Ordinance.

D. Conditional Uses in the "R1-10" Zoning District.

1. Public schools (K-12).

2. Private schools, including charter schools, with a curriculum substantially the same as customarily offered in public schools (K-12).

3. Religious institutions; including clergy housing.

4. Publicly owned or operated libraries, fire stations and police stations.

5. Wireless communication towers and antennas, in limited locations, as approved in accordance with the requirements of Article 18 of this Ordinance.

6. Child care center, with no more than twenty (20) children total, in compliance with all the State of Arizona Department of Health Services regulations for licensing provided the lot meets the following standards:

a. The minimum area of the lot must be eleven thousand (11,000) square feet or larger.

b. The lot must be a corner lot with the frontage of both roadways being designated in the Thatcher General Plan – Transportation Element as an arterial or collector roadway.

c. The building shall comply with all setback and development standards of the residential zoning district.

d. The building shall be architecturally designed to be compatible in character (style, windows, doors, materials, and mass) with the

surrounding residential neighborhood.

7. Commercial retail use provided the lot meets the following standards:

   a. The minimum area of the lot must be eleven thousand (11,000) square feet or larger.

   b. The lot must be a corner lot with the frontage of both roadways being designated in the Thatcher General Plan – Transportation Element as an arterial or collector roadway.

   c. The building shall comply with all setback and development standards of the residential zoning district.

   d. The building shall be architecturally designed to be compatible in character (style, windows, doors, materials, and mass) with the surrounding residential neighborhood

   e. The maximum building size along with the permitted uses shall be limited to those allowed in the "NC" Zoning District as outlined in Article 7 of this Ordinance.

E. Temporary Uses in the "R1-10" Zoning District.

1. A single manufactured home for temporary dwelling of the resident's parent(s) with the following standards:

   a. All manufactured homes shall be required to meet the most current HUD Code standards, be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, comply with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and be in good physical condition structurally and cosmetically.

   b. Upon the death of the resident's parent(s) that live in the manufactured home the Temporary Use Permit shall terminate.

2. A guesthouse for temporary dwelling of the resident's parent(s) provided that upon the death of the resident's parent(s) that live in the guesthouse the Temporary Use Permit shall terminate.

3. A recreational vehicle or travel trailer for temporary dwelling of the resident's parent(s) with the following standards:

   a. The recreational vehicle or travel trailer shall be hooked up to the Town's sanitary sewer system. The use of the units holding tank is not permissible.

b. Upon the death of the resident's parent(s) that live in the recreational vehicle or travel trailer the Temporary Use Permit shall terminate.

4. The use of a guesthouse by a person and/or group for more than thirty (30) consecutive days and/or by the same person and/or group more than five (5) times per calendar year.

Section 5.4 "R1-8" Medium Density Residential Zoning District.

A. **Purpose**. The purpose of this zoning district is to promote and preserve urban single-residence development on lots with a minimum area of eight thousand (8,000) square feet. The intent of this district is to encourage a traditional neighborhood environment with affordable housing opportunities.

B. Permitted Uses in the "R1-8" Zoning District.

1. One (1) single-residence dwelling on any lot or parcel of record

2. Public utility services and facilities when necessary for serving the surrounding territory, and providing that no public business offices and no repair or storage facilities are maintained therein

3. Public and private parks and playgrounds.

4. Public and private homeowner's association owned recreational amenities and facilities.

5. Flower and vegetable gardening, provided that agri-business shall not be carried on upon the premises and provided further that obnoxious fertilizer shall not be stored and obnoxious soil renovation shall not be carried out upon the premises.

6. Child care, Home-based. Home-based child care shall comply with all the State of Arizona Department of Health Services regulations for licensing.

7. Home occupations in compliance with regulations prescribed in Article 13 of this Ordinance.

8. Accessory buildings and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

9. Animals that are considered customary household pets with the following limitations:

a. Limited to a combined total of two (2) small animals (i.e. dogs, cats, or other small mammals) exclusive of animals under the age of four (4) months, provided that horses, cows, goats, and other hoofed animals shall not be permitted only in compliance with regulations prescribed in Article 13 of this Ordinance;

b. Up to twelve (12) birds provided they are kept within a fully enclosed building or accessory structures, and which do not create odor or sound that is detectable on an adjoining lot.

10. Group care homes for the elderly and handicapped, provided that:

a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;

b. The home contains six (6) or fewer residents, not including staff, in accordance with A.R.S. §36-582;

c. No signage, graphics, display or other visual means of identifying the group home shall be visible from the public sidewalk or street;

d. Such home is licensed by the State of Arizona Department of Health Services;

C. Administrative Uses in the "R1-8" Zoning District.

1. Group care homes for the elderly and handicapped, provided that:

a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;

b. The home contains more than six (6) residents, not including staff, in accordance with A.R.S. §36-582;

c. No signage, graphics, display or other visual means of identifying the group home shall be visible from the public sidewalk or street;

d. Such home is licensed by the State of Arizona Department of Health Services;

e. Such home is licensed with, and administratively approved by the Town, as to compliance with the standards of this Ordinance.

2. Model homes or temporary sales office pertaining to the sale of homes

being constructed in the immediate subdivision. In the review for a model home or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a three (3) year period, or until all lots in the subdivision are sold, whichever occurs first. The office shall be removed upon completion of the development.

3. Temporary construction site trailer pertinent to the construction of the homes and public improvements within the immediate subdivision.

4. Temporary uses such as revivals, carnivals, circus, auctions, holiday or seasonal boutiques in association with a school or religious institution.

5. One (1) guest house may be permitted on the same lot as a principal residence, provided the guest house complies with the following standards:

    a. The guesthouse must comply with the accessory building development regulations as outlined in Article 13 and all other applicable provisions of this Ordinance.

    b. A single common driveway shall serve both the principal residence and the guesthouse.

    c. The guesthouse may not exceed fifty (50) percent of the gross square footage of the livable area of the primary structure.

    d. The guesthouse must be connected to all of the primary structure's electric, water and gas meters.

    e. The guesthouse may not be used for any commercial or non-residential uses.

    f. A guesthouse may not be used for rental purposes.

    g. The guesthouse may be used by the same person and/or group for not more than thirty (30) consecutive days and by the same person and/or group not more than five (5) times per calendar year; unless a Temporary Use Permit is obtained for a longer duration and/or more times per year.

6. A single travel trailer or certified manufactured home, to be placed on a lot for temporary dwelling, while the permanent residence is being constructed on the same lot; with the following standards:

    a. Shall not exceed one (1) year from the issuance date of permit.

b. The manufactured home meets the most current HUD Code standards, is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, complies with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and is in good physical condition structurally and cosmetically.

c. The applicant has posted a five hundred (500) dollar bond with the Town guaranteeing the removal of the temporary dwelling (travel trailer or manufactured home) from the lot at the issuance of the permanent residence certificate of occupancy or within one (1) year whichever is less.

7. Amateur (ham) radio towers and antennas as approved in accordance with the requirements of Article 18 of this Ordinance.

D. Conditional Uses in the "R1-8" Zoning District.

1. Public schools (K-12).

2. Private schools, including charter schools, with a curriculum substantially the same as customarily offered in public schools (K-12).

3. Religious institutions; including clergy housing.

4. Publicly owned or operated libraries, fire stations and police stations.

5. Wireless communication towers and antennas, in limited locations, as approved in accordance with the requirements of Article 18 of this Ordinance.

6. Child care center, with no more than twenty (20) children total, in compliance with all the State of Arizona Department of Health Services regulations for licensing provided the lot meets the following standards:

a. The minimum area of the lot must be nine thousand (9,000) square feet or larger.

b. The lot must be a corner lot with the frontage of both roadways being designated in the Thatcher General Plan – Transportation Element as an arterial or collector roadway.

c. The building shall comply with all setback and development standards of the residential zoning district.

d. The building shall be architecturally designed to be compatible in character (style, windows, doors, materials, and mass) with the

surrounding residential neighborhood.

7. Commercial retail use provided the lot meets the following standards:

   a. The minimum area of the lot must be nine thousand (9,000) square feet or larger.

   b. The lot must be a corner lot with the frontage of both roadways being designated in the Thatcher General Plan – Transportation Element as an arterial or collector roadway.

   c. The building shall comply with all setback and development standards of the residential zoning district.

   d. The maximum building size along with the permitted uses shall be limited to those allowed in the "NC" Zoning District as outlined in Article 7 of this Ordinance.

E. Temporary Uses in the "R1-8" Zoning District.

1. A single manufactured home for temporary dwelling of the resident's parent(s) with the following standards:

   a. All manufactured homes shall be required to meet the most current HUD Code standards, be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, comply with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and be in good physical condition structurally and cosmetically.

   b. Upon the death of the resident's parent(s) that lived in the manufactured home the Temporary Use Permit shall terminate.

2. A guesthouse for temporary dwelling of the resident's parent(s) provided that upon the death of the resident's parent(s) that live in the guesthouse the Temporary Use Permit shall terminate.

3. A recreational vehicle or travel trailer for temporary dwelling of the resident's parent(s) with the following standards:

   a. The recreational vehicle or travel trailer shall be hooked up to the Town's sanitary sewer system. The use of the units holding tank is not permissible.

   b. Upon the death of the resident's parent(s) that live in the recreational vehicle or travel trailer the Temporary Use Permit shall terminate.

4. The use of a guesthouse by a person and/or group for more than thirty (30) consecutive days and/or by the same person and/or group more than five (5) times per calendar year.

Section 5.5 Design and Development Standards

A. Site Design Standards. Housing should foster a sense of neighborhood through shared open space and a sense of community through linkage with surrounding neighborhoods.

1. All new residential developments (subdivisions) shall be subject to all requirements set forth in the Thatcher Subdivision Ordinance.

2. All residential developments, at the time of subdivision development and on a subdivision basis shall provide the minimum net acreage of open space as delineated in Table No. 2 herein.

3. All residential lots shall provide an improved vehicular connection to the adjacent public street, or approved private streets, in accordance with regulations prescribed in Article 14 of this Ordinance.

Table No. 2
Open Space Requirements - Single Residence Districts

Zoning District	Open Space Percentage
"R1-43"	5%
"R1-22"	10%
"R1-10"	12%
"R1-8"	15%

B. Architectural Design Guidelines.

1. The residence shall have a permanent foundation.

2. The design and materials of any garage or carport shall be compatible with the design and materials of the main structure.

3. Front porches and courtyards are strongly encouraged.

4. The residential structure should have a strong relationship to the neighborhood street. A walkway from the street to the front entry is required.

5. Roof-mounted mechanical equipment is prohibited; except for solar panels and solar water heaters. Mechanical equipment, propane tanks,

coolers, water filters and similar utility equipment shall be installed at ground level or wall mounted and should be screened from public view.

6. All exterior elevations of a residential structure should provide architectural detailing; not just the front elevation.

7. All buildings shall harmonize architecturally with the residential character of the neighborhood.

8. The use of metal or corrugated metal as the primary building material is strongly discouraged; it may however be used as an architectural accent or decorative element.

9. The building materials shall be durable and be of substantial quality. The Town strongly encourages new buildings to meet Leadership in Energy and Environmental Design (LEED) certification standards and building sites to utilize Low Impact Development (LID) technologies.

C. Development Standards. The table, that follows, specifies the minimum lot sizes, minimum lot width, maximum lot coverage percentages, maximum building heights, and minimum yard setbacks allowed within the different single residence zoning districts.

Table No. 3
Development Standards - Single Residence Zoning District

Zoning District	R1-43	R1-22	R1-10	R1-8
Lot Area (square feet)	43,560	22,000	10,000	8,000
Lot Width (feet)	150	120	100	80
Lot Coverage (percentage)	25%	30%	35%	40%
Building Height (stories/feet)	2/30	2/30	2/30	2/30
Front Yard Setback (feet)	30	25	25	20
Side Yard Setback (feet)	15	10	10	10
Street-Side Yard Setback (feet)	30	25	25	20
Rear Yard Setback (feet)	30	25	25	25

Key:
1. Building height shall be measured from approved finished grade.

(End of Article)

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CHAPTER 153, ARTICLE 6: Multiple Residence Zoning Districts

Section 6.0 General Requirements.

A. Purpose and Zones. The Multiple Residence Districts are designed to provide for a range of different types and densities of multiple residential developments in locations that are suitable and appropriate, taking into consideration existing conditions, future land use needs, and the availability of public services. It is intended that these districts accommodate a variety of dwelling types, including apartments, townhouses, patio homes, duplexes, and condominiums as well as providing for associated, limited, non-residential uses. The Multiple Residence Districts are as follows:

1. "R-2" Medium Density Residential Zoning District
2. "R-3" Medium Density Residential Zoning District
3. "R-4" High Density Residential Zoning District

B. Permitted Uses. Permitted uses shall only be those uses listed as permitted by right within the zoning district; all other uses are prohibited. Permitted uses are subject to all applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and for which the town has not issued an approval.

C. Conditional Uses. Conditional uses shall only be those uses listed as permitted as a conditional use, temporary use or administrative use within the zoning district and only after review and approval of a Conditional Use Permit, a Temporary Use Permit or an Administrative Use Permit in accordance with Section 3.4 of this Ordinance. All other uses are prohibited. Conditional uses are subject to all other applicable standards of this Ordinance and those that may be imposed by the decision-making body for the required use permit.

D. Review Process. All new development (residential and non-residential) shall require Site Plan Review, by the Zoning Administrator, prior to the applicant's submittal for building and/or grading permits. All applications for site plan review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fees shall accompany all applications.

E. Design and Development Standards. The site design standards, architectural guidelines, and the individual development regulations required for each specific multiple residence zoning district are outlined in Section 6.3, Table No. 4, and Table No. 5 contained herein. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

F. Compliance with Other Provisions.

1. Supplementary Requirements. The supplementary requirements in Article 13 herein shall apply.

2. Parking Regulations. The parking regulations in Article 14 herein shall apply.

3. Signs. All signage proposed shall comply with Article 15 herein.

4. Outdoor Lighting. All outdoor lighting shall comply with Article 16 herein.

5. Landscape Regulations. The landscape regulations in Article 17 herein shall apply.

Section 6.1 "R-2" Medium Density Residential Zoning District.

A. **Purpose**. The purpose of this zoning district is to provide for the development of either single-residence or duplex units on lots with a minimum area of eight-thousand (8000) square feet. The intent of this district is to encourage a traditional neighborhood environment with a variety of housing opportunities.

B. Permitted Uses in the "R-2" Zoning District.

1. Single-residence dwellings
2. Duplex dwellings
3. Two single-family detached dwellings on one lot, provided that both structures comply with all of the setbacks for a primary dwelling and that the two structures are architecturally compatible, including materials, roofing and paint.
4. Child care, Home-based. Home-based child care shall comply with all the State of Arizona Department of Health Services regulations for licensing.
5. Accessory structures and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.
6. Home occupation in compliance with regulations prescribed in Article 13 of this Ordinance.
7. Animals that are considered customary household pets with the following limitations:

    a. Limited to a combined total of two (2) small animals (i.e. dogs, cats, or other small mammals) exclusive of animals under the age of four (4) months

C. Administrative Uses in the "R-2" Zoning District.

1. A single travel trailer or certified manufactured home, to be placed on a lot for temporary dwelling, while the permanent residence is being constructed on the same lot; with the following standards:

   a. Shall not exceed one (1) year from the issuance date of permit.

   b. The manufactured home meets the most current HUD Code standards, is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, complies with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and is in good physical condition structurally and cosmetically.

   c. The applicant has posted a five hundred (500) dollar bond with the Town guaranteeing the removal of the temporary dwelling (travel trailer or manufactured home) from the lot at the issuance of the permanent residence certificate of occupancy or within one (1) year whichever is less.

Section 6.2 "R-3" Medium Density Residential Zoning District.

A. Purpose. The purpose of this zoning district is to provide for small scale development on lots with a minimum area of eight-thousand (8000) square feet and a maximum of twelve (12) dwelling units per acre for the development of single or duplex units on an individual lot, townhome development, small-scale apartments, as well as serving infill needs. The "R-3"may serve as a transitional district between single residence and higher density multiple residential development or commercial districts. The intent of this district is to preserve and encourage the development of a variety of attached housing units while maintaining a small scale neighborhood feel.

B. Permitted Uses in the "R-3" Zoning District.

1. Single-residence dwellings.

2. Multiple residential developments including small-scale apartments, duplexes, townhouses, and patio homes.

3. Child care, Home-based. Home-based child care shall comply with all the State of Arizona Department of Health Services regulations for licensing.

4. Bed and breakfast operations provided that the following standards shall apply:

    a. No more than four (4) bedrooms per residence may be used for the business.

    b. No more than two (2) adult persons per room.

    c. One (1) off-street, non-tandem parking space per bedroom.

5. Group care homes for the elderly and handicapped, provided that:

    a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;

    b. No such home contains more than twenty (20) residents, not including staff, in accordance with A.R.S. §36-582.

    c. Such home is licensed by the State of Arizona Department of Health Services;

    d. Such home is licensed with, and administratively approved by the Town, as to compliance with the standards of this Ordinance.

6. Public and private utility installations, but not including business offices, repair or storage facilities, wastewater treatment plants, booster stations, and generating plants.

7. Public and private parks and playgrounds

8. Public and private homeowner's association owned recreational amenities and facilities

9. Accessory structures and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

10. Home occupation in compliance with regulations prescribed in Article 13 of this Ordinance.

C. Administrative Uses in the "R-3" Zoning District.

1. Office for leasing of on-site dwelling units.

2. Temporary sales office pertaining to the sale of dwelling units being constructed in the immediate development. In the review for a model home or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact.

Approval may be granted for a three (3) year period, or until all units in the development are sold, whichever occurs first. The office shall be removed upon completion of the development.

3. Temporary construction site trailer pertinent to the construction of the dwelling units in the development and the required on-site and off-site public improvements for the development.

4. Temporary uses such as revivals, carnivals, circus, auctions, holiday or seasonal boutiques in association with a school or religious institution.

5. A single travel trailer or certified manufactured home, to be placed on a lot for temporary dwelling, while the permanent residence is being constructed on the same lot; with the following standards:

   a. Shall only apply to "R-3" zoned property that is being developed for an approved single residence use.

   b. Shall not exceed one (1) year from the issuance date of permit.

   c. The manufactured home meets the most current HUD Code standards, is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, complies with State of Arizona Office of Manufactured Housing regulations and all the provisions of this Ordinance, and is in good physical condition structurally and cosmetically.

   d. The applicant has posted a five hundred (500) dollar bond with the Town guaranteeing the removal of the temporary dwelling (travel trailer or manufactured home) from the lot at the issuance of the permanent residence certificate of occupancy or within one (1) year whichever is less.

D. Conditional Uses in the "R-3" Zoning District.

1. Public schools (K-12).

2. Private schools, charter schools, or boarding school with a curriculum substantially the same as customarily offered in public schools (K-12).

3. Public or private university or university related use.

4. Religious institutions; including clergy housing.

5. Assisted living facilities, nursing homes, congregate care facilities, convalescent homes and homes for the aged provided that the following standards shall apply:

a. A minimum of twenty-five (25) square feet of useable outdoor open space shall be required per bed and may be calculated as part of the overall open space required for the development.

b. The facility is licensed by the State of Arizona Department of Health Services.

6. Child care center, with no more than twenty (20) children total, in compliance with all the State of Arizona Department of Health Services regulations for licensing provided the lot meets the following standards;

a. The minimum area of the lot must be ten thousand (10,000) square feet or larger.

b. The lot must be a corner lot with the frontage of both roadways being designated in the Thatcher General Plan – Transportation Element as an arterial or collector roadway.

c. The building shall comply with all setback and development standards of the residential zoning district.

d. The building shall be architecturally designed to be compatible in character (style, windows, doors, materials, and mass) with the surrounding residential neighborhood.

7. Commercial retail use provided the lot meets the following standards:

a. The minimum area of the lot must be ten thousand (10,000) square feet or larger.

b. The lot must be a corner lot with the frontage of both roadways being designated in the Thatcher General Plan – Transportation Element as an arterial or collector roadway.

c. The required off-street parking spaces should be located in the rear or to the side of the structures rather than in the front..

d. The building shall be architecturally designed to be compatible in character (style, windows, doors, materials, and mass) with the surrounding residential neighborhood

e. The maximum building size along with the permitted uses shall be limited to those allowed in the "NC" Zoning District as well as the development standards as outlined in Article 7 of this Ordinance.

Section 6.3 "R-4" High Density Residential Zoning District.

A. Purpose. The purpose of this zoning district is to provide a balance of housing opportunities to serve the needs of both the year round residents and the university students through a variety of building types that are high density attached residential developments in locations where adequate public facilities and services are available. It is intended that this district accommodate multi-story residential developments incorporating unique design and exceptional amenities with a minimum lot size of eight-thousand (8000) square feet and a maximum of twenty-four (24) dwelling units per acre.

B. Permitted Uses in the "R-4" Zoning District.

1. Multiple residential developments.

2. Assisted living facilities, nursing homes, congregate care facilities, convalescent homes and homes for the aged provided that the following standards shall apply:

   a. A minimum of twenty-five (25) square feet of useable outdoor open space shall be required per bed and may be calculated as part of the overall open space required for the development.

   b. The facility is licensed by the State of Arizona Department of Health Services.

3. Group care homes for the elderly and handicapped, provided that:

   a. No such home is located on a lot that is within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care;

   b. No such home contains more than twenty (20) residents, not including staff, in accordance with A.R.S. §36-582;

   c. No signage, graphics, display or other visual means of identifying the group home shall be visible from the public sidewalk or street;

   d. Such home is licensed by the State of Arizona Department of Health Services;

   e. Such home is licensed with, and administratively approved by the Town, as to compliance with the standards of this Ordinance.

4. Public and private parks and playgrounds.

5. Public and private homeowner's association owned recreational amenities and facilities.

6. Public and private utility installations for gas, electric, water, wastewater or communications including booster stations and lift stations.

7. Accessory buildings and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

8. Home occupations in compliance with regulations prescribed in Article 13 of this Ordinance.

C. Administrative Uses in the "R-4" Zoning District.

1. Office for leasing of on-site dwelling units.

2. Temporary sales office pertaining to the sale of dwelling units being constructed in the immediate development. In the review for a model home or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a three (3) year period, or until all units in the development are sold, whichever occurs first. The office shall be removed upon completion of the development.

3. Temporary construction site trailer pertinent to the construction of the dwelling units in the development and the required on-site and off-site public improvements for the development.

4. Temporary uses such as revivals, carnivals, circus, auctions, holiday or seasonal boutiques in association with a school or religious institution.

D. Conditional Uses in the "R-4" Zoning District.

1. Public schools (K-12).

2. Private schools, charter schools, or boarding schools with a curriculum substantially the same as customarily offered in public schools (K-12).

3. Public or private university or university related use including dormitories and fraternity/sorority housing.

4. Religious institutions; including clergy housing.

5. Resorts, but not hotels or motels, provided that the following standards shall apply:

   a. Each development shall have a minimum area of twenty (20)

acres.

b. Each development shall provide a restaurant on-site.

c. The resort shall provide outside recreational amenities, such as but not limited to, golf, horseback riding, tennis or swimming.

d. The resort development may include meeting rooms or a conference center, health club and spa facilities, beauty and retail shops accessible only from within the primary resort building.

Section 6.4 Design and Development Standards.

A. Site Design Standards.

1. Multiple residential developments and buildings should complement and enhance the built environment of the surrounding residential structures and neighborhood through the creative and imaginative application of architecture, landscape and site design standards.

2. All new residential developments (subdivisions) shall be subject to all requirements set forth in the Thatcher Subdivision Ordinance.

3. All developments shall provide an improved vehicular connection to the adjacent public street, or approved private streets, in accordance with regulations prescribed in Article 14 of this Ordinance.

4. Parking areas adjacent to the required front yard are encouraged to be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the parked vehicles.

5. All multiple residential buildings are encouraged to provide covered parking in accordance with Chapter 14 of this Ordinance. The covered parking canopy should provide motion sensor/detector light fixtures placed under the parking shade canopy for security purposes. Solar panels may be used in place of a traditional parking canopy.

6. Community trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street.

7. All multiple residence developments having more than ten (10) dwelling units shall include recreational amenities for the residents use. Examples of such amenities include, but are not limited to, swimming pool, fitness

center, sport court, or a ramada with tables, chairs, and barbeque grills. The area utilized by the recreational amenity may be calculated as part of the overall open space required for the development.

8. Every unit is encouraged to be developed with either a private patio or balcony a minimum of seventy (70) square feet in size. If this private useable outdoor open space is provided it may be calculated as part of the overall open space required for the development.

9. All new multiple residential developments, including but not limited to; apartments and condominiums shall be required to provide open space, provide buffering to adjacent developments, and provide landscaping.

10. Open space shall be required for each development, as delineated in Table No. 4 herein. Open space does not include parking areas.

Table No. 4
Open Space Requirements - Multiple Residence Districts

Zoning District	Open Space Percentage
"R-2"	10%
"R-3"	5%
"R-4"	10%

11. Open space may be left as landscaped open space or may be developed with recreational amenities for the use and enjoyment of the residents.

B. Architectural Design Guidelines.

1. The residential structure should have a strong relationship to the neighborhood street. A walkway from the street to the front entry is strongly encouraged.

2. All multi-story buildings are encouraged to incorporate 360º architecture. A variety of massing and building heights and stepping rooflines is strongly encouraged. Straight rooflines should be minimized by using offsets, differing heights, stepping, or different orientations to produce more variety within a development. Roof material shall not be wood shake shingles.

3. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building; except for solar panels. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets should be screened from public view or designed to appear as an integral part of the building.

4. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.

5. The use of metal or corrugated metal as the primary building material is strongly discouraged; it may however be used as an architectural accent or decorative element.

6. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The Town strongly encourages all new buildings to meet LEED (Leadership in Energy and Environmental Design) certification standards and building sites to utilize Low Impact Development (LID) technologies.

7. All buildings shall harmonize architecturally with the residential character of the neighborhood.

C. Development Standards. The table, which follows, specifies the minimum lot size, minimum lot width, maximum lot coverage percentages, maximum building heights, and minimum yard setbacks allowed within the different multiple residence zoning districts.

Table No. 5
Development Standards - Multiple Residence Zoning Districts

Zoning District	R-2	R-3	R-4
Lot Area (square feet)	8,000	8,000	8,000
Lot Width (feet)	80(a)	80(a)	80(a)
Lot Coverage (percentage)	50%	50%	60%
Building Height (stories/feet)	2/30	2/30	3/45
Front Yard Setback (feet)	20	25	20
Side Yard Setback (feet)	10	10	15
Street-Side Yard Setback (feet)	20	25	20
Rear Yard Setback (feet)	25	25	20(b)

Key:
(a) Lot widths on corner lots shall be increased by ten (10) feet.
(b) Or height of building, whichever is the greater.

1. Building height shall be measured from approved finished grade.

(End of Article)

CHAPTER 153, ARTICLE 7: Commercial Zoning Districts

Section 7.0 General Requirements.

A. Purpose and Zones. The commercial zoning districts are designed to provide a range of commercial land uses. The purpose of these districts is to provide for commercial development in locations, that are suitable and appropriate, taking into consideration existing conditions, future land use needs, the availability of public services, and the goals and objectives of the Town of Thatcher General Plan. It is intended that these districts accommodate a variety of uses including professional office, neighborhood retail and services, central business district specialty retail, general retail and services, and mixed use commercial/residential. The Commercial Districts are as follows:

1. "NC" Neighborhood Commercial Zoning District
2. "C-1" General Commercial Zoning District
3. "C-2" Highway Commercial Zoning District
4. "MU" Mixed-Use Zoning District

B. Permitted Uses. Permitted uses shall only be those uses listed as permitted by right within the zoning district; all other uses are prohibited. Permitted uses are subject to all applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and for which the Town has not issued an approval.

C. Conditional Uses. Conditional uses shall only be those uses listed as permitted as a conditional use, temporary use or administrative use within the zoning district and only after review and approval of a Conditional Use Permit, a Temporary Use Permit or an Administrative Use Permit in accordance with Section 3.4 of this Ordinance. All other uses are prohibited. Conditional uses are subject to all other applicable standards of this Ordinance and those that may be imposed by the decision-making body for the required use permit.

D. Review Process. All new development shall require Site Plan Review, by the Zoning Administrator, prior to the applicant's submittal for building and/or grading permits. All applications for site plan review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fees shall accompany all applications.

E. Design and Development Standards. The site design standards, architectural guidelines, and the individual development regulations required for each commercial zoning district are outlined in Section 7.5, Table No. 6 and Table No. 7 contained herein. These standards provide property owners, developers, and neighbors with direction for design and development.

F. Compliance with Other Provisions.

1. Supplementary Requirements. The supplementary requirements in Article 13 herein shall apply.

2. Parking Regulations. The parking regulations in Article 14 herein shall apply.

3. Signs. All signage proposed shall comply with Article 15 herein.

4. Outdoor Lighting. All outdoor lighting shall comply with Article 16 herein.

5. Landscape Regulations. The landscape regulations in Article 17 herein shall apply.

Section 7.1 "NC" Neighborhood Commercial Zoning District.

A. Purpose. The purpose of this Zoning District is to provide a location for well-designed small scale retail shops and services in convenient locations to meet the daily needs of families in the immediate residential neighborhood. It is intended that this district accommodate a restricted range of uses that must be compatible with and integrated into the adjoining residential neighborhood. Residential uses shall be incidental to the primary commercial development.

B. Permitted Uses in the "NC" Zoning District. Uses shall be restricted to a total maximum building size of 4,000 square feet. Uses shall not include drive-in facilities, drive-thru window facilities, and outdoor storage and shall be limited to the following:

1. Residential units, when located above the first floor or behind the commercial frontage and incidental to the primary commercial development.

2. Child care centers, with no more than thirty (30) children total, and including the required outdoor play area. The facility shall be licensed by the State of Arizona Department of Health Services.

3. Personal and household services, including but not limited to; clothing alteration, seamstress shop, beauty and barber shops, pet grooming shop, launderette, dry cleaners (without on-site processing), printing and copy shop, florist, mail service, catering service.

4. Specialty retail stores, including but not limited to; art gallery, bookstore, card and gift store, and stationary stores.

5. Professional and general offices.

6. Medical, dental, chiropractic and clinical offices (excluding laboratory or pharmacy facilities).

7. Art studios for the production and teaching of fine art, music schools, karate and dance studios, and photography studios.

8. Music store, video store, and bicycle shop.

9. Bakery, delicatessen, candy shop, coffee house, ice cream shop, café, restaurants, and taverns; excluding live entertainment.

10. Grocery store and butcher shop (no slaughtering).

C. Administrative Uses in the "NC" Zoning District.

1. Seating areas for outdoor dining, in conjunction with a permitted use that serves food and/or beverages for on-site consumption.

2. Required off-street parking located in front of the structure and/or within the front yard setback area.

D. Conditional Uses in the "NC" Zoning District.

1. Live entertainment associated with a café, restaurant, and/or tavern.

2. Mixed use neighborhood center for permitted retail, service or office use; each business tenant space not to exceed 4,000 square feet with the total center not to exceed 15,000 square feet with no drive-through window facilities.

Section 7.2 "C-1" General Commercial Zoning District.

A. Purpose. The purpose of this zoning district is to provide for general commercial uses appropriate to a central business district. It is intended that this district allow for a range of specialty retail and general commercial businesses that do not require large scale buildings and promote a pedestrian-scaled walkable downtown environment.

B. Permitted Uses in the "C-1" Zoning District. Uses shall be restricted to a maximum building size of 40,000 square feet. Uses shall not include outdoor storage and shall be limited to:

1. Personal and household services, including but not limited to; clothing alteration, seamstress shop, beauty and barber shops, pet grooming shop, launderette, dry cleaners, printing and copy shop, florist, mail service, catering service, shoe repair shop, small appliance repair, travel agency,

locksmith, and video rental.

2. Specialty retail stores, including but not limited to; apparel and accessory store, art supply store, art gallery, bookstore, camera and photo shop, card and gift shop, craft and beading shop, fabric store, jewelry store, music store, pet store, stationery store.

3. General retail including but not limited to, antique shop, bicycle shop, drug store and pharmacy, furniture and home décor store, home electronics store, photography studio, sporting goods store, gun shop, used merchandise or second-hand/consignment shop.

4. Grocery store and butcher shop (no slaughtering).

5. Bakery, delicatessen, candy shop, coffee house, ice cream shop, café, restaurants, and taverns; excluding live entertainment.

6. Professional, administrative and general offices.

7. Medical, dental, chiropractic and clinical offices including laboratories.

8. Bank, savings and loan, credit union, check cashing and loan center.

9. Art studios for the production and teaching of fine art, music schools, karate and dance schools.

10. Outdoor patios and seating areas for outdoor dining in conjunction with a permitted use that serves food and/or beverages for on-site consumption.

11. Indoor entertainment and recreational facilities, such as movie theater, video and game arcade, billiards parlors, bingo, skating rink, bowling alley, gymnasium, health and fitness facility.

12. Accessory buildings and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.
13. Dwellings when located above the first story provided the first story is designed and used exclusively for a commercial purpose permitted in the zone.
14. Child care centers, with no more than thirty (30) children total, and including the required outdoor play area. The State of Arizona Department of Health Services shall license the facility.
15. Tire and general auto repair, including auto painting and body repair, provided all repair operations are conducted within a building. May include an outside vehicle storage area to be used only for vehicles under repair which shall be screened from any street or surrounding property.

C. Administrative Uses in the "C-1" Zoning District.

1. Temporary outdoor display area for merchandise sold on the property, if approved, provided the display area is located on private property (not within the public right-of-way), the merchandise is displayed in a manner allowing for shopping with a clear walkway and the merchandise is brought inside at the close of each business day.

2. Required off-street parking located in front of the structure and/or within the front yard setback area

D. Conditional Uses in the "C-1" Zoning District.

1. Outdoor storage in conjunction with a permitted use provided the storage area is located on private property (not within the public right-of-way), shall be screened from public view with an opaque fence or decorative wall. Materials shall not be stacked, piled, or stored in such a manner as to project above the opaque fence or decorative wall.

2. Live entertainment with amplified sound system, in conjunction with a permitted use such as a restaurant, coffee house, café, or tavern.

3. Wireless communication antennas as approved in accordance with the requirements of Article 18 of this Ordinance.

E. Temporary Uses in the "C-1" Zoning District.

1. Seasonal or cultural activities such as; pumpkin sales lots and Christmas tree sales lots. Permanent structures shall not be permitted under a temporary use permit. A temporary residential use of a travel trailer by the seasonal tenant, on-site for security purposes, may be permitted provided it is located within the buildable area of the lot.
2. Mobile Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).

Section 7.3 "C-2" Highway Commercial Zoning District.

A. Purpose. The purpose of this Zoning District is to provide a location for general business and commercial uses. The intent of this district is to allow for larger and more intense commercial uses to satisfy the broader retail and business needs of the community at-large while providing for a broad range of commercial activities.

B. Permitted Uses in the "C-2" Zoning District.

1. Those uses permitted by right in the "C-1" General Commercial Zoning District.

2. Child care centers.

3. Small-animal hospitals or clinics, confined to a completely enclosed sound-attenuated building with no outdoor kennels or exercise runs.

4. 24-hour/walk-in emergency care center and out-patient clinic; excluding hospital.

5. Drive-thru window facilities in conjunction with a permitted use.

6. Liquor stores, nightclubs, dance hall/dancing facility.

7. Hotels and motels; excluding adult motels as defined in the Glossary of this Ordinance.

8. Outdoor entertainment and amusement facilities such as; drive-in theaters, miniature golf, batting cages, go-cart tracks, golf driving range and putting green (not in conjunction with a golf course) and similar uses.

9. Car wash facilities, auto part stores, auto service stations and convenience market with the sale or dispensing of gasoline.

10. Outdoor display areas for the sale of new or used automobiles, trucks, boats, trailers, recreational vehicles, and for the rental of such vehicles provided all sales, repair, and rental activities are conducted within a building.

11. Outdoor display area for the sale of new or used farm equipment and construction equipment and for the rental of such equipment.

12. Tire and general auto repair, including auto painting and body repair, provided all repair operations are conducted within a building. May include an outside vehicle storage area to be used only for vehicles under repair which shall be screened from any street or surrounding property.

13. Newspaper and printing office.

14. Building industry/contractor office and shop, including but not limited to, cabinet, carpentry, plumbing, heating, ventilation, refrigeration, sheet metal, tinsmith, exterminator services, painting; provided all fabrication is conducted within a building and storage of vehicles and materials is within an area enclosed on all sides by a solid fence or wall at least six (6) feet in height. No goods, materials or objects shall be stacked higher

than the fence or wall.

15. Lumber yard, excluding milling operations.

16. Art metal, ornamental iron shop, ceramics, glazing, sign fabrication, welding provided all operations are conducted within an enclosed area screened from any street or surrounding property.

17. Feed store, nurseries, flower and plant sales, provided all incidental equipment and supplies, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six (6) feet in height and no goods, materials or objects are stacked higher than the fence or wall.

18. Medical marijuana dispensary in compliance with regulations prescribed in Article 13 of this Ordinance.

19. Accessory buildings and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

C. Administrative Uses in the "C-2" Zoning District.

1. Outdoor dining area when ancillary to a restaurant use.

2. Temporary uses such as revivals, carnivals, circus and auctions provided that the temporary uses do not displace required parking for the permitted "C-2" uses. Appropriate dust control abatement shall be provided.

D. Conditional Uses in the "C-2" Zoning District.

1. Wireless communication antennas, in limited as approved in accordance with the requirements of Article 18 of this Ordinance.
2. Product distributorships, wholesale and warehouse facilities; excluding transfer facilities for general freight and providing it is an appropriate location and limited to a 30,000 SF maximum building size.
3. Multiple residential developments in appropriate locations and with adherence to the following standards.
   a. Multi-story residential development that incorporates unique design and exceptional amenities with a minimum lot size of eight-thousand (8000) square feet and a maximum of twenty-four (24) dwelling units per acre.
   b. The property does not have frontage onto or along U.S. Highway 70.
   c. Development meets all of the Design and Development Standards of Section 6.3 as required for the "R-4" Zoning District.

E. Temporary Uses in the "C-2" Zoning District.

1. Seasonal or cultural activities such as; pumpkin sales lots and Christmas tree sales lots. Permanent structures shall not be permitted under a temporary use permit. A temporary residential use of a travel trailer by the seasonal tenant, on-site for security purposes, may be permitted provided it is located within the buildable are of the lot.

2. Mobile Vendors provided that such uses may not be located within any portion of the public right-of-way (including sidewalks).

Section 7.4 "MU" Mixed-Use Zoning District.

A. **Purpose**. The purpose of this Zoning District is to provide a location for small scale, well designed, professional offices, personal services, limited retail, and residential within a mixed use environment. It is intended that this district accommodate a range of uses that encourages and allows both residential and commercial development either as the primary use or secondarily in either a vertical mixture or horizontal mixture if attached, and as adjacent uses if detached.

B. **Permitted Uses in the "MU" Zoning District**. Commercial uses shall be restricted to a maximum tenant space size of 4,000 square feet.

1. Residential units as allowed in the "R-3" Zoning District, either single or multi-residential in nature, developed as either attached or detached units or in combination with a permitted commercial use; excluding mobile homes and manufactured homes.

2. Live/Work unit(s).

3. Bank or credit union (without drive-thru window facilities).

4. Bed and breakfast establishments.

5. Specialty retail stores, including but not limited to, the sale of apparel, art gallery, stationery, cards and gifts, bookstore, art supply shop, and tobacco shop.

6. Music store, video store, bicycle shop, and sporting goods store.

7. Bakery, delicatessen, candy shop, coffee house, ice cream shop, restaurants, and taverns; excluding drive-in and drive-thru facilities.

8. Art studios for the production and teaching of fine art, music schools and dance studios.

9. Outdoor patios and seating areas for outdoor dining, in conjunction with a permitted use that serves food and/or beverages for on-site consumption.

10. Accessory buildings and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

C. Administrative Uses in the "MU" Zoning District.

1. Required off-street parking located in front of the structure and/or within the front yard setback area.

D. Conditional Uses in the "MU" Zoning District.

1. Assisted living facilities and group care homes for the elderly and handicapped provided that:

   a. The facility is licensed by the State of Arizona Department of Health Services.

   b. The facility is licensed with, and administratively approved by the Town of Thatcher, as to compliance with the standards of this Ordinance and any Town license and permit requirements.

E. Temporary Uses in the "MU" Zoning District.

1. Seasonal or cultural activities such as; pumpkin sales lots and Christmas tree sales lots. Permanent structures shall not be permitted under a temporary use permit. A temporary residential use of a travel trailer by the seasonal tenant, on-site for security purposes, may be permitted provided it is located within the buildable are of the lot.

Section 7.5 Design and Development Standards.

A. Site Design Standards.

1. Any new multi-lot commercial development shall be subject to requirements set forth in the Thatcher Subdivision Ordinance.

2. A new commercial development, developed as a subdivision, shall provide the minimum net acreage of open space, as delineated in Table No. 6, on a subdivision basis through the subdivision process.

3. The required on-site parking lot(s) may not be calculated as open space. Building setbacks, street frontage and on-site retention areas may be calculated as open space if those areas are landscaped. Courtyards and

outdoor seating areas, not associated with an outdoor dining area, may also be calculated as open space.

Table No. 6 Open Space Requirements - Commercial Zoning Districts		
Zoning District	Individual Lot Basis	Subdivision Basis
"NC"	0%	3%
"C-1"	0%	3%
"C-2"	1%	3%
"MU"	0%	3%

4. All developments shall provide an improved vehicular connection to the adjacent public street, or approved private streets, in accordance with regulations prescribed in Article 14 of this Ordinance.

5. Within the "NC", "C-1" and "MU" Zoning Districts the required off-street parking spaces shall be located in the rear or to the side of the structures to avoid interrupting the rhythm of the established streetscape and to maximize the business's visibility from public streets. Parking in front of the structure or within the front yard setback may be permitted, if approved, through an administrative use permit.

6. Within the "C-2" Zoning District parking areas adjacent to the required front yard are encouraged to be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the undercarriages of the parked vehicles. Parking areas other than in front of the principal building is strongly encouraged.

7. Within the "C-1" and "C-2" Zoning Districts a solid masonry or wood sight obscuring wall shall be required along any common property line with a residentially zoned property.

8. The use of chain link fencing (with or without slats) shall be prohibited in locations that are visible from the street or public view.

9. Bicycle parking facilities are encouraged and, if provided, should be located near the pedestrian space.

10. Trash and refuse collection containers shall be screened with a solid six (6) foot decorative wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. If the refuse containers can only be located in a highly visible location then latching gates, for screening the containers, at the opening to the enclosure shall be required.

B. Architectural Design Guidelines.

1. All exterior elevations (360° architecture) should provide architectural detailing; not just the front elevation. Architectural details related to color, finish, pattern, and application of materials shall be coordinated for all elevations of a building to achieve harmony and continuity of design on all elevations.

2. Roof access should be from within the building.

3. The use of accent colors is encouraged to provide a festive and lively streetscape. Color should be used to accent entryways and special architectural features of a building.

4. Mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building; except for solar panels. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective.

5. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.

6. The use of metal or corrugated metal as the primary building material is discouraged; it may however be used as an architectural accent or decorative element.

7. The building materials shall be durable and be of the same or higher quality as surrounding developments. The Town strongly encourages all new buildings to obtain Leadership in Energy and Environmental Design (LEED) certification standards and building sites to utilize Low Impact Development (LID) technologies.

C. Development Standards. The table, which follows, specifies the minimum lot size, minimum lot width, maximum lot coverage percentages, maximum building heights, and minimum yard setbacks allowed within the different commercial zoning districts.

Table No. 7
Development Standards - Commercial Zoning Districts

Zoning District	NC	C-1	C-2	MU
Lot Area (square feet)	8,000	None	None	8,000
Lot Width (feet)	80	None	None	80
Lot Coverage (percentage)	80%	100%	100%	80%

Building Height (stories/feet)	2/30	3/45	3/45	3/45
Front Yard Setback (feet)	10 (a)	10 (a)	10 (a)	10 (a)
Side Yard Setback (feet)	(b) (c)	(b) (c)	(b) (c)	(b) (c)
Street-Side Yard Setback (feet)	10 (a)	10 (a)	10 (a)	10 (a)
Rear Yard Setback (feet)	10 (a)	None (a)	None (a)	10 (a)

Key:

(a) If adjacent to residential zone; setback shall be those of the residential zone.

(b) Zero lot lines may be applied if adjacent parcel is also zoned commercial and the firewall regulations of the Building Code are met.

(c) If adjacent to residential zone; setback shall be one-half (½) the distance required by the adjacent residential zone.

1. Permitted accessory buildings shall not exceed one (1) story or the overall height of the main building, whichever is lower.

2. Building height shall be measured from approved finished grade.

(End of Article)

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CHAPTER 153, ARTICLE 8: Industrial Zoning Districts

Section 8.0 General Requirements.

A. Purpose and Zones. The Industrial Zoning Districts are designed to provide for a range of industrial land uses from corporate offices in a business park setting to open land uses and manufacturing. The purpose of these districts is to provide for industrial development in locations that are suitable and appropriate; taking into consideration existing conditions, future land uses needs, the availability of public services, the general public's health and safety, and the land use goals and objectives of the Thatcher General Plan. The Industrial Districts are as follows:

1. "I-1" Light Industrial Zoning District
2. "I-2" General Industrial Zoning District

B. Permitted Uses. Permitted uses shall only be those uses listed as permitted by right within the zoning district; all other uses are prohibited. Permitted uses are subject to all applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and for which the Town has not issued an approval.

C. Conditional Uses. Conditional uses shall only be those uses listed as permitted as a conditional use, temporary use or administrative use within the zoning district and only after review and approval of a Conditional Use Permit, a Temporary Use Permit or an Administrative Use Permit in accordance with Section 3.4 of this Ordinance. All other uses are prohibited. Conditional uses are subject to all other applicable standards of this Ordinance and those that may be imposed by the decision-making body for the required use permit.

D. Review Process. All new development shall require Site Plan Review, by the Zoning Administrator, prior to the applicant's submittal for building or grading permits. All applications for site plan review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fees shall accompany all applications.

E. Design and Development Standards. The site design standards, architectural guidelines, and the individual development regulations required for each industrial zoning district are outlined in Section 8.3, Table No. 8 and Table No. 9 contained herein. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

F. Compliance with Other Provisions.

1. Supplementary Requirements. The supplementary requirements in Article 13 herein shall apply.

2. Parking Regulations. The parking regulations in Article 14 herein shall apply.

3. Signs. All signage proposed shall comply with Article 15 herein.

4. Outdoor Lighting. All outdoor lighting shall comply with Article 16 herein.

5. Landscape Regulations. The landscape regulations in Article 17 herein shall apply.

Section 8.1 "I-1" Light Industrial Zoning District.

A. Purpose. The purpose of this zoning district is to provide for a mix of light industrial uses, such as laboratories, light manufacturing, and light industry. These uses shall include adequate screening and landscaping as required herein and within this Ordinance, and uses shall be in locations that are suitable and appropriate, taking into consideration the land uses on adjacent or nearby properties and the availability of public utilities. It is intended that this district will encourage and allow for employment bases through the establishment of high quality, planned industrial centers for corporate offices and indoor manufacturing uses in close proximity to major street or highway, rail service or other means for the transport of products, materials and employees.

B. Permitted Uses in the "I-1" Zoning District.

1. Assembly, fabrication, bottling, handling and packaging, treating, and renovating goods, merchandise, products and equipment; excluding agricultural products, provided that such uses conform to the following:

   a. The primary use of the property is not the basic processing and compounding of raw materials.

   b. All activities pertaining to the actual manufacture or processing of the product involved shall be conducted entirely within an enclosed building(s).

   c. All outdoor storage of material or equipment shall be, ancillary uses to these primary uses, and such ancillary uses shall only occupy the rear one-half (½) of the lot.

   d. A solid masonry wall, a minimum of six (6) feet and a maximum of eight (8) feet in height, shall screen all outdoor storage of materials or equipment.

2. Laboratories for research and product development, including testing

facilities.

3. Product distributorships, wholesale and warehouse facilities; excluding transfer facilities for general freight;

4. Motion picture production, radio, and television studios and printing, binding and publishing facilities;

5. Corporate offices/headquarters.

6. Building materials sales yard, including the sale of rock, sand, gravel, but not including the production of rock, sand, and gravel.

7. Farm and contractor's equipment sales yard, or rental of such equipment.

8. Truck yard.

9. Public utility service yard.

10. Medical Marijuana Dispensary Off-site Cultivation Location, subject to the requirements found in Article 13 of this Ordinance (Medical Marijuana Uses).

11. Limited retail commercial provided the product(s) sold at retail are the product(s) that are assembled, fabricated, handled, packaged, treated, or renovated as the primary use and the retail area does not exceed ten (10) percent of the total gross floor area.

12. Mini-storage facility provided any outdoor open storage area is screened from adjacent properties and public view. A night watchman quarters, if provided as a security provision, may be allowed as an accessory use.

13. Commercial kennels, animal shelters and veterinary hospitals with outdoor boarding and exercise facilities.

C. Administrative Uses in the "I-1" Zoning District.

1. Seasonal or cultural activities such as; pumpkin sales lots and Christmas tree sales lots. Permanent structures shall not be permitted under a temporary use permit. A temporary residential use of a travel trailer by the seasonal tenant, on-site for security purposes, may be permitted provided it is located within the buildable are of the lot.

2. Temporary uses such as revivals, carnivals, circus and auctions provided that the temporary uses do not displace required parking for the permitted "I-1" uses. Appropriate dust control abatement shall be

provided.

D. Conditional Uses in the "I-1" Zoning District.

1. Adult Oriented Businesses, in compliance with regulations prescribed in Article 13of this Ordinance (Adult Oriented Businesses).

2. Wireless communication towers and antennas as approved in accordance with the requirements of Article 18 of this Ordinance.

3. Commercial riding stables, boarding stables, and/or commercial ranch provided there is a minimum of ten (10) acres and only after it has been found to be in compliance with the following standards:

   a. There shall be no more than eight (8) agricultural animals/acre with a total of no more than 100 animals/facility at any given time under any circumstance.

   b. An attendant must be in residence on the property of any commercial ranch.

   c. All livestock structures, containment areas of facilities used for the stabling, storing, showing or training of livestock and for temporary manure storage shall be set back a minimum of fifty (50) feet from any property line and at least one hundred (100) feet from any other residences. Normal setbacks apply to all other structures and uses.

   d. No shows or other activities that would generate more vehicular traffic than is normal to an area with single-family residences are permitted unless the site has immediate access to a major or collector street. Occasional small shows may be allowed per stipulations of the Conditional Use Permit. Adequate parking for daily activities and additional parking, as determined by the Zoning Administrator, must be provided for shows or other special events.

   e. All livestock turnout areas and pens shall be enclosed with fences at least five feet in height. The design of these enclosures shall be shown on drawings submitted with the conditional use permit application.

   f. A specific plan for the physical containment and location of manure storage and/or disposal, which minimizes odor and fly impacts on adjacent lots or parcels, must be provided. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered manure disposal.

g. The applicant must provide a specific program for fly control in barn and stable areas that minimizes the attraction and breeding of flies.

h. All activity and pasture areas shall be grassed, sprinkled or treated with regularly tilled organic soil mix for dust suppression.

i. With the exception of the principal residence and its accessory structures, upon revocation of the commercial ranch conditional use permit or abandonment of the operation, all structures shall be removed.

j. Failure to maintain any of the standards described above is grounds for revocation of the conditional use permit.

k. In the review for a commercial riding stables, boarding stables, and/or commercial ranch, the Town may also consider lighting, landscaping, hours of operation, signage, plan of operation, and neighborhood impact.

Section 8.2 "I-2" General Industrial Zoning District.

A. Purpose. The purpose of this Zoning District is to provide for areas of general and concentrated fabrication, manufacturing, processing and open land uses appropriately screened and landscaped that are in close proximity to major access routes for the transport of products, materials, and employees. It is intended that this district provide adequate space for industrial operations and related activities so that the economic base of the Town may be strengthened and employment opportunities expanded while protecting residential and commercial land uses from objectionable encroachments and negative impacts.

B. Permitted Uses in the "I-2" Zoning District.

1. Those uses permitted in the "I-1" Light Industrial Zoning District.

2. Refining, processing, or packaging of organic matter, raw agricultural products, or edible food products.

3. Truss plant.

4. Manufacturing and assembly of furniture, apparel, glass, stone, clay, leather, plastic, metal or concrete products.

5. Open storage yards for the storage of boats, trailers, and recreational vehicles provided that there is no storage of abandoned, damaged, or junked boats, trailers or recreational vehicles and that an eight (8) foot

decorative view-obscuring wall screens the open storage yard area.

6. Heavy equipment repair, sales and rentals provided equipment is stored in a transportable position.

7. Farm equipment and implement repair, sales and rentals.

8. Construction offices and construction equipment storage yards provided that the construction equipment storage yards are screened with an eight (8) foot high decorative view-obscuring wall.

9. Retail and wholesale lumber yard, including incidental millwork.

10. Freight transfer facilities including highway, rail or air transport.

11. Facilities for the manufacturing and distribution of concrete and asphalt.

C. Administrative Uses in the "I-2" Zoning District.

1. Seasonal or cultural activities such as pumpkin sales lots and Christmas tree sales lots. Permanent structures shall not be permitted under a temporary use permit. A temporary residential use of a travel trailer by the seasonal tenant, on-site for security purposes, may be permitted provided it is located within the buildable area of the lot.

2. Temporary uses such as revivals, carnivals, circus and auctions provided that the temporary uses do not displace required parking for the permitted "I-2" uses. Appropriate dust control abatement shall be provided

D. Conditional Uses in the "I-2" Zoning District.

1. Wireless communication towers and antennas as approved in accordance with the requirements of Article 18 of this Ordinance.

2. Extraction and processing of minerals and natural resources, such as mines, quarries and gravel pits and including concrete or asphalt batch plants as an accessory use and including smelting only after it has been found to be in compliance with the following standards:

   a. No excavation or processing of excavated materials shall be permitted within thirty (30) feet to the exterior boundaries and within one hundred fifty (150) feet to any residential zoned property or existing residence.

   b. Material shall be excavated in such a manner so as to assure the convenient, efficient, and successful restoration of the land and to hold to a minimum any adverse effects to adjacent and

surrounding land as a result of piling or storing the overburden material.

c. Material shall be excavated in such a manner that leaves a minimum of two (2) feet of undisturbed sand, gravel, or soil over the entire excavation tract to provide a water bearing strata for any ground water; or more if the required geological report indicates that it is necessary.

d. The excavation operator shall maintain haul roads within the premise covered by the permit and the perimeter public roads in a dust-free condition.

e. The hours of operation, unless otherwise specified by the Town, shall not be prior to 6AM or after 10PM unless the Town grants special permission, for temporary expansion of the hours.

f. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.

g. The required development plan shall indicate compliance with the above standards and shall include the following topographic information at a minimum of 5 foot contour intervals:

i. pre-excavation contours;
ii. proposed excavation contours;
iii. degree of slope of banks for all excavations;
iv. location of any public facilities, irrigation canals, ditches, or streambeds;
v. post excavation re-use and contours.

3. Automobile wrecking and salvage yards, storage of junk automobiles and trucks, storage and processing of scrap metals provided that such uses shall conform to the following requirements;

a. The property shall be screened from neighboring properties and public view with an eight (8) foot solid masonry wall.

b. No storage shall be visible above the wall.

4. Adult Oriented Businesses in compliance with regulations prescribed in Article 13 of this Ordinance (Adult Oriented Businesses).

5. Recycling transfer stations or automated collection centers, municipal or county landfills.

6. Hazardous waste and bio-hazardous medical waste treatment facilities.

Section 8.3 Design and Development Standards.

A. Site Design Standards.

1. An industrial development, developed as an industrial subdivision, shall provide the minimum net acreage of open space, as delineated in Table No. 8, on a subdivision basis through the subdivision process rather than requiring open space on a lot-by-lot basis.

2. Open space shall be required for all new developments, based on the net area of the development as delineated in Table No. 8, if open space was not provided at the time of subdivision development.

Table No. 8
Open Space Requirements - Industrial Zoning Districts

Zoning District	Open Space Required on an Individual Lot	Open Space Required for a Subdivision
"I-1"	3%	10%
"I-2"	3%	10%

3. The required on-site parking lot(s) and outdoor storage areas shall not be calculated as open space. However, building setbacks, street frontage, and on-site retention areas may be calculated as open space if those areas are landscaped.

4. Trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. Refuse enclosures in highly visible locations shall provide latching gates for screening the opening to the enclosure.

5. Service and loading bays should be oriented away from adjacent residential zoning districts and should not front onto or be visible from the public street.

6. Parking areas adjacent to the required front yard are encouraged to be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the parked vehicles. All required front and street side yards shall be landscaped and shall not be used for parking, maneuvering, product display or drive aisle other than for the necessary points of ingress and egress.

7. All developments shall provide an improved vehicular connection to the adjacent public street, or approved private streets, in accordance with regulations prescribed in Article 14 of this Ordinance

8. A solid perimeter wall, a minimum of six (6) feet in height, shall be required along and adjacent to the side or rear property line of an industrial development that abuts a residential district whether separated by an alley or not. Any access gates shall be constructed of view-obscuring material to provide effective site screening.

9. The exterior side of all perimeter walls shall be decoratively treated to match the architectural style and design of the industrial building/development.

B. Architectural Design Guidelines.

1. All exterior elevations (360º architecture) should provide architectural detailing; not just the front elevation. The architectural details related to color, patterning and materials should be coordinated for all elevations of the building to achieve harmony and continuity of design.

2. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building; except for solar panels. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective

3. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.

4. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The Town strongly encourages all new buildings to meet Leadership in Energy and Environmental Design (LEED) certification standards and building sites to utilize Low Impact Development (LID) technologies.

C. Development Standards. The table, which follows, specifies the minimum lot size, minimum lot width, maximum lot coverage percentages, maximum building heights, and minimum yard setbacks allowed within the different industrial zoning districts.

Table No. 9 Development Standards - Industrial Zoning Districts		
Zoning District	I-1	I-2
Lot Area (square feet)	None	2 acre (b)
Lot Width (feet)	none	none
Lot Coverage (percentage)	80%	100%
Building Height (stories/feet)	3/45	3/45
Front Yard Setback (feet)	20	20
Side Yard Setback (feet)	0 (a)	0 (a)
Street-Side Yard Setback (feet)	0 (a)	0 (a)
Rear Yard Setback (feet)	0 (a)	0 (a)

Key:

(a) When adjacent to an existing residential district or use, the following side and rear yard setbacks are required:

- Buildings with one (1) story or fifteen (15) feet in height shall provide a setback of twenty-five (25) feet.
- Buildings with two (2) stories or forty-five (45) feet in height shall provide a setback of fifty (50) feet.

(b) If adjacent to existing industrial district, the minimum lot area requirement may be waived.

1. Building height shall be measured from approved finished grade.

(End of Article)

CHAPTER 153, ARTICLE 9: Manufactured Home Zoning District

Section 9.0 General Requirements.

A. Purpose. The purpose of the "MH" Manufactured Home Zoning District is to provide for a zone that will permit the placement and regulate the permanent installation of manufactured homes for occupancy as single residence dwellings on individual lots within a manufactured home subdivision or within an approved manufactured home park (land-lease) development. The intent of these provisions is to provide affordable and diversified housing opportunities within the Town of Thatcher while establishing and maintaining standards similarly established for neighborhoods of conventional site-built homes. This zoning district is intended to replace Article 29-12 "C-MH" Conventional-Mobile Home District and Article 29-13 "MHS" Mobile Home District for those properties zoned under the previous Town of Thatcher Zoning Code.

B. General Provisions.

1. A minimum of six (6) acres shall be required to establish the "MH" Manufactured Home Zoning District.

2. All manufactured homes shall be required to meet the current HUD Code standards, be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and comply with State of Arizona Office of Manufactured Housing regulations and all the provisions outlined in this Ordinance.

3. A manufactured home shall not have been constructed more than ten (10) years prior to the date of application for building/installation permit.

4. A mobile home, recreational vehicle, or park model may not be used as a residential dwelling within the MH Zoning District.

5. Conventional (site-built) single-residence dwelling units shall be prohibited in a manufactured home park (land-lease) development.

6. Conventional (site-built) single-residence dwelling units shall be prohibited on an individual lot within a manufactured home subdivision but may be allowed on a metes and bounds parcel within the MH Zoning District, if applicable.

7. Conventional (site-built) structures shall be required for all recreational and community-use structures within the MH Zoning District. Accessory structures on individual lots/spaces may be conventional (site-built) structures or pre-fabricated.

8. The storage of an abandoned and/or structurally damaged manufactured

home is prohibited within the MH Zoning District.

C. Review Process.

1. A property owner seeking to develop a manufactured home subdivision or a manufactured home park (land-lease) development shall submit those materials outlined in Section 3.3 of this Ordinance and in the Subdivision Ordinance; if applicable.

2. The property owner or applicant seeking to place a manufactured home on either an individual subdivision lot or in a space within a manufactured home park (land-lease) development shall be required to obtain a manufactured home placement permit from the Town prior to the installation of the manufactured home. As part of the manufactured home placement permit application to the Building Department the owner shall submit the additional following materials to the Zoning Administrator for site plan review and approval:

    a. Complete site plan of the lot or space. If the manufactured home is proposed within a manufactured home park (land-lease) development, a map of the development showing all existing spaces and points of access shall also be required.

    b. Elevations or color photographs of all sides of the structure.

    c. Roof slope (expressed in a ratio horizontal to vertical feet) and roofing material description.

    d. Description of any proposed additions or alterations including photographs where possible.

    e. Description of the exterior finish including materials and colors.

3. The manufactured home shall be reviewed for compliance with the Architectural Standards in Section 9.3. Additionally, the manufactured home shall be reviewed for compliance with the specific standards and conditions of the zoning as approved by the Town Council for the specific development.

4. The Zoning Administrator may approve deviations from one or more of the architectural standards provided herein on the basis of finding that the materials to be utilized or the architectural style proposed for the dwelling would be compatible and harmonious with existing structures in the vicinity.

5. Site plan review, by the Zoning Administrator, is required for all conventional (site-built) structures within the Manufactured Home Zoning District. Applications and submittal requirements can be

obtained from the Zoning Administrator and should comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fees shall accompany all applications.

D. **Permitted Uses**. Permitted uses shall only be those uses listed as permitted by right specifically for either a manufactured home subdivision or a manufactured home park (land-lease) development; all other uses are prohibited. Permitted uses are subject to all applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and for which the Town has not issued an approval.

E. **Conditional Uses.** Conditional uses shall only be those uses listed as permitted as a conditional use, temporary use or administrative use within the zoning district and only after review and approval of a Conditional Use Permit, a Temporary Use Permit or an Administrative Use Permit in accordance with Section 3.4 of this Ordinance. All other uses are prohibited. Conditional uses are subject to all other applicable standards of this Ordinance and those that may be imposed by the decision-making body for the required use permit.

F. **Design and Development Standards.** The site design standards, architectural standards, open space requirements, and the individual development regulations required for the Manufactured Home Zoning District are outlined in Section 9.3, Table No. 10 and Table No.11 contained herein. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

G. **Compliance with Other Provisions.**

1. Supplementary Requirements. The supplementary requirements in Article 13 herein shall apply.

2. Parking Regulations. The parking regulations in Article 14 herein shall apply.

3. Signs. All signage proposed shall comply with Article 15 herein.

4. Outdoor Lighting. All outdoor lighting shall comply with Article 16 herein.

5. Landscape Regulations. The landscape regulations in Article 17 herein shall apply.

Section 9.1 Manufactured Home Subdivision Lot Development.

A. **Permitted Uses (subdivisions).** Permitted uses in the "MH" Manufactured Home Zoning District, if developed as a Manufactured Home Subdivision Lot

Development, shall be only the following uses:

1. One (1) single-residence manufactured home per lot.

2. Public and private parks and playgrounds.

3. Private homeowner's association owned recreational amenities and facilities.

4. Public and private utility installations for gas, electric, water, wastewater or communications including booster stations and lift stations.

5. Child care, Home-based. Home-based child care shall comply with all the State of Arizona Department of Health Services regulations for licensing.

6. Animals that are considered customary household pets with the following limitations:

    a. Limited to a combined total of two (2) small animals (i.e. dogs, cats, or other small mammals) exclusive of animals under the age of four (4) months, provided that horses, cows, goats, and other hoofed animals shall not be permitted only in compliance with regulations prescribed in Article 13 of this Ordinance;

    b. Up to twelve (12) birds provided they are kept within a fully enclosed building or accessory structures, and which do not create odor or sound that is detectable on an adjoining lot.

7. Home occupations in compliance with regulations prescribed in Article 13 of this Ordinance.

8. Accessory buildings and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

B. Administrative Uses (subdivisions).

1. Amateur (ham) radio towers and antennas as approved in accordance with the requirements of Article 18 of this Ordinance.

2. A single travel trailer, to be placed on a lot for temporary dwelling, while the permanent residence is being constructed on the same lot; with the following standards:

    a. Shall not exceed one (1) year from the issuance date of permit.

b. The applicant has posted a five hundred (500) dollar bond with the Town guaranteeing the removal of the temporary dwelling (travel trailer) from the lot at the issuance of the permanent residence certificate of occupancy or within one (1) year whichever is less.

C. Conditional Uses (subdivisions).

1. Publicly owned or operated fire station and/or police station.

2. Wireless communication towers and antennas, with the same locational provisions required for single residence zoning districts, as approved in accordance with the requirements of Article 18 of this Ordinance.

Section 9.2 Manufactured Home Park (land-lease) Development.

A. Permitted Uses (park developments). Permitted uses in the "MH" Manufactured Home Zoning District, if developed as a Manufactured Home Park (land-lease) Development, shall be only the following uses:

1. One (1) single-residence manufactured home per designated space.

2. Park and playground for private use by residents of the manufactured home park.

3. Recreational amenities and facilities for private use by residents of the manufactured home park.

4. Public and private utility installations for gas, electric, water, wastewater or communications including booster stations and lift stations.

5. Child care, Home-based. Home-based child care shall comply with all the State of Arizona Department of Health Services regulations for licensing.

6. Animals that are considered customary household pets with the following limitations:

   a. Limited to a combined total of two (2) small animals (i.e. dogs, cats, or other small mammals) exclusive of animals under the age of four (4) months, provided that horses, cows, goats, and other hoofed animals shall not be permitted only in compliance with regulations prescribed in Article 13 of this Ordinance;

b. Up to twelve (12) birds provided they are kept within a fully enclosed building or accessory structures, and which do not create odor or sound that is detectable on an adjoining lot.

7. Home occupations in compliance with regulations prescribed in Article 13 of this Ordinance.

8. Accessory buildings and accessory uses in compliance with regulations prescribed in Article 13 of this Ordinance.

Section 9.3 Design and Development Standards.

A. Site Design Standards Subdivision Lot Developments.

1. All subdivisions shall be designed and processed in accordance with the Thatcher Subdivision Ordinance.

2. Connections to all public utilities, including water and sewer service, shall be extended to each manufactured home lot. All utilities within the development shall be located underground; and both the water and sewer systems shall be connected to the public system serving the Town of Thatcher.

3. Manufactured home subdivisions shall be designed and built with public streets.

4. All manufactured home subdivisions, at the time of subdivision development and on a subdivision basis, shall provide the minimum net acreage of open space as delineated in Table No. 10 herein. Open space may include active recreational areas such as community buildings, swimming pools, play areas or passive park space.

5. The individual manufactured homes should be designed and situated on the lot in a manner that assures similarity in exterior appearance and in keeping with, the architectural character of conventional (site-built) dwellings and the character of the surrounding neighborhood in general.

6. The residential structure should have a strong relationship to the neighborhood street. A walkway from the street to the front entry is required.

7. Front porches and courtyards are strongly encouraged.

B. Site Design Standards Park (land-lease) Developments.

1. All manufactured home parks shall require Site Plan Review in accordance with Section 3.6 of this Ordinance and may be reviewed concurrently with the rezoning request.

2. A solid decorative masonry wall, six (6) feet in height, shall be required on the perimeter of the manufactured home park.

3. No individual manufactured home space shall have direct vehicular access to a public street outside of the park development.

4. Public utilities, including water and sewer service, shall be extended to each space within the park. All utilities within the park development shall be located underground; and both the water and sewer systems shall be connected to the public system serving the Town of Thatcher.

5. Manufactured home park developments shall be improved with paved private streets built to Town specifications.

6. All manufactured home parks shall provide the minimum net acreage of open space as delineated in Table No 10 herein. Indoor recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident only amenity may be calculated as open space. Such facility shall be of conventional (site-built) construction. Recreation center parking lot(s) and guest parking areas are required and shall not be included when calculating the required open space.

7. Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use only by the residents of the park may be calculated as open space.

8. The manufactured home park shall provide a designated manager's office, which shall be of conventional (site-built) construction. Common-use laundry facilities, maintenance buildings, and security guard houses, if provided, shall be of conventional construction.

9. Common trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Said common trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. If the refuse containers can only be located in a highly visible location then latching gates, for screening the containers, at the opening to the enclosure shall be required.

C. Architectural Standards (all manufactured homes).

1. Minimum Width.

   a. The placement of a multi-section unit, exclusive of any garage or carport area, is required on an individual lot within a manufactured home subdivision lot development.

   b. The placement of a single-section unit, exclusive of any garage or carport area, shall be the maximum permitted on an individual space within a manufactured home park (land-lease) development.

2. Grading. Unless the topography of a particular lot precludes it, the manufactured home shall be installed no higher from grade than eighteen (18") inches (from ground to frame) on the highest side; and not less than twelve (12") inches on the low side. The building official is authorized to approve minor deviations from the height requirement after inspection of the property to determine such deviation is necessary because of lot conformity.

3. Foundations. The manufactured home shall be pit set and placed on an excavated foundation with permanent stem wall so that the home appears to have a foundation wall similar in appearance and kind to conventional site built homes. Such installation shall render the dwelling no more portable than if it were constructed totally on-site.

4. Exterior Building Materials. Exterior siding shall be made of non-reflective and non-metallic materials. Acceptable siding materials include: vinyl, wood, stucco, brick, stone, or other masonry materials or any combination of these materials. Provided however, that the use of "T1-11" siding (rough sawn plywood siding with vertical grooves at 4" or 8" O.C.) or similar material shall be prohibited.

5. Roof Structure and Materials. All roof structures shall be sloped and provide an eave projection of no less than six (6) inches and no greater than twenty-four (24) inches. Unfinished galvanized steel, unfinished aluminum, wood shake shingles, or fiberglass/asphalt shingles less than 325 lbs. /100 sq. ft. shall not be permitted.

6. Mechanical equipment. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation. Roof-mounted mechanical equipment is prohibited. Mechanical equipment, propane tanks, water filters, coolers and air conditioning units and similar utility equipment shall be installed at ground level or wall mounted and should be screened from public view.

7. Garage or Carports. The design and materials of any garage or carport

shall be compatible with the design and materials of the main structure.

8. Accessory Structures. If a front porch, deck or veranda is provided, it shall be covered or under-roof. Uncovered porches, decks, or verandas are permitted on the side and rear of the home provided they meet the setback requirements of this Ordinance. Canopies, awnings or other structures to provide shade or protection from weather shall be open on three (3) sides.

9. Steps. If the dwelling unit has steps leading to the front entry the steps shall be attached to a permanent foundation and designed and constructed to be an integral part of the exterior of the dwelling unit.

10. Anchor Ties. The structure shall be anchored to the ground, in accordance with approved manufactured home installation standards for high wind areas.

11. Additions. All additions and alterations shall be in compliance with the current Building Code as adopted by the Town or in compliance with the most current HUD Code standards and the housing manufacture's specifications; whichever is more restrictive.

D. Open Space and Development Standards.

1. Open Space Standards. Table No.10, which follows, specifies the minimum required open space for a manufactured home subdivision lot development and for a manufactured home park (land-lease) development.

Table No. 10
Open Space Requirements - Manufactured Home Zoning District

Type of Development	MH Subdivision Lot Development	MH Park (land-lease) Development
Required Open Space	15%	10% (a)

Key:
(a) In addition to the manufactured home park development's required common open space an additional 100 square foot/space shall be required to be developed as a communal recreational facility for the residents of the park.

2. Development Standards. Table No. 11, which follows, specifies the minimum lot/space size, minimum lot/space width, maximum lot/space coverage percentages, maximum building heights, and minimum yard setbacks allowed within the "MH" Manufactured Home Zoning District.

Table No. 11 Development Standards - Manufactured Home Zoning District		
Type of Development	MH Subdivision Lot	MH Park Space
Lot/Space Area (square feet)	8,000	4,000
Lot Width (feet)	80	60
Lot Coverage (percentage)	40%	45%
Building Height (stories/feet)	2/30	1/16
Front Yard Setback (feet)	20	10 residence 20 garage/carport
Side Yard Setback (feet)	10	10 (a)
Street-Side Yard Setback (feet)	20	10 (a)
Rear Yard Setback (feet)	20	15 (a)

Key:
(a) All manufactured homes, including canopy and/or awnings, shall be set back ten (10) feet from the exterior boundary of the park.

1. Building height shall be measured from approved finished grade.

Section 9.4 Exceptions.

A. The "MH" Manufactured Home Zoning District shall not prohibit the continued occupancy of a non-certified mobile home or manufactured home, located and occupied as a private residence, within the Town at the time of adoption of this Ordinance that meets any of the following:

1. Not located within an approved "MH" Zoning District;

2. Located on a property that was zoned "C-MH" or "MHS" under the previous Town of Thatcher Zoning Code in effect at the time of the adoption of this Ordinance;

3. Currently has approval from the Town for the temporary use as a dwelling while the resident is building, or having built, on-site, what will be the permanent dwelling unit; not to exceed a one (1) year period;

4. Is not in compliance with the design and development standards of Section 9.3;

5. Has a current Temporary Use Permit for temporary dwelling of the resident's parent(s) provided that upon the termination of the Temporary Use Permit the mobile home or manufactured home shall be removed.

B. Existing mobile homes or manufactured homes that are not in compliance with the design and development standards of Section 9.3 at the time of the adoption of this Ordinance shall be brought into compliance as additions or alterations to the structures are requested as may be required by the provisions of this Ordinance on non-conforming structures.

C. The existing mobile home or manufactured home may be replaced in its' entirety only with a manufactured home that is in compliance with all of the design and development standards outlined in Section 9.3 and all other provisions of this Ordinance.

(End of Article)

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CHAPTER 153, ARTICLE 10: Open Space Zoning District

Section 10.0 General Requirements.

A. **Purpose**. The purpose of the "OS" Open Space Zoning District is to conserve and protect open spaces, desert washes and flood plains, prime agricultural lands, and lands agreed to be developed for recreational uses through the plan approval process. The primary purpose of designating these areas is to raise the degree of assurance that designated open space for conservation and recreational areas will remain open as well as to further the goals and objectives of the Thatcher General Plan.

B. **Permitted Uses.** Permitted uses shall only be those uses listed as permitted by right within the zoning district; all other uses are prohibited. Permitted uses are subject to all applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and for which the Town has not issued an approval.

1. Growing and harvesting of field crops, trees, flowers and vegetables.

2. Nurseries for the propagation and growing of plants, trees, bushes, flowers, and vegetables and other food crops; without an on-site retail or wholesale component.

3. Public or community gardens.

4. Undeveloped natural land.

5. Archaeological or historic sites.

6. Cemeteries, crematoriums, columbaria and mausoleums.

7. Public parks, including but not limited to, picnic grounds, playgrounds, athletic playing fields, swimming pools, golf courses, fairgrounds, and rodeo grounds.

8. Private parks maintained by a homeowner or property owners association.

9. Public or private golf course, including clubhouse and driving range located thereon, but not including miniature golf courses or stand-alone practice driving ranges, operated for commercial purposes, when not associated with a golf course.

10. Paved or unpaved trails or pathway systems for use by hikers, bicyclists (not bike lanes within the roadway pavement section), pedestrians (not sidewalks integrated with the curb), and equestrians; including trailheads

for such uses.

11. Manmade water features, rivers and streams.

12. Retention or detention basins; provided they are landscaped, multi-tiered and designed to be used as an active multi-use area.

13. Public or private arboretums, wildlife reserves or sanctuaries.

14. Utility services, but not including offices, treatment plants, generating stations, sub-stations, switching or splitting stations.

C. Conditional Uses. Conditional uses shall only be those uses listed as permitted as a conditional use, temporary use or administrative use within the zoning district and only after review and approval of a Conditional Use Permit, a Temporary Use Permit or an Administrative Use Permit in accordance with Section 3.4 of this Ordinance. All other uses are prohibited. Conditional uses are subject to all other applicable standards of this Ordinance and those that may be imposed by the decision-making body for the required use permit.

1. **Administrative Uses in the "OS" Zoning District..**

   a. Concessions, including but not limited to, amusement devices, recreational buildings, refreshment stands, and snack bars.

   b. Temporary uses such as carnivals, seasonal or holiday special events, sporting tournament event, and concerts; provided they are sponsored by a civic, community or government organization.

   c. Mobile vendors when associated with a temporary carnival, seasonal or holiday special event, sporting tournament event, and/or concert.

2. **Conditional Uses in the "OS" Zoning District.**

   a. Retail operation when in conjunction with and accessory to a permitted use including but not limited to; restaurant, gift shop, equipment sales or rental.

   b. A visitor center operated in conjunction with an archaeological or historic site.

   c. Mortuary when in conjunction with an on-site cemetery, crematorium, columbaria or mausoleum

   d. Community activity centers, art centers and museums for group assembly, display, and exhibition.

e. Commercial riding and boarding stables provided the site contains at least ten (10) acres. Additional acreage may be required based on the number of horses stabled thereon.

f. Wireless communication towers and antennas in accordance with the requirements of Article 18 of this Ordinance.

D. Review Process. All new development shall require Site Plan Review, by the Zoning Administrator, prior to the applicant's submittal for building or grading permits. All applications for site plan review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fees shall accompany all applications.

E. Design and Development Standards. The site design standards, architectural guidelines, and the development regulations required for the open space zoning district are outlined below and in Table No. 12 contained herein. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

1. **Site Design Standards.**

a. Retention basins with a bottom area in excess of one half (1/2) acre, should be designed, turfed and equipped to accommodate a play/sport field rather than being landscaped with decomposed granite. All recreational facilities, tot lots, play equipment, and amenities within a retention basin shall be located at least one (1) foot above the 50-year storm level. Basin slopes should not exceed a three to one (3:1) slope.

b. Paved trails and pathways should be landscaped and minimally furnished to provide shade and rest areas in order to encourage their extensive use as a secondary mode of transportation, recreation, and access throughout the neighborhoods and the Town.

c. Trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. Refuse enclosures in highly visible locations shall provide latching gates for screening the opening to the enclosure.

2. **Architectural Design Guidelines.**

a. All exterior elevations (360º architecture) should provide architectural detailing; not just the front elevation. The architectural details related to color, patterning and materials

should be coordinated for all elevations of the building to achieve harmony and continuity of design.

b. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective.

c. The use of metal or corrugated metal is strongly encouraged to only be used as an architectural accent or decorative element and not as the primary building material.

d. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.

e. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The Town strongly encourages all new buildings to meet Leadership in Energy and Environmental Design (LEED) certification standards and building sites to utilize Low Impact Development (LID) technologies.

3. **Development Standards**. Table No. 12, which follows, specifies the minimum lot size, minimum lot width, maximum lot coverage percentages, maximum building heights, and minimum yard setbacks allowed within the open space zoning district.

Table No. 12
Development Standards - Open Space Zoning District

Zoning District	OS
Lot Area (square feet)	5 Acres
Lot Width (feet)	none
Lot Coverage (percentage)	5%
Building Height (stories/feet)	2/30
Front Yard Setback (feet)	30
Side Yard Setback (feet)	15
Street-Side Yard Setback (feet)	30
Rear Yard Setback (feet)	30
Key: Building height shall be measured from approved finished grade.	

F. Compliance with Other Provisions.

5. Supplementary Requirements. The supplementary requirements in Article 13 herein shall apply.

6. Parking Regulations. The parking regulations in Article 14 herein shall apply.

7. Signs. All signage proposed shall comply with Article 15 herein.

8. Outdoor Lighting. All outdoor lighting shall comply with Article 16 herein.

9. Landscape Regulations. The landscape regulations in Article 17 herein shall apply.

(End of Article)

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CHAPTER 153, ARTICLE 11: Public-Institutional Zoning District

Section 11.0 General Requirements.

A. **Purpose**. The purpose of the "P-I" Public-Institutional Zoning District is to provide for those governmental, institutional and public uses which are necessary to serve the public at various locations throughout the community, and to distinguish them from private uses. It is intended that this district establish regulations and standards to ensure that governmental, institutional and public uses are not exempt from regulation, will not negatively impact neighboring uses, and will further the goals and objectives of the Thatcher General Plan.

B. **Permitted Uses.** Permitted uses shall only be those uses listed as permitted by right within the zoning district; all other uses are prohibited. Permitted uses are subject to all applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and for which the Town has not issued an approval.

1. Hospitals and institutions of an educational, charitable, or philanthropic nature.

2. Religious institutions, convents, and parish houses.

3. Public and private educational institutions for post-secondary studies; including university related uses including sporting fields, stadiums, arenas and dormitories.

4. Public schools (K-12), athletic fields, and playgrounds

5. Public parks and recreational facilities, including but not limited to, picnic grounds, playgrounds, athletic playing fields, swimming pools, golf courses, fairgrounds, and rodeo grounds.

6. Government office buildings and grounds; excluding storage and equipment yards, and service and maintenance facilities.

7. Fine art centers and museums, community activity centers and facilities, and civic and convention centers for group assembly, display, and exhibition.

8. Publicly owned or operated libraries, fire stations, police stations and post offices.

C. **Conditional Uses**. Conditional uses shall only be those uses listed as permitted as a conditional use, temporary use or administrative use within the zoning district and only after review and approval of a Conditional Use Permit, a Temporary Use Permit or an Administrative Use Permit in accordance with

Section 3.4 of this Ordinance. All other uses are prohibited. Conditional uses are subject to all other applicable standards of this Ordinance and those that may be imposed by the decision-making body for the required use permit.

1. **Administrative Uses in the "P-I" Zoning District..**

   a. Retail operation when in conjunction with and accessory to a permitted use including but not limited to; snack bars, restaurant, gift shop, equipment sales or rental.

   b. Temporary uses such as carnivals, seasonal or holiday special events, sporting tournament event, and concerts; provided they are sponsored by a civic, community or government organization.

   c. Mobile vendors when associated with a temporary carnival, seasonal or holiday special event, sporting tournament event, and/or concert.

   d. Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 18 of this Ordinance, permitted as an accessory use for a legally established principal use.

2. **Conditional Uses in the "P-I" Zoning District.**

   a. Governmental office buildings and grounds, including service and maintenance facilities, outdoor storage yards for vehicles, equipment, and materials.

   b. Municipal water production and storage facilities; municipal sewage treatment plants; municipal facilities for the collection, transfer, and disposal of solid wastes.

   c. Public safety and law enforcement facilities, including public or private detention and correctional facilities.

   d. Recycling transfer stations or automated collection centers, municipal or county landfills.

   e. Public utility generating plants.

   f. Airports whether civilian or military.

   g. Wireless communication towers and antennas as approved in accordance with the requirements of Article 18 of this Ordinance.

D. **Review Process.** All new development shall require Site Plan Review, by the Zoning Administrator, prior to the applicant's submittal for building or grading

permits. All applications for site plan review shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance. The required fees shall accompany all applications.

E. Design and Development Standards. The site design standards, architectural guidelines, and the development regulations required for the "P-I" Public-Institutional Zoning District are outlined below and in Table No. 13 contained herein. These standards provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

1. **Site Design Standards.**

a. Trash and refuse collection containers shall be screened with a six (6) foot decorative wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street. If the refuse containers can only be located in a highly visible location then latching gates, for screening the containers, at the opening to the enclosure shall be required.

b. Service and loading bay areas should be oriented away from adjacent residential zoning districts and should not front onto or be visible from the public street.

c. Parking areas adjacent to the required front yard are encouraged to be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the parked vehicles. Parking areas other than in front of the principal building is strongly encouraged.

d. Bicycle parking facilities should be located near the public entrance to the facility.

e. When adjacent to residential uses a solid view obscuring wall (non-chain link), a minimum of six (6) feet in height, shall be required along any outdoor storage area, or vehicle service and equipment storage area. No goods, materials or objects shall be stacked higher than the wall. Any access gates shall be constructed of view-obscuring material to provide effective site screening.

f. Building site details related to utility boxes, transformers, generators, chiller farms, mailboxes, trash bins and air conditioning units shall be integrated into the overall design of the building and/or development and screened from view, yet remain accessible for servicing.

2. **Architectural Design Guidelines.**

   a. All exterior elevations (360º architecture) should provide architectural detailing; not just the front elevation. The architectural details related to color, patterning and materials should be coordinated for all elevations of the building to achieve harmony and continuity of design.

   b. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective.

   c. The use of metal or corrugated metal is strongly encouraged to only be used as an architectural accent or decorative element and not as the primary building material.

   d. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective.

   e. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. The Town strongly encourages all new buildings to meet Leadership in Energy and Environmental Design (LEED) certification standards and buildings to utilize Low Impact development (LID) technologies.

3. **Development Standards**. Table No. 13, which follows, specifies the minimum lot size, minimum lot width, maximum lot coverage percentages, maximum building heights, and minimum yard setbacks allowed within the "P-I" Public-Institutional Zoning District.

Table No. 13 Development Standards - Public-Institutional Zoning District	
Zoning District	P-I
Lot Area (square feet)	none
Lot Width (feet)	none
Lot Coverage (percentage)	80%
Building Height (stories/feet)	3/45
Front Yard Setback (feet)	20
Side Yard Setback (feet)	10 (a)
Street-Side Yard Setback (feet)	10 (a)
Rear Yard Setback (feet)	10 (b)

Key:

(a) If the property line or adjoining street abuts a residential zone the setback shall be 20 feet.

(b) If the property line or adjoining street abuts a residential zone the setback shall be 25 feet.

1. Building height shall be measured from approved finished grade.

F. Compliance with Other Provisions.

1. Supplementary Requirements. The supplementary requirements in Article 13 herein shall apply.

2. Parking Regulations. The parking regulations in Article 14 herein shall apply.

3. Signs. All signage proposed shall comply with Article 15 herein.

4. Outdoor Lighting. All outdoor lighting shall comply with Article 16 herein.

5. Landscape Regulations. The landscape regulations in Article 17 herein shall apply.

(End of Article)

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CHAPTER 153, ARTICLE 12: Overlay Zoning Districts

Section 12.0 General Requirements.

A. Purpose and Zones. The overlay zoning districts shall be in addition to, and shall overlay, all other zoning districts where it is applied, so that any parcel of land lying in an overlay zoning district shall also lie in one (1) or more of the other zoning districts provided for by the Thatcher Zoning Ordinance. The specific Overlay Zoning Districts are as follows:

1. "TND" Traditional Neighborhood Development Overlay Zoning.
2. "RV" Recreational Vehicle Overlay Zoning.

B. Application Process. The Overlay Zoning Districts are to be used in conjunction with the underlying Zoning District(s). Rezoning to the Overlay Zoning District shall follow the general procedures and rezoning requirements as outlined in Article 3 along with any specific submittal and design requirements of the overlay zone as delineated herein.

C. Permitted Uses. Permitted uses shall be the same land uses as the underlying base zoning district except for uses that may be specifically added herein and those that may be excluded by the Town Council during the rezoning and approval process. Permitted uses are subject to all applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and for which the town has not issued an approval.

D. Compliance with Other Provisions.

1. Supplementary Requirements: The supplementary requirements in Article 13 herein shall apply.

2. Parking Regulations: The parking regulations in Article 14 herein shall apply.

3. Signs: All signage shall comply with the regulations of Article 15 herein.

4. Outdoor Lighting: All outdoor lighting shall comply with Article 16 herein.

5. Landscape Regulations: All landscaping shall comply with Article 17 herein.

Section 12.1 "TND" Traditional Neighborhood Development Overlay Zoning District.

A. Purpose and Intent. The purpose of the "TND" Overlay Zoning District is to

provide both the Town and the development community greater flexibility to create a distinctive, innovative, high quality, sense of place that would not be obtained by conventional zoning and development methods. The intent is to encourage a creative land use mix of different residential types and densities, promote the mix of residentially scaled commercial uses in a neighborhood setting, and to achieve design excellence that will enhance the unique character and setting of the Town of Thatcher.

B. General Provisions - TND Overlay Zoning District.

1. The minimum land area for a TND Overlay Zoning District shall be forty (40) contiguous acres, under one (1) common ownership, that may only be applied to an underlying "R1-10" and/or "R1-8" Zoning District.

2. Through the rezoning process the TND Overlay Zoning District allows for the establishment of development standards unique to the specific TND and different from those of the underlying zoning district. The specific development standards for the TND are to be suggested by the developer with the final determination approved by the Town Council.

3. If the TND is traversed by a proposed collector or arterial street as shown on the Thatcher General Plan, the TND shall be designed to continue the street(s) and dedicate that portion of the right-of-way within the TND boundaries for said collector and arterial streets unless otherwise approved by the Town Council.

4. The design standards and architectural design guidelines developed for the TND shall not be any less than the minimum design standards and architectural design guidelines outlined in this Ordinance and the Subdivision Ordinance.

5. All development and land uses shall conform to the TND's "Master Plan Map" and the TND's "Architectural Design Standards & Guidelines" as approved by the Town for the specific TND development. Site plan review, by the Zoning Administrator, shall be required for all uses and shall comply with the submittal requirements outlined in Section 3.6 of this Ordinance and/or on the Town's application form.

6. The developer of the TND shall form a "Master Homeowners Association" (H.O.A.) and/or a "Master Property Owners Association". Parcels that are developed within the TND may form an additional H.O.A. but shall still remain obligated to the master association.

7. An allocation of the TND's overall open space requirements, per **Table No. 14**, shall be provided in each phase of a multi-phased TND development unless otherwise approved by the Town Council. The land covered by roads, off-street parking, and the yards surrounding buildings which constitute open space pertinent to individual dwelling units shall

not be included in computing the required area for open space.

8. Density transfers may be considered between parcels within the TND provided the overall density for the TND doesn't increase from that approved by the Town Council. Requests for a density transfer may be approved by the Zoning Administrator.

9. For the purpose of calculating density the equation shall be as follows:

$$D = \frac{du}{A - (C + AC + OS)}$$

where:

D	=	Density
du	=	Total number of dwelling units or lots.
A	=	Total gross site area (acres)
C	=	Total commercial land (acres)
AC	=	Arterial and collector rights-of-way (acres)
OS	=	Park and open space (acres)

10. The residential density permitted depends on the percentage of the overall project that is devoted to multiple residence and/or commercial land uses as denoted in the following **Table No. 14.** The land use mix, density, and open space requirements shall be approved through the rezoning process for the TND and will be based on the overall design and quality of the project, its impact to surrounding properties, and the integration of the project into the overall community.

Table No. 14 - Land Use Mix for a TND Overlay Development

Single Residential % of Overall Project	Multiple Residence and/or Commercial % of Overall Project	Open Space % Required	Permitted Single Residential Density
80%	20%	10%	7 du/ac [(a) (b)]
90%	10%	12%	6 du/ac [(a) (b)]
95%	5%	15%	5 du/ac [(a) (b)]
100%	0%	20%	5 du/ac [(a) (b)]

Key:

(a) Conventional single family residential may be developed up to a maximum density of 5du/ac. Any density greater than 5du/ac must be developed as condominiums, town home/patio home, apartment, cluster residential, or residential units combined within commercial uses.

(b) The overall density of any TND shall not exceed 10du/ac. The density of any one multiple residence or mixed-use parcel within a TND shall not exceed 18du/ac.

11. It is the intent of the Town to monitor the project to ensure that the percentage of commercial, residential, and open space agreed upon through the rezoning process, is achieved and maintained.

C. TND Overlay Zoning Incentives.

1. Expedited Process:

   a. With the "TND" Overlay Zoning District only one (1) rezoning, to establish the TND overlay, shall be required. Once the TND is approved, the individual parcels will not require further rezoning; provided they are in compliance with the development's approved "Master Plan Map", project "Architectural Design Standards & Guidelines", and the permitted uses. Platting of the individual subdivisions will still be required and shall comply with the Subdivision Ordinance. Site plan review will still be required for the development of the multiple residence and commercial parcels.

   b. When an application for rezoning to the TND Overlay is accompanied by an application for a conditional use permit or subdivision plat approval, both applications may be processed and reviewed concurrently. If the proposed rezoning is not in compliance with the Thatcher General Plan - Land Use Plan, an application for an amendment to the Land Use Plan shall be submitted by the applicant in accordance with A.R.S. §9-461.06 and the Thatcher General Plan.

   c. The applicant submitting for a TND rezoning has the choice of submitting for a "Preliminary Development Plan" or a "Final Development Plan" depending upon the level of detail they are prepared to submit to the Town (see Section 12.1 (F) below).

2. Flexibility:

   a. Flexibility in development standards is allowed provided the TND is well designed, creates a walkable environment, and provides a mix of land uses.

D. Permitted Uses In addition to those uses permitted by right within the underlying "R1-10" and/or "R1-8" zoning district(s) the following uses may be permitted.

1. New duplex unit or an attached two (2) unit condominium on a corner lot within a parcel designated on the approved TND Master Plan Map as single residential; provided the lot and the dwelling units meet the following standards:

a. The area of the corner lot is nine thousand (9,000) square feet or larger in size.

b. Each dwelling unit must have its address and main entrance oriented towards a separate street frontage.

2. Golf courses including clubhouses located thereon and unlighted driving ranges but not including miniature golf courses. Golf courses may account for no more than eighty percent (80%) of the required open space in a TND. Golf courses shall be designed to be watered using effluent water or reclaimed water wherever and whenever feasible.

3. Multiple residential uses, on parcels that have been designated for such uses on the approved TND Master Plan Map, shall be limited to those listed below. The maximum building height shall be limited to three (3) stories or forty-five (45) feet. No building permit shall be issued for a multiple residential use until the Town has approved the site plan review.

   a. Multiple residential dwellings, whether detached or attached, including condominiums, townhouses, patio homes and apartments on a parcel designated for such use and developed as a cohesive project.

   b. Live-work units.

4. Office, service, retail and mixed-use on parcels that have been designated for commercial or mixed use on the approved TND Master Plan Map, shall be limited to those listed below. Drive-through windows and drive-in facilities shall be prohibited. Any development shall be limited to a maximum building height of three (3) stories or forty-five (45) feet and a building footprint of 6,000 square feet. No building permit shall be issued for a commercial use until the Town has approved the site plan review.

   a. Residential units, when located above the first floor or behind the commercial and/or activity frontage and incidental to the primary commercial or mixed-use development.

   b. Live-work units.

   c. Professional and administrative offices, banking and other financial offices.

   d. Medical, dental, chiropractic, clinical office and apothecary store.

   e. Veterinarian office (excluding laboratory and boarding or kennel facilities; except for short periods of observation incidental to care or treatment).

f. Art galleries, art studios for the production and teaching of fine art, music schools and dance studios.

g. Retail stores for the sale of stationery, cards, gifts, bookstore, bakery, delicatessen, candy shop, coffee house, ice cream shop, art supply shop, and photo shop.

h. Music store, video store, bicycle shop, sporting good store and apparel and accessory store.

i. Personal and household services, such as; clothing alteration, dry cleaning, laundromats, seamstress shop, beauty and barber shops, therapeutic massage, travel agency, printing and copy shop, florist and catering service.

j. Indoor health club, fitness or exercise facility.

k. Restaurants and taverns.

l. Day care centers, with no more than thirty (30) children total, including the required outdoor play area.

5. Assisted living facilities and group care homes for the elderly and handicapped; provided that such home is licensed by the State of Arizona Department of Health Services and is registered with, and administratively approved by the Town, as to compliance with the standards of this Ordinance.

6. Other similar uses as determined by the Zoning Administrator and approved by the Town Council.

E. Conditional Uses. The following uses may be permitted as conditional uses, on parcels that have been designated for commercial and institutional uses on the approved TND Master Plan Map, only after review and approval of a Conditional Use Permit in accordance with Section 3.4 of this Ordinance. Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council. Further, no building permit shall be issued for an approved conditional use until the Town has approved the site plan review.

1. Mixed use neighborhood center for permitted retail, service or office use; each business shall be restricted to a maximum building footprint of 6,000 square feet with the total center not to exceed 30,000 square feet with no drive-through window facilities.

2. Grocery stores under 30,000 square feet.

3. Public and private schools (K-12).

4. Temples, mosques, synagogues, or churches, including clergy housing.

F. Submittal Requirements.

1. The applicant must declare which development plan review process they intend to submit at the time of application; "Preliminary Development Plan" or "Final Development Plan".

   a. No matter which process the applicant chooses each shall require two (2) public hearings; one (1) with the Planning and Zoning Commission and, one (1) with the Town Council.

2. Approval of the "Preliminary Development Plan" is valid for a period of one (1) year from the date of Town Council approval. Application for the "Final Development Plan" must be submitted to the Town, along with the application fee and all required material listed below, within one (1) year from the date of preliminary development plan approval or the Town may revoke the preliminary development plan. Revocation shall be processed in accordance with the procedures established for rezoning as outlined in Section 3.3 of this Ordinance.

3. Before planning and design commences, a comprehensive site analysis examining a site's physical properties, amenities, special opportunities and constraints, character, and neighboring environment is required. The design and layout of the TND shall respond to the existing conditions of the site, adjacent developments, connecting thoroughfares, natural features and man-made features identified in the comprehensive site analysis.

4. <u>Preliminary Development Plans</u>. In addition to the material outlined in Section 3.3 of this Ordinance, a preliminary development plan shall also contain, at a minimum, the following materials for review:

   a. A preliminary "Master Plan Map" indicating the location and specific land uses and densities planned for the individual parcels within the development shall be submitted in conjunction with the request for rezoning.

   b. The "Conceptual - Architectural Design Standards & Guidelines", prepared by a designer or team of designers having professional competence in urban planning, shall be submitted for the entire project and shall include a narrative and graphical description of the development character, site planning, architecture, integration of the development into its surroundings, and the landscaping that can be expected from the development.

c. A "Preliminary Landscape Plan", prepared by a nurseryman or landscape architect, for all on-site and off-site, open space, trails, and retention area landscaping. This preliminary plan should also include information on: landscaping in compliance with the Article 17 of the Ordinance; the proposed plant palette; the type and locations of paths and trails within and adjacent to the development; the location and an elevation of any proposed fencing and walls; the location of any proposed street furniture or public art.

d. A preliminary "Open Space Plan", shall list in tabular form the acreage of open space for each proposed phase of development along with information on the type of open space proposed, the general location, and the proposed uses. The plan shall also include any community-wide open space systems, as defined in the Thatcher General Plan that are within the development.

e. A preliminary sign package, including the location, size, illumination, number, design and type of the project signage.

f. A "Preliminary Utility Plan" that at a minimum indicates the location of existing and proposed public utility (power and gas) lines and easements, the location and size of existing and proposed water mains, gas mains and fire hydrants and the location and size of existing and proposed sewers.

g. A "Preliminary Drainage Report" that at a minimum indicates or delineates: the boundaries of on-site and off-site drainage areas; the proposed drainage patterns of the development and the pre-existing patterns; run-off factor and run-off data; retention volume and location of drainage easements. The Town Engineer may request other drainage data necessary to review the proposed development.

h. If determined to be necessary by the Town Engineer, a preliminary traffic study, prepared by a Registered Traffic Engineer or Civil Engineer, shall be submitted that at a minimum addresses on-site and off-site traffic flows, traffic impacts on nearby arterial and collector streets, project impacts and mitigation measures, anticipated trip generations, and level of service. The Town Engineer may request other traffic data necessary to review the proposed development.

i. A phasing plan/schedule. If the project is to be developed in phases each phase shall contain a mix of residential densities, product designs and be self-sufficient meeting the requirements, standards and conditions applicable to the project as a whole.

Additionally, each phase of the project shall be self-sufficient in regard to facilities, utilities, and services.

j. A.L.T.A. Survey no older than ninety (90) days.

5. Final Development Plans. A final development plan may be submitted in lieu of a preliminary development plan provided that the necessary detailed plans are submitted. In addition to the material outlined in Section 3.3 of this Ordinance, a final development plan shall also contain, at a minimum but not limited to, the following materials for review:

a. All of the plans and reports required for a preliminary development plan review as outlined in Section 12.1 (F)(3) above.

b. The final "Master Plan Map" indicating the acreage, proposed use and density of each parcel as well as the location and layout for the backbone transportation and utility systems and open space network for the TND.

c. The final "Architectural Design Standards & Guidelines", with both narrative and graphics, prepared by a designer or team of designers having professional competence in urban planning and architecture, shall be submitted to explain the standards that the master developer will hold its homebuilders/parcel buyers to. These architectural design standards & guidelines shall apply to all types of land uses and buildings within the TND and should at a minimum discuss the following:

i. Project density, different types and the mix of land uses;
ii. Setbacks, varying lot sizes, and lot widths;
iii. The overall design and architectural theme, architectural diversity, relationship of buildings to each other and the land and theme elements that tie the individual parcels to the whole TND while creating diversity within the TND;
iv. Architectural standards such as style, form, massing, building facades, roof architecture, colors, materials, windows and doors;
v. The use of "standard plans" by production homebuilders/parcel buyers, the specific architectural and site design requirements, the diversity of elevations, and sustainable building practices and materials;
vi. Project open space percentage, uses, and improvements;
vii. Project landscaping;
viii. Project signage and entry monumentation;
ix. Project walls including location and type; if walls are proposed;
x. Street character and scene; and

xi. the projects' management mechanisms and development Covenants, Conditions,& Restrictions (CC&R's).

d. A "Final Landscape Plan", prepared by a nurseryman or landscape architect, that shall include, but not be limited to, a detailed list of plant species, plant sizes, and specific quantities. The landscape plan shall depict specific plant locations, the type and location of all walls and fencing, proposed location and material types for paths and trails, identify the line of sight requirements, and any other information deemed necessary by the Town to adequately review the final landscape plan.

e. A final "Open Space Plan" shall be submitted unless the open space types, locations, design and uses are fully addressed in the "Architectural Design Standards &Guidelines".

f. A comprehensive sign package that includes information regarding entry monuments and the overall project signage: color(s), material(s), size, location, type of sign (e.g. attached, freestanding, kiosk, window, shingle, etc.), letter samples for all of the types of proposed signage and any other information deemed necessary by the Town to adequately review the comprehensive sign package.

g. A Final "Utility Plan" prepared by a civil engineer that at a minimum provides a "Map of Dedication" for all utility easements necessary to serve the backbone utilities for the TND. The plan shall also indicate the backbone layout for all utilities that will serve the TND including but not limited to water, sewer, power and gas and shall include profiles.

h. A Final Drainage Report that is a complete report and not an addendum to the preliminary drainage report. The report shall also include a "Map of Dedication" for drainage easements identified in the Master Drainage Plan.

i. A "Map of Dedication" for the arterial and collector street system for the TND shall be submitted. Additionally, a Final Traffic Report may be required by the Town Engineer.

j. A copy of an approved permit required pursuant to Section 404 of the federal Clean Water Act if one is required for the development location.

k. If determined by the Zoning Administrator to be necessary, a "Visual Analysis" that illustrates the anticipated visual effects of the proposed development, identifies and addresses scenic view sheds and view corridors that should be protected, and illustrates

the mass and form of the proposed development, shall be submitted to and approved by the Town.

G. Design Standards for any TND Zoning District.

1. **Residential Parcels**.

a. The parcel buyers and/or homebuilders shall be held to the standards outlined in the "Architectural Design Standards & Guidelines" and the "Master Plan Map" developed for the TND and approved by the Town.

b. No one (1) residential lot size category shall comprise more than sixty percent (60%) of the total overall number of lots/units within the TND.

c. The TND is strongly encouraged to provide a mix of housing types (i.e. single family, condominium, town home/patio home, or apartments) within the residential component/percentage of the project. A variety of housing types are encouraged within each neighborhood/parcel.

d. Any residential parcel with more than forty (40) total lots shall be required to provide a minimum of two (2) distinctly different residential lot size categories. If the parcel has more than eighty (80) total lots it shall be required to provide a minimum of three (3) distinctly different residential lot size categories. For the purposes of this ordinance "distinctly different" shall be defined as a minimum of 2,000 square foot differential in area in combination with a lot width differential of twenty (20) feet unless otherwise recommended by the Planning and Zoning Commission and approved by the Town Council based on superior design, product diversity and/or unique circumstances.

e. The parcel developer/homebuilder is strongly encouraged to design the residential parcels/subdivisions using a variety of lot widths and lot sizes adjacent to each other along the same street; rather than designing them into separate sections. The integration of different lot widths and sizes provides a variety to the streetscape and a sustainable neighborhood that can accommodate changing needs for the future homeowners.

f. If residential lots are platted adjacent to an existing residential neighborhood (outside the TND) then the lots shall provide a setback equal to the required setbacks of the existing adjacent lots; applied to the lot line that borders the existing residential lot.

g. Residential parcels that are along the perimeter of the TND may

be required to provide deeper lots to back to the TND perimeter as well as restrictions on the number of two-story homes built along the perimeter, built adjacent to one another, built adjacent to the open space areas, and require architectural treatments that provide visual variety.

h. Production homebuilders should provide a minimum of four (4) floor plans, with a minimum of three (3) distinctly different elevations for each floor plan. Additionally, a minimum of three (3) colors of roof material, three (3) styles of garage doors and three (3) exterior paint colors shall be required to further promote visual interest and architectural diversity. The same elevations should not be utilized across from or adjacent to each other.

i. Sustainable building practices and materials that meet Leadership in Energy and Environmental Design (LEED) certification standards and building sites that utilize Low Impact Development (LID) technologies are encouraged.

2. **Commercial Parcels.**

a. The TND should be designed in a way that provides interior parcels for small scale neighborhood commercial uses and mixed uses to serve as a "village core" for the TND rather than large perimeter parcels for community wide commercial uses.

b. Residential uses are also encouraged, but not required, as a mixed use within the commercial buildings of the village core provided that the residential uses are located behind the commercial and/or active use frontage on the first floor or on the upper floors above the office, retail or service uses.

Examples of: mixed use with multiple residence above commercial uses in a village core setting.

c. Mixed use residential/commercial (within the same building) should be deed restricted to prohibit the conversion of the commercial space to a residential use.

d. All commercial activities shall be conducted entirely within the enclosed commercial buildings with no outside storage; except that outdoor patios and dining areas, display areas, and seating areas are encouraged to add to the pedestrian environment of the neighborhood. The commercial buildings shall be designed in a manner that is more residential in appearance (i.e. roofs, windows, doors and materials etc.) to be compatible with the residential neighborhood. Front porches and/or courtyards are strongly encouraged and should provide a pedestrian connection to the sidewalk, street, or open space network.

e. Commercial parcels should be integrated into the TND by providing: pedestrian connections to adjacent residential parcels, gathering spaces and outdoor areas that connect to the open space network, residential components, a compact design, spatial organization of the buildings that are walkable and inviting, and multimodal use of right of ways that enhances the livability of the entire TND.

Examples of outdoor dining and seated gathering areas integrated into the pedestrian space.

f. In addition, the TND may provide standards for street vendors such as mobile carts, information kiosks, entertainment and other outdoor temporary uses.

3. **Open Space**.

a. In order to create user-friendly spaces and to encourage use by the public, the required open space and other public spaces should incorporate all of the following features to the maximum extent feasible:

i. Plan site drainage to lead runoff away from active use areas;
ii. Orient open space to face south and west for solar access to extend its use throughout the year;
iii. Create a sense of enclosure for outdoor seating areas with landscaping, topography, and/or buildings and structures;
iv. Create a consistent palette of streetscape furnishings, such as lighting, benches, landscaping, shelter, and trash receptacles;
v. Locate streetscape furnishings in clusters or nodes throughout the entire TND – not just within the "village core"; and
vi. Use creative surfaces and materials for walking paths and gathering and seating areas that are appropriate for their respective functions.

b. Open spaces and outdoor public spaces should be located to:

i. Be shared by adjoining buildings, to the maximum extent feasible;
ii. Visually or physically connect with open space on adjacent properties and to the community-wide open space network;
iii. Connect the entrances of multiple buildings on a site to provide meeting and gathering spaces;
iv. Orient to views of activities or natural features to provide visual interest; and
v. Preserve and/or enhance major drainage ways and include on-site storm water detention facilities as an integral component and amenity.

c. Community gardens are encouraged either within the residential parcels or as part of the larger TND open space system.

Examples of outdoor gathering and seating areas enclosed by the surrounding buildings and the use of a consistent streetscape palette.

d. Open space within and throughout the TND should be designed so that a playground, ball field, public gathering area, pedestrian path, bicycle trail, picnic ramada, or community garden is provided within 1,300 feet of every residential lot.

e. Outdoor play areas in association with a daycare center shall be permitted and shall not be calculated as part of the required open space.

f. The required open space shall be designed, located and oriented to provide: 1) high pedestrian and bicycle accessibility within the individual parcels; 2) connections to adjacent parcels to enhance a structure of continuous open space throughout the TND; and 3) a connection between the TND and the greater Thatcher community open space system.

Examples of community gardens and playground integrated into the circulation system and entrance into community open space system from within the parcels.

4. **Circulation System**.

   a. The development should be designed in a manner that will slow down through traffic; except on the collector roadway. Traffic calming methods such as, but not limited to, chicanes, roundabouts, all-way stop intersections, and different pavement surfaces may be considered if found to be acceptable by the Town Engineer.

   b. The collector roadway within the TND should be designed as an internal loop road that connects the various parcels within the development. The local streets and arterial within the "village core" should be designed in a grid to create a walkable street system that improves the overall pedestrian environment.

   c. The TND shall provide a backbone network of both on-street bike lanes as well as off-street multi-use pathways to accommodate all levels of cyclists and to provide a safe alternative multi-modal system. On-street bike lanes shall not be

calculated as part of the required open space. Off-street multi-use pathways may be calculated as open space.

d. The residential parcels (subdivisions) shall likewise provide right-of-way or open space for both bicycles and pedestrians within the parcel and shall provide connections to the TND's backbone network.

e. Multi-use trails shall be used to interconnect the various open space areas of the TND, the various neighborhoods within the TND to each other, and the overall development to the greater Thatcher open space system. Particular care should be given to linkages with adjacent subdivisions within the TND to promote internal pedestrian and bicycle traffic without crossing arterial or collector street(s) as much as possible.

5. **Drainage System**.

a. If applicable, a project's drainage should be designed to allow storm water retention/detention to meander through the development as a greenbelt, simulating a natural waterway, as opposed to constructing a series of separate and distinct basins.

b. Retention or detention basins, which are required in accordance with either the TND master drainage report or an individual parcel (subdivision) drainage report, should be landscaped, multi-tiered and designed as part of the overall open space system of the TND. Retention basins with a bottom area in excess of one half (1/2) acre, shall be designed, turfed and equipped to accommodate a play/sport field rather than being landscaped with decomposed granite. Any recreational facilities, tot lots, play equipment, and amenities within the basin shall be located at least one (1) foot above the 50-year storm level. Terracing, berming and contouring may be required to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three to one (3:1) slope.

6. **Site Design**.

a. All required off-street parking spaces for commercial, mixed use, and multi-family developments or buildings should be located in the rear or to the side of the structures to avoid visibility from public streets and the interruption to the rhythm of the established streetscape. The parking lots are encouraged to be screened from public view and from any adjacent residential properties by a solid three (3') foot high screen wall that is decoratively treated to match the architectural style and design of

the commercial, mixed use and multi-family product or a landscape berm or combination thereof.

b. Trash and refuse collection locations for all commercial, mixed use, and multi-family developments and/or buildings shall be screened with a six (6) foot decorative masonry wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street

7. **Architectural Design.**

a. All commercial, mixed use, and multi-family buildings shall provide architectural detailing on all exterior elevations (360° architecture); not just the front elevation. Window embellishments shall be provided by adding architectural features that enhance the elevations (e.g. sturdy synthetic wood substitutes, greater variation of window design, different window styles, tile inlays and recesses, structural pop-outs, gabled roof features over the windows, etc.)

b. For all commercial, mixed use, and multi-family buildings the mechanical equipment and similar utility devices, whether ground level or roof mounted, shall be screened from public view and designed to appear as an integral part of the building; except for solar panels. The mechanical equipment screening shall be included in the overall building height. Mechanical equipment shall be treated to be non-reflective. Electrical meters, service components, and SES cabinets shall be screened from public view and designed to appear as an integral part of the building

c. Roof access shall be from within the commercial building.

d. Full roof architecture utilizing simple and varied roof forms is encouraged for all new commercial buildings/development; while long, continuous mansard roofs, false mansard roofs, large expanses of flat roofs and veneer (false-front) parapets are discouraged. Parapet walls shall be designed and constructed in a manner to appear as a solid, three-dimensional form rather than a veneer.

e. The TND should promote the achievement of Leadership in Energy and Environmental Design (LEED) certification standards for all commercial multiple residential and mixed-use buildings. Also, Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) certification for the TND should be pursued for the residential neighborhoods.

H. Amendments to an Approved TND Overlay.

1. Minor amendments to an approved "TND" may be approved administratively by the Zoning Administrator and shall only be considered for minor changes to a site plan layout, architectural amendments, boundary shifts between parcels or land uses within the TND, and changes to the setbacks. Changes in the density or land use types shall not be considered as minor amendments and such changes shall be processed as a new TND application. In determining whether the proposed minor amendment to the TND shall be approved, the Zoning Administrator shall ensure that the proposed amendment meets all of the following criteria:

    a. That the development pattern contained in the originally approved TND provides for appropriate optional sites for the land use or change proposed by the minor amendment without creating a negative impact on the surrounding land uses or residential neighborhoods.

    b. That the amendment constitutes an overall improvement to the approved TND and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

    c. That the amendment will not adversely impact the community as a whole or a portion of the community by:

        i. Significantly altering acceptable existing land use patterns,

        ii. Requiring additional and more expensive improvements to roads, sewer, or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,

        iii. Adversely impacting existing or previously planned uses through increased traffic generated by the proposal on existing systems, or

        iv. Affecting the livability of the area or the health and safety of the residents.

    d. That the amendment is consistent with the TND's approved "Architectural Design Standards & Guidelines", does not constitute a reduction in the amount of open space, and is compliant with other adopted plans, codes, and ordinances.

2. It shall be the burden of the party requesting the minor amendment to prove that the change constitutes an improvement to the TND. It shall

not be the burden of the Town to provide a reason that an amendment should be denied.

Section 12.2 "RV" Recreational Vehicle Overlay Zoning District.

A. **Purpose**. The purpose of the "RV" Recreational Vehicle Overlay Zoning District is to provide for a specific zone that will permit recreational vehicle parks which are suitably developed for the placement and occupancy of recreational vehicles for residential purposes on rented or leased spaces with the necessary accessory amenities. The intent of these regulations is to enable the development of unique, well-planned projects for seasonal occupancy.

B. **Underlying Zoning Districts**. The "RV" Recreational Vehicle Overlay Zoning may be applied to the underlying "R-3" and "C-2" Zoning Districts for the express purpose of developing a land-lease Recreational Vehicle Park as defined in Appendix A of this Ordinance.

C. **Permitted Uses.** In addition to those uses permitted by right within the underlying "R-3"and/or "C-2" zoning district(s) the following uses may be permitted.

1. The only permitted use shall be for a recreational vehicle park (land-lease) development.

D. **Site Specification**. All RV parks shall provide adequate streets, driveways, walkways, proper layout of park, proper sanitary facilities, adequate fire protection, adequate water supply, adequate lighting, and adequate protection of surrounding properties. All RV parks shall comply with the following in addition to other requirements of this Ordinance:

1. No manufactured homes or site built dwelling units shall be permitted except for that of the owner/manager.

2. No "park model" units shall be permitted within a RV park.

3. RV parks shall not be used as permanent residences except for that of the owner/manager. All recreational vehicles within an RV park shall display current license plates/tags and shall not be parked nor occupied for more than one hundred eighty (180) days per calendar year.

4. There shall be a maximum density of 20 spaces per net acre.

5. RV park developments shall be designed to accommodate a mix between Class A, Class B, and Class C recreational vehicles (by varying the space depth); with the following area requirements for the individual spaces based on the different types of vehicles:

a.	Class A vehicle	2,100 square feet
b.	Class B vehicle	1650 square feet
c.	Class C vehicle	1350 square feet

6. The minimum width of any RV space shall be thirty (30) feet. There shall be a minimum of five (5) feet between adjoining recreational vehicles, including all attached awnings or shade canopies.

7. Each park must provide an adequate and easily identifiable office or registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the RV park.

8. RV park developments shall be improved with paved private streets built to Town specifications. Private streets shall be maintained by the private owner of the RV park.

9. No RV space within the park shall have direct access to a public street outside of the development.

10. An approved perimeter wall shall be constructed around the entire RV Park.

11. Each designated space in the park shall have a concrete slab for the parking of the RV unit. There shall be no RV parking other than on the paved surface area within the designated space. The concrete slab shall directly connect to the paved street system of the RV park.

12. Each RV unit shall be equipped with wheels, which remain on the unit; however, the wheels may be blocked for stability.

13. No permanent room addition shall be attached to the RV unit nor shall the unit be attached to any permanent structure.

14. Recreational amenities such as swimming, shuffle board, and tennis and/or social centers, which may be used for dancing, crafts, hobbies, games, meeting, banquets, and similar recreational uses, intended for use solely by the residents of the park, shall be developed and may be of conventional construction

15. Restroom and shower facilities shall be provided separately for men and for women. A common use laundry facility shall be provided at a ratio of one (1) washer and one (1) dryer for each twenty (20) spaces or fraction thereof.

16. Each RV park shall be master metered for both electric and water/sewer service. Individual lease spaces shall be developed with a hook-up to these utilities. If approved by the Town, the park may be allowed some

short-term lease spaces without utility hook-ups. Additionally, each development shall provide at least one (1) approved disposal site/pumping station for both water and sewer holding tanks for the RV units.

(End of Article)

CHAPTER 153, ARTICLE 13: Supplementary Requirements

Section 13.0 Purpose. The purpose of this Article is to accumulate, under one heading, general development regulations and performance standards-which apply to all Zoning Districts rather than to repeat them several times. The standards and regulations set forth in this Article shall qualify or supplement, as the case may be, the District Regulations set forth elsewhere in this Ordinance.

Section 13.1 Use Restrictions.

A. **Permitted Uses.** Permitted uses shall be only those uses listed as permitted uses within the zoning districts and shall be subject to the specific requirements of the Ordinance.

B. **Conditional Uses**. Conditional uses shall be only those uses listed as conditional uses and shall require a Conditional Use Permit, Administrative Use Permit, or a Temporary Use Permit in order to be established within the zoning district in which they are listed.

C. **Zoning Clearance**. Zoning clearance is the verification by the Zoning Administrator, or his/her designated representative, indicating that the proposed building, structure, or use meets all the requirements of this Ordinance at the time of building permit review if applicable. Zoning clearances shall be required for all development and construction activities addressed within this Zoning Ordinance. Any change in use shall also require a Zoning Clearance.

D. **Building Permits**. Building permits shall be required for all development and construction activities addressed within the adopted Building Codes as well as other policies, codes, or ordinances adopted by the Town of Thatcher. Building permits shall be obtained prior to any development or construction activity.

Section 13.2 Lot Divisions.

A. 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 Town of Thatcher Subdivision Ordinance.

B. No lot may be reduced in area so as to cause any open space or yard required by this Ordinance to be less in dimension than is required for the Zoning District and lot in question.

Section 13.3 Lot Access Requirements.

A. All lots shall abut a dedicated and accepted public street connecting to the publicly dedicated and accepted street system; unless otherwise approved herein.

B. Through the Minor Land Split process, as specifically prescribed in the Town of Thatcher Subdivision Ordinance, the Town may permit lot access by other means.

C. The Town may, through the rezoning or subdivision process, allow private streets that are designed and constructed per Town private street standards (refer to Town of Thatcher Subdivision Ordinance for street standards) as follows:

1. Where access to a public road is to be provided by way of a private road, such street shall be designed, graded, and paved in accordance with the provisions of all applicable private street standards of the Town of Thatcher.

2. All private roads, for so long as they shall remain private, shall be maintained to the foregoing Standards.

3. In no event shall any private roads have guard or gatehouses or stalls or other obstructions or impediments of any kind or nature whatsoever to free and unrestricted access and travel for emergency and other vehicles.

D. Except for lots abutting private streets, which have been specifically approved by the Town through the rezoning, subdivision process, or minor land split process, a building permit shall not be issued for a recorded lot, which does not abut a dedicated and accepted public street and the abutting street does not connect to the publicly dedicated and accepted street system.

E. Prior to the acceptance by the Town of the dedication of a public street, such street shall be designed, graded, and paved in accordance with the provisions of all applicable public street standards of the Town of Thatcher.

F. Wherever a front or side yard is required for a building, which had been designated by the Commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

Section 13.4 Unsuitable Sites. No land shall be used or structure erected if the Town Engineer or the Town's Consulting Engineer has determined, based on accepted engineering principles and practices, that the land is unsuitable for such use or structure by reason of potential flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility or any other feature or features which may render such use or structure likely to be harmful to the health, safety and general welfare of the community.

Section 13.5 Performance Standards.

A. Every activity, operation or land use shall comply with the following performance standards regardless of the zoning district in which it is located. .

1. Glare and 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.

2. Lighting. No light that flashes, revolves, or otherwise resembles a traffic control signal shall be allowed in any area where such light could create a hazard for passing vehicular traffic. All outdoor lighting shall be installed, maintained, and utilized in conformance with Article 16 of this Ordinance.

3. Fire and Explosion Hazards. Disposal of waste materials by outdoor incineration on the premises shall require a burn permit from ADEQ. All storage of, and other activities involving inflammable and explosive materials shall be provided adequate safety devices against hazards of fire and explosion, together with adequate fire-fighting and fire suppression equipment and devices standard in industry. All storage of inflammable or explosive materials shall further comply with location requirements set forth by the Fire Department or as established by this or other Town codes and ordinances.

4. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not discernible, without instruments, at any point beyond the site property line.

5. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause excessive soiling.

6. Liquids and Solid Waste. No materials (organic or inorganic), compounds or chemicals, which can contaminate any water supply, interfere with bacterial process in sewerage treatment or otherwise cause emission of elements which are offensive or hazardous to the public health, safety, welfare or comfort shall be discharged at any point into any public sewer, private sewage disposal system or stream or into the ground, except in accordance with the standards approved by the Arizona State Department of Health and/or Environmental Quality or such governmental agency as may have jurisdiction over such activities.

7. Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the site property line.

8. Noise. No use shall result in noise perceptible beyond the boundaries of the immediate site of the use that exceed the levels which engender annoyance or create an unhealthy environment for adjacent properties.

9. **Drainage** and Flooding. Surface water from rooftops or lots shall not be allowed to drain onto adjacent lots. No structure or land shall hereafter be constructed, located, extended, converted, or altered within any flood hazard areas that would create a public nuisance or create a hazard to life or property. Encroachment into the floodway shall be prohibited including but not limited to, fill, new construction, substantial improvements, and other development, unless certification by an AZ registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. The Zoning Administrator shall be responsible for ensuring compliance with these performance standards and shall invoke the provisions for enforcement of compliance with these performance standards wherever there is reasonable evidence that performance standards are being violated by such activity, operation or use

Section 13.6 Projections into Required Yards.

A. The space in any required yard shall be open and unobstructed, except for the ordinary projections of chimney flues, awnings, open outside stairways and balconies, window sills, belt courses, cornices, eaves and other architectural features provided such features shall not project further than three (3) feet into any required yard, and provided further that in no case shall such projections be nearer than seven (7) feet to the property line.

B. Bay windows, including their cornices and eaves, may project into any required yard not more than three (3) feet, provided the sum of such projections on any wall does not exceed one-third ($^1/_3$) the length of the wall and provided that in no case shall such projections be nearer than seven (7) feet to the property line.

C. Mechanical equipment, such as air conditioners, may be constructed within any yard in conformance with this Ordinance, provided that in no case shall said mechanical equipment create an open side yard area of less than seven (7) feet. This open clear area extends from the front of the structure to five (5) feet beyond the rear of the structure. All mechanical equipment shall be screened from public view.

D. For zoning districts in which residential dwellings may be constructed on or across a common lot line, when separated on the line by a dividing wall, Council approval of the development plan shall be required.

E. The setback from the street for any dwelling located between two (2) existing dwellings in any Residential Zone may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street, and are located within one hundred fifty feet (150') of each other.

Section 13.7 Height Limitations.

A. Building Height. No building shall be erected, reconstructed, or structurally altered to exceed the height limitations designated for the zone in which such building or structure is located. Height regulations established elsewhere in this Ordinance shall not apply to the following:

1. In residential districts: church spires, belfries, cupolas and domes not for human occupancy, public monuments, water towers, grain elevators or necessary mechanical appurtenances associated with agricultural produce processing and accessory agricultural buildings provided they do not exceed a height of sixty (60) feet. Also, noncommercial radio or television antennas or wireless communication towers as approved in accordance with the requirements of Article 18 of this Ordinance.

2. Chimneys in residential districts may be two (2) feet above the roofline of the residential structure, even if the roofline is at the maximum building height.

3. In industrial districts: chimneys, refrigeration coolers, ventilation fans, elevator bulkheads, derricks, conveyors, grain elevators, or other similar mechanical appurtenances and/or structures necessary to operate and maintain the building provided they do not exceed seventy-five (75) feet in height and are so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.

4. The combined height of roof-mounted solar panels and associated equipment and the structure upon which it is installed may exceed the maximum building height of a zoning district by an additional 6-feet, so long as the structure upon which the solar panels and associated equipment are installed does not exceed the maximum building height of the zoning district in which it is located.

B. Height Limitation on Corner Lots. Notwithstanding any other provisions in any zoning district which require a front yard, the height of any buildings, fences, walls, retaining walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, and construction and landscape plantings shall not obscure the view of automobile drivers. Such heights on corner lots in all zoning districts shall be limited as follows:

1. Height shall not exceed three (3) feet above the established elevation of the intersecting streets for a distance of fifty (50) feet along the front and side lot lines and within the triangle formed by the connection of these two lot lines.

2. Within this triangle, and in cases where front yards are terraced, the ground elevation of such front yards also shall not exceed three (3) feet above the established street elevation of the intersecting streets.

3. Vegetative screening and/or any type of shrubs planted within the front yard setback shall be restricted to only those plant varieties that do not exceed a mature growth height of three (3) feet.

Section 13.8 Accessory Buildings and Uses.

A. Customary Outbuildings, including garages, sheds, swimming pool, and accessory buildings may be located within or maintained as accessory to any building lawfully within the boundaries of any specified district.

B. Accessory Buildings.

1. Accessory buildings constructed of metal, wood, or block with a roof area exceeding one hundred twenty (120) square feet may be built in the required rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of the required rear yard. Accessory buildings shall be setback a minimum of three (3) feet from the rear and interior side property lines. If located closer than six (6) feet to the principal dwelling then the accessory building must be attached to the principal dwelling through an integral roof structure a minimum of six (6) feet in width; except for owner assembled garden sheds less than one-hundred twenty (120) square feet in size.

2. Detached accessory buildings shall not be located in the required front yard.

3. Accessory buildings may be built on the property line provided the roof area does not exceed one hundred twenty (120) square feet and all accessory building roof drainage stays on the property.

4. Accessory buildings shall not exceed the height regulations of the zoning district within any part of the buildable lot area, and shall not exceed eighteen (18) feet in height in any required yard.

5. In the case of corner lots, accessory buildings shall maintain side yard setbacks from the street side lot line as required for the main structure in

that zone; and when a garage is entered from an alley, it shall not be located nearer than three (3) feet to the alley line.

6. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been actually commenced or the primary use established; except for agricultural uses in the "R1-43" Zoning District.

7. Accessory buildings shall not be used for dwelling purposes except for a guesthouse or if permitted elsewhere in this Ordinance.

8. All accessory buildings and accessory uses, such as but not limited to; guesthouses, barns and corrals, garages, and swimming pools shall require building permits and/or zoning clearance and shall adhere to any applicable provisions elsewhere in this Ordinance.

9. All accessory buildings or uses, except for wells and related well equipment shall have the same electrical meter as the principal building or use unless the public utility determines that a separate meter is required for safety reasons which shall be determined on a case-by-case basis.

10. Manufactured homes, mobile homes, and recreational vehicles shall not be used as an accessory building in any district.

C. Cargo Containers and Semi-trailers.

1. Semi-trailers shall be prohibited in all zoning districts as a principal or accessory building and/or use.

2. Cargo containers may be permitted in all zoning districts, for the on-site storage of construction material only when in conjunction with an active building permit on-site, with an approved Administrative Use Permit.

3. Semi-trailers may be permitted in the "C-1", "C-2" and industrial zoning districts, only for the temporary on-site storage of holiday related materials when in conjunction with a permanent use and with an approved Temporary Use Permit.

4. Cargo containers may be permitted in the "OS", "P-I" and Industrial zoning districts as an accessory building for storage purposes only.

5. Cargo containers may be permitted in all commercial zones as principal and/or accessory building subject to the following provisions:

   a. If a cargo container is to be used as an accessory building it shall

be painted or resurfaced to architecturally match the principal building, be located away from the front of the principal building and shall be limited to only one (1) container per lot.

b. If cargo containers are to be used in part, whole, or in some combination as the principal commercial building, they shall be painted, resurfaced or architecturally modified to appear more conventional in nature and shall require site plan review by the Zoning Administrator.

6. Cargo containers may be permitted in the single residential zones as a principal and/or accessory building subject to the following provisions:

a. If a cargo container is to be used as an accessory building it shall be painted or resurfaced to architecturally match the principal residential building, be located only in the rear yard, and shall be limited to only one (1) container per lot.

b. If a cargo container(s) is to be used in part, whole, or in some combination as the principal building it shall be painted, resurfaced or architecturally modified to appear more conventional in nature and shall require site plan review by the Zoning Administrator.

7. If a cargo container is used as an accessory building it shall adhere to the requirements outlined in Section 13.8.B above.

D. Portable Carports. Portable carports shall be permitted in all residential districts, subject to the following provisions.

1. Portable carports shall be easily re-locatable, shall not be permanently affixed to a foundation, and shall require site plan review but not otherwise require the issuance of a building permit under the International Building Code.

2. Portable carports shall be installed in accordance with the following:

a. Portable carports shall remain open on four (4) sides and shall be limited to a maximum of four-hundred (400) square feet in size.

b. Portable carports shall be anchored in such a manner to prevent wind uplift.

c. Portable carports may not be permanently anchored to concrete slabs or footings or otherwise anchored in a manner that would impede ready removal and portability.

d. Portable carports shall be limited to one (1) per lot.

3. Portable carports shall not encroach into required front or side yard setbacks when adequate area and access otherwise exist.

4. If the lot size, area, access, or configuration limitations do not permit the installation of portable carports without encroaching into the required front, side or rear yard setbacks, the Zoning Administrator may authorize encroachment into the setback by issuing an administrative use permit pursuant to Section 3.4 of this Ordinance.

Section 13.9 Fences and Walls.

A. No fence, wall, or hedge shall be constructed higher than three (3) feet above the grade of the sidewalk in any required front yard. Where a sidewalk does not exist, the future sidewalk grade, as determined by the zoning administrator, shall be used. Fences, walls, and hedges constructed within the required side or rear yard, which are not immediately adjacent to a street, shall not be built higher than six (6) feet above the grade of the lot.

B. Corner Lot Exceptions: Fences, walls, or hedges constructed on corner lots may not be located in a "sight-visibility-triangle" that extends 25' in both directions from the adjacent back of sidewalk (or future back of sidewalk, as determined by the zoning administrator). Fences walls or hedges constructed on corner lots must be three (3) feet or less in height when located in the required front or side yard setback and shall not be higher than six (6) feet above the grade of the lot when located outside the front or rear yard setback. When two corner lots back against each other and neither fronts onto the side street, a six (6) foot fence, wall or hedge may be constructed within the required side yard.

C. Within the "P-I" and industrial districts the maximum fence or wall height shall be eight (8) feet except that fences or wall abutting a residential district shall not exceed six (6) feet in height. These height regulations shall not apply when fences or walls of greater height are required by the Planning and Zoning Commission or Town Council in order to provide adequate screening as required by this Ordinance. Utility companies, which are regulated by the Arizona Corporation Commission, and schools, public and quasi-public institutions including correctional facilities, may be allowed increased fence heights when based on national or state standards.

D. Every fence or wall shall be constructed in a workmanlike manner and be of a conventional fencing material such as masonry, preformed concrete sections, treated wood, wrought iron, vinyl, or chain link except as may be specified elsewhere within this Ordinance. Any materials not specified as approved within this Ordinance shall not be used unless a different, new or unspecified material is approved through an administrative use permit. Every fence or wall shall be maintained in a condition of good repair and shall not be allowed to become and

remain in a condition of disrepair, damage, or unsightliness, and shall not be allowed to constitute a public or private nuisance. Any such fence or wall that is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect shall be deemed to be a public nuisance and the Zoning Administrator may commence proper proceedings for the abatement of such nuisance.

E. All fences and walls shall be located entirely on the private property of the person, firm or corporation constructing, or causing the construction of any such fence or wall unless the owner of the adjoining property agrees, in writing, that such fence or wall may be erected on the division line of the respective properties except where otherwise restricted by this Ordinance. Walls and fences shall be located so that electric and gas meters are accessible and not behind gates in the rear or side yard.

F. An arched entry gate/feature may be permitted within the front yard setback provided it is an integral part of an approved front yard wall and does not exceed a height of eight (8) feet or a width of eight (8) feet.

G. Electrical fences shall be prohibited except within the "R1-43" Zoning District for the containment of animals.

H. Barbed Wire and Concertina (Razor) Wire:

1. Barbed wire may be used in the agricultural residential zone "R1-43" for agricultural purposes. Barbed wire is prohibited in all other residential zoning districts.

2. Barbed wire may be permitted in "P-I" and the industrial zoning districts for security purposes surrounding allowed outdoor storage areas provided the barbed wire is located six (6) feet or more above grade and angled inward so as not to be visible from public view.

3. Concertina wire is prohibited; except around public or quasi-public correctional/detention facilities when necessary for the restraint of the occupants or for security purposes.

I. Fences surrounding a tennis court shall not exceed twelve (12) feet in height, cannot be located in the required front yard and must maintain a minimum setback of ten (10) feet from all property lines.

Section 13.10 Swimming Pools.

A. In all residential districts, contained bodies of water, either above or below ground level, with the container being eighteen (18) or more inches in depth and/or wider than eight (8) feet at any point, measured perpendicular to the long

axis, shall conform to the location and fencing requirements for swimming pools as outlined in this Ordinance and in A.R.S. §36-1681. Irrigation and storm water retention facilities, and the water features in public parks and golf courses are exempt from the fencing requirements of this section.

B. Any swimming pool along with incidental installations, such as pumps and filters, shall be completely enclosed by a permanent fence, wall or barrier to restrict access to the swimming pool from public property, from adjoining private property, and directly from all guest rooms of a hotel, motel or resort development located on the same premises as the swimming pool.

C. Swimming pools along with incidental installations, such as heater, pump and filter or other mechanical equipment used in association with a private swimming pool may be located in required yards, other than the required front yard, provided such pool and all incidental installations are set back from all lot lines a minimum distance of five (5) feet.

D. The design, placement and access for all swimming pools shall meet State statute. If there is a conflict, the State statute shall apply.

Section 13.11 Home Occupations.

A. A home occupation shall be considered a permitted accessory use in all residential districts provided that they are operated and maintained to not interfere with the peace, quiet, and dignity of the property owners or neighbors, if it complies with the following regulations:

1. All home occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes. A valid Town Business License shall be maintained for the home occupation use.

2. All home occupations shall be conducted entirely from within the principal residence, garage, or accessory building and shall not change the residential character thereof. Carports and yards may not be used for home occupations. Exceptions to this provision shall be made for swimming lessons or in-home day care.

3. There shall be no employees other than members of the immediate family residing in the dwelling unit where the home occupation is being operated.

4. The activity, including deliveries and pickups, shall be limited to the hours between eight (8) A.M to six (6) P.M. No business shall be conducted that requires delivery vehicles or other services not customary to a residence.

5. There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration, electrical interference or fluctuation, or other nuisances discernible beyond the property lines. The home occupation shall not generate traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood.

6. No signs signifying the home occupation business or any commercial products or service are allowed anywhere on the property and/or structures; unless a sign is required per State licensing requirements in which case said sign shall be limited to a window sign.

7. No vehicle, used in conjunction with the home occupation, with a payload rating of more than one ton, shall be stored on the site. Outside storage of heavy equipment or material shall be prohibited.

8. Storage of goods and materials necessary for the home occupation shall not include flammable, combustible or explosive materials.

9. The home occupation shall not use or create any hazardous waste.

B. The following are some examples of uses, which would be acceptable as home occupations, provided they comply with the above regulations:

1. Home offices with no client visits to the home permitted.

2. Painting, sculpting, writing, or composing provided no selling of the artistic product to the public on the premise.

3. Home crafts, such as jewelry making, pottery, weaving and rug making, woodworking, and metal working with no sales permitted on the premise.

4. Music lessons, swim lessons, and tutoring with not more than four (4) persons at any one time.

5. Personal services such as catering, home cooking and preserving, dressmaking, sewing and tailoring services.

6. Telephone answering, message services, word processing and other computer applications.

7. Child care, Home based - As specified in Article 5 and Article 6 of this Ordinance.

8. Door to door sales or party sales not on the premise.

9. Barber shops and beauty parlors provided:

a. Limited to only one (1) beautician or barber who resides on the premises, and

b. A professional license issued by the State of Arizona is required.

C. A home occupation shall not include the following uses, and other uses similar thereto: (this list is not all inclusive)

1. Animal hospitals, veterinarian office, animal grooming facilities and kennels or boarding facilities.

2. Dance and gymnastic studios.

3. Nursery schools;

4. Private clubs;

5. Repair shops, machine shop, and furniture refinishing;

6. Restaurants;

7. Stables or kennels for commercial purposes;

8. Motor vehicle repair or paint shops storage, restoration or conversion, engine repair or similar uses; except on a vehicle personally owned by the resident;

9. Medical, dental, physical therapy or psychotherapy, real estate offices, and insurance offices.

10. Retail sales.

11. Contractor's shops or storage yards.

12. Body piercing and/or painting and tattoos.

D. Any proposed Home Occupation that is neither specifically permitted by Section 13.11(B) nor specifically prohibited by Section 13.11(C) shall be considered by the Zoning Administrator upon consideration of those standards contained in Section 13.11(A).

E. Complaints by citizens or local residents may be cause for immediate termination of the home occupation use if appropriate measures cannot be undertaken to mitigate the complaint or violations. All complaints or violation of the above conditions shall be registered with, and reviewed by, the Zoning Administrator.

Section 13.12 Outdoor Storage and Junk Automobiles.

A. With the exception of retail sales displays in an approved commercial area, outdoor storage shall be screened from public view by a six (6) foot high solid masonry fence or a view obscuring fence with no storage visible above the wall or fence. The presence of hazardous materials, not used on-site in association with the permitted business, is prohibited.

B. Storage of personal tractors may be permitted in any residential district provided, that if the tractor is stored outdoors, it is stored in the rear or side yard behind the front line of the primary structure.

C. Storage of licensed motor homes, farm trailers, boats, travel trailers, camping trailers, utility trailers, or other such trailers may be permitted in any residential district provided that the owner of the motor home, farm trailer, boat, travel trailer, camping trailer, utility trailer, or other such trailer resides on the property to which it is stored. Such vehicles if located or stored outside of a garage or barn, must be stored in the following manner:

1. The vehicle/trailer shall be stored in the rear or side yard behind the front line of the primary structure.

2. The vehicle/trailer shall not be located closer than three (3) feet to any side or rear lot line.

3. Placement in other than the rear or side yard for loading and unloading purposes may be permitted for a period not to exceed seventy-two (72) hours.

D. All abandoned or junk motor vehicles or motor vehicles while being repaired or restored, shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicle is located. Such enclosed area shall not be visible from adjacent property or a public street.

E. The storage of more than one truck having a rated capacity of one and one-half (1 1/2) tons and the storage of construction equipment such as bulldozers, graders, cement mixers, compressors, backhoes, dump trucks, etc., shall not be permitted on any lot in any residential zone, provided however that construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one-hundred eighty (180) days. Parking and storage of commercial vehicles may be permitted within the screened storage area of an approved "C-2" or the industrial zoning districts or where otherwise permitted and under the specific conditions outlined within this Ordinance.

Section 13.13 Dumping and Disposal.

A. No person shall obstruct or reduce the capacity of any natural or man-made water way within the Town by filling or dumping any earth, stone or other materials therein.

B. No yard or other open space surrounding an existing building in any residential zone shall be used for the storage of junk, garbage, litter, or debris; and no land shall be used for such purposes, except as specifically permitted herein.

C. The use of land for the storing, dumping, or disposals of scrap iron, junk garbage, rubbish or other refuse, ashes, landscape wastes, or industrial wastes or by-products shall be prohibited in every zoning district except as specifically otherwise provided in this Ordinance. All stored, dumped or disposed of above listed materials existing on a property 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 and/or remove said materials from the property.

Section 13.14 Restrictions on Keeping Animals, Fowl, or Rodents.

A. Any person having a parcel of unimproved land at least one-half (½) acre in size greater than the minimum lot size required in a zoning district may keep three (3) of any one (1) animal or combination of animals totaling three (3) and one (1) additional animal for each additional one-half (½) acre of land exclusive of animals under the age of six (6) months.

B. Unless otherwise limited by regulations applicable to a residential zoning district, a person owning or keeping fowl or rodents shall be limited to fifty (50) fowl or twenty five (25) rodents or combination of fifty (50) of such fowl and rodents with the maximum number of rodents being twenty-five (25). The increase over the limitations shall be disposed of within sixty (60) days after being born or hatched.

C. Anyone keeping animals, fowl or rodents shall maintain their corrals or enclosures at least one hundred (100) feet from any residence except that of the owner or keeper of said animals and at least two hundred (200) feet from any place of business, school or religious institution. This restriction shall not preclude pasturing of animals within the limitation for residences to the extent no nuisance or health hazard is created.

D. It is unlawful for anyone to cause or permit any animal to run at large, to be pastured, herded, staked or tied in any street, alley, lane, park or public place within the Town.

E. No poisonous reptiles shall be kept within the town limits. Swine and potbelly pigs will not be permitted in any district; except for a limited time in conjunction with a temporary livestock project, limited to one (1) such animal provided that it is kept in a manner that does not create a nuisance for adjacent neighbors or land uses.

Section 13.15 Medical Marijuana Uses.

A. The minimum requirements of this section shall apply to all "medical marijuana dispensary" and "medical marijuana dispensary offsite cultivation location" uses located in allowable zoning districts.

B. All medical marijuana uses shall comply with all regulations and laws pursuant to the Arizona Revised Statutes.

C. An applicant for any "medical marijuana dispensary" or "medical marijuana dispensary offsite cultivation" permit shall submit a completed Town application to the Zoning Administrator along with all requested information.

D. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 5:00 p.m.

E. A medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall:

1. Be located in a permanent building and may not be located in a trailer, cargo container or motor vehicle.

2. Not have a drive-thru service.

3. Not emit dust, fumes, vapors or odors into the environment.

4. Not provide offsite delivery of medical marijuana.

5. Prohibit consumption of marijuana in the premises.

6. Not have outdoor seating areas.

7. Display a current Town of Thatcher business license applicable to medical marijuana uses.

8. Provide for proper disposal of marijuana remnants or byproducts, and not to be placed within the facilities exterior refuse containers.

F. A medical marijuana dispensary or medical marijuana dispensary offsite cultivation shall meet the following minimum separations, measured in a straight line from the boundary of the parcel containing the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location to the property boundary of the parcel containing any uses listed below:

1. One thousand (1,000) feet from any residentially zoned property.

2. Two thousand (2,000) feet from any other medical marijuana dispensary or medical marijuana dispensary offsite cultivation location.

3. Two thousand (2,000) feet from a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility.

4. One thousand (1,000) feet from a public, private, parochial, charter, dramatic, dancing, music, learning center, or other similar school or educational facility that caters to children.

5. One thousand (1,000) feet from a childcare center.

6. One thousand (1,000) feet from a public library or public park.

7. One thousand (1,000) feet from a church.

8. One thousand (1,000) feet from a facility devoted to family recreation or entertainment.

G. A medical marijuana dispensary offsite cultivation location not associated with a medical marijuana dispensary is prohibited; and only one medical marijuana dispensary offsite cultivation location shall be permitted for the single medical marijuana dispensary with which it is associated.

H. The number of medical marijuana dispensaries permitted within the city limits of the Town of Thatcher shall be limited to one (1).

Section 13.16 Adult Oriented Businesses.

A. Adult Oriented Businesses, shall be subject to the following conditions or limitations:

1. The proposed adult oriented business shall not be established, operated or maintained within two thousand (2,000) feet from any:

   a. public park or playground;
   b. public recreational facility;
   c. private, public or charter school;
   d. day-care center or child care facility:
   e. library; or
   f. religious facility or cultural activity.

2. The proposed adult oriented business shall not be established, operated or maintained within two thousand (2,000) feet from any other adult

oriented business or any residential zone boundary.

3. Advertisements, displays or other promotional materials displaying or depicting "specified anatomical areas" or "specific sexual activities" shall not be shown or exhibited so as to be visible or audible to the public from adjacent streets, sidewalks or walkways or from other areas outside the establishment; and all building openings, entries and windows for adult oriented businesses shall be located, covered or screened in such manner as to prevent the interior of such premises from being viewed from outside the establishment.

4. An adult oriented business lawfully operating as a conforming use shall not be rendered a nonconforming use by the subsequent location of a residential district or residential use, public park or playground, day-care center, place of worship or assembly, or school within two thousand (2,000) feet of said adult-oriented use.

5. Such distances shall be measured between subject lot lines at their closest proximity on an aerial view without regard for intervening structures, topography, political boundaries, or other objects.

6. A map showing the particular property or properties for which the application is being requested and the adjacent properties, buildings and structures, land uses, and public streets and ways within a radius of two thousand (2,000) feet of the exterior boundaries thereof shall be submitted along with the application for a Conditional Use Permit.

B. No adult oriented business, except for an adult motel and adult theaters, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and one o'clock (1:00) A.M. and noon (12:00) P.M. on Sundays.

Section 13.17 Underground Utilities.

A. All electric linesshall be installed underground; within a public utility easement (PUE), electric easement, or right-of-way; unless specifically approved by Graham County Electric Co-op and the Town Engineer.

B. All telephone lines, cable television lines, and other communication and utility lines necessary to serve a project, development, residence, or business shall be installed underground; within a public utility easement (PUE) or right-of-way. The developer/owner of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility.

C. Easements will be required for all public and/or private utilities outside of the street right-of-way and should be placed as required by the utility companies.

(End of Article)

CHAPTER 153, ARTICLE 14: Parking Regulations

Section 14.0 **Purpose.** The purpose of this article is to establish minimum standards for the provisions of adequate off-street parking and maneuvering according to the amount of traffic generated by each use in a manner that is safe, efficient, convenient and visually attractive. These regulations shall apply to all new construction and expansion of or changes to existing uses permitted by this Ordinance. The regulations set forth in this article shall supplement the district regulations set forth elsewhere in this Ordinance.

Section 14.1 General Regulations.

A. **Location of Required Parking Spaces.** The required parking spaces shall be located as follows:

1 On the same lot as the use they are intended to serve; or

2 Within four hundred feet (400') of the premises they are intended to serve, if the use of such lot for parking purposes is provided for in perpetuity.

3 Participation in a joint use parking lot project or a parking improvement district is encouraged and may be permitted in lieu of on-site parking.

4 The required off-street parking spaces within the commercial, industrial and public-institutional zoning districts should be located in the rear or to the side of the structures/lots to lessen the visual impact of large parking areas along the street and building frontage. Joint use parking lots and single and multiple residence dwellings shall be exempt from this locational requirement.

B. All vehicular egress from parking lots to public right-of-way shall be by forward motion only, except in Single Residence Zoning Districts.

C. No part of any vehicle may overhang into a public sidewalk or within five (5) feet of a street curb where no sidewalk exists.

D. Tandem arrangement of required parking spaces is prohibited; except in Single Residence Zoning Districts. For purposes of this provision, "tandem arrangement" shall mean parking spaces arranged one behind the other, such that one car will be unable to exit the parking space if a second car has parked in the tandem space behind it.

Section 14.2 Improvements.

A. Required parking spaces, parking lot area, loading spaces, maneuvering areas, driveways, and fire lanes shall be paved with asphalt, concrete, paving stones, or a similar dust free material approved by the Town to a sufficient thickness to withstand repeated vehicular traffic.

B. All required off-street parking spaces shall be connected with a public street, or to an approved private street, by a paved driveway of not less than twenty (20) feet in length, within the property line, unless otherwise approved by the Town Engineer and Zoning Administrator.

C. Within the commercial zoning districts the parking areas developed to the side of a structure/lot and joint use parking lots should be screened from the public street with landscape and pedestrian amenities such as street furniture and lighting to avoid interrupting the rhythm of the pedestrian environment along the street.

D. All parking lots shall be improved with landscaping in accordance with Article 17 of this Ordinance. All landscape areas shall be depressed from the surrounding parking surface and protected by either a concrete curb or wheel stops. The curbing or wheel stops protecting these landscape areas shall be designed with openings that will allow the storm water to drain into the landscape area for harvesting the storm water.

E. Required parking spaces shall be permanently marked; except for a single residential use. Applicants shall be required to differentiate on applications the different type of customer parking provided.

Section 14.3 Parking Space and Maneuvering Dimensions.

A. Standard Parking Space: The standard parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet long unless specified otherwise by this Ordinance.

B. Parallel Parking: A parallel parking space shall be a minimum of nine (9) feet wide by twenty-two (22) feet long unless specified otherwise by this Ordinance.

C. Disabled Parking: In accordance with Town policy, the American Disability Act standards relating to dimensions and locations shall apply.

D. Motorcycle parking: The standard parking space shall be a minimum of five (5) feet wide by nine (9) feet long and perpendicular to the street or drive aisle.

E. Driveway and Aisle Dimensions: Every parking facility shall be provided with one or more access driveways. The minimum dimensional standards for all

driveways and drive aisles shall be as follows; except for single residential uses:

1. One-way driveway for enter/exit and one-way drive aisle shall be fourteen (14) feet in width; except for industrial uses.

2. Two-way driveway for enter/exit and two-way drive aisles shall be twenty-four (24) feet in width; except for industrial uses.

3. Industrial: one-way driveway for enter/exit and one-way drive aisle shall be sixteen (16) feet in width.

4. Industrial: two-way driveway for enter/exit and two-way drive aisle shall be thirty-two (32) feet in width.

Section 14.4 Required Parking by Type of Use.

A. The number of parking spaces required to be provided for uses permitted in this Ordinance are specified in the following Table No. 15.

B. The number of parking spaces required for uses not listed shall be determined by the Zoning Administrator and approved through the site plan review process.

C. In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the various uses computed separately. Cumulative parking space requirements for mixed-use occupancies may be reduced by the Zoning Administrator if it is determined that peak requirements of the mixed-use occupancies occur at different times.

D. All parking areas which contain over five (5) required spaces, but less than twenty (20) parking spaces, shall provide one (1) disabled parking space. Parking areas with more than twenty (20) spaces shall provide one (1) disabled parking space for every fifty (50) standard parking spaces.

Table No 15 - Required Parking Spaces	
Single Residence Land Uses	Required Vehicle Parking
Single Residence, detached dwellings Manufactured Homes Recreational Vehicles	2 spaces: dwelling 2 spaces: unit 1 space: unit
Multiple Residence Land Uses	Required Vehicle Parking
Efficiency/Studio unit One (1) bedroom units Two (2) bedroom units Three (3) bedroom units Four (4) bedroom units Complexes with 10 or more units	1 space: unit 1.5 spaces: unit 2 spaces: unit 2.5 spaces: unit 3 spaces: unit 2 visitor space: 5 units
Public-Institutional Land Uses	Required Vehicle Parking
Religious Institutions: Main assembly (fixed seating) Main assembly (without fixed seating)	 1 space: 5 seats + school, etc. 1 space: 300 sf. of G.F.A.+ school
Hospitals, Assisted Living Facilities, Nursing Homes and Convents	1 space: 5 beds + 1space: 1 staff physician 1 space: 2 employees
Elementary Schools & Jr. High Schools	1 space: classroom + 1 space: 2 employees
High Schools, Trade Schools & Colleges	1 space: 2 employees + 1 space: 5 students
Commercial Land Uses	Required Vehicle Parking
Indoor Commercial Amusement: arenas & indoor stadiums amusement center / arcades dance clubs theaters bowling alleys billiard hall	 1 space: 5 seats 1 space: 300 sf. G.F.A. 1 space: 300 sf. G.F.A. 1 space: 4 seats 2 spaces: lane 2 spaces: table
Indoor Swap Meet, Farmers Market	1 space: 500 sf. G.F.A.
Health/Fitness clubs	1 space: 100 sf. G.F.A.
Medical & Dental Offices, Clinics	1 space: 250 sf. G.F.A. 1st floor + 1 space: 300 sf. G.F.A. other floors
General, Professional & Civic Offices	1 space: 250 sf. G.F.A. 1st floor + 1 space: 300 sf. G.F.A. other floors
Private Clubs, Lodges & Fraternal Organizations	1 space: 200 sf. G.F.A.
Retail sales, personal services, banks, and grocery stores	1 space: 300 sf. G.F.A.

Table No 15 (continued)	
Commercial Land Uses (continued)	Required Vehicle Parking
Hotels, Motels, and Bed & Breakfast	1 space: room + 1 space:1 daytime employee and ancillary use requirements
Bars, Dance Halls, Nightclub	1 space: 50 sf. G.F.A.
Restaurant: Indoor (public areas only) Outdoor (public areas only) Drive-through (public areas only) Take-out only (no table/chairs)	 1 space: 75 sf. 1 space: 150 sf., or 1 space: 4 seats 1 space: 100 sf. 1 space: 300 sf.
Mortuary/ Funeral Home	1 space: 125 sf. G.F.A.
General auto repair, car wash, service station, lube shops	1 space: 375 sf. G.F.A. + 1 space: employee
Outdoor Commercial Land Uses	Required Vehicle Parking
Outdoor Commercial Amusement : golf courses driving ranges Miniature golf courses, batting cages, amusement parks, water slides.	 2 space: green + restaurant, pro shop, etc. 1 space: each tee space 1 space: 500 sf. of outdoor and indoor recreational area
Parks (public or private)	20 spaces: athletic field 6 spaces: volleyball court 6 spaces: basketball court 2 spaces: tennis court
Outdoor Sales: plant nursery, building supplies, RV & boat sales, and automobile sales	1 space: 500 sf. display area + 1 space: employee
Outdoor Swap Meet, Farmers Market	1 space: 500 sf. area used for storage, display, and sales.
Industrial Land Uses	Required Vehicle Parking
Manufacturing, Assembly, Production	1 space: 600 sf. G.F.A.
Wholesale Sales, Warehouse & Freight Movement	1 space: 1,000 sf. G.F.A.
Waste Related Uses including recycling centers	1 space: employee
Mini-warehouse/self-storage facility	1 space: 5,000 sf. G.F.A. + 2 spaces for manager's quarters/office

(End of Article)

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CHAPTER 153, ARTICLE 15: Sign Regulations

Section 15.0 Purpose. The purpose of this article is to establish comprehensive provisions that will eliminate confusing, distracting and unsafe signs; establish reasonable regulations to promote economic vitality for local businesses and services; and enhance the visual environment of the Town of Thatcher.

Section 15.1 Applicability and General Requirements.

A. The regulations, requirements, and provisions set forth in this article shall apply to all signs erected, placed, or constructed within the Town.

B. Sign permits and a zoning clearance shall be required for all signs except those signs specified in Section 15.5 herein. The Building Official, or his designee, shall issue a sign permit only if the proposed sign, construction, alteration, re-erection, maintenance and location of the sign comply with these regulations.

C. All signs and sign structures shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create visual blight as determined by the Zoning Administrator.

D. Signs shall not be located within or projecting over any public street, right-of-way, or other public property, except as may be permitted herein, and those required to provide necessary traffic control and directional information.

E. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device. No sign, signal, or device, shall obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.

F. The source of the sign's illumination, except neon illumination, shall not be visible from any street, sidewalk, or adjacent property and shall be in compliance with Section 16.4 of this Ordinance. An Administrative Use Permit shall be required before the erection, re-erection, construction, alteration, placing, maintaining or locating of neon, intermittent, flashing illumination, computer generated changing signs (EMD signs) including time and temperature units, and animated signs in any zone where such signage may be permissible.

G. There shall be no visible angle iron supports, guy wires, braces or secondary supports except in the case of projecting signs. All sign supports shall be an integral part of the sign design.

H. Signage within approved TND may deviate only from the requirements governing the total aggregate sign area and sign dimensional requirements of this

article provided the TND has an approved comprehensive sign package and all proposed signage within the TND is in compliance with that comprehensive sign package.

I. Whenever the use of land or structures changes or ceases, signs including any supporting structures shall be appropriately altered or removed within thirty (30) days.

J. Where there is conflict between these regulations and other town regulations, the more restrictive shall apply.

Section 15.2 Sign Measurements.

A. "Sign Area" shall be measured as follows.

1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as that area within the outside dimensions of the background panel or surface. The base of a freestanding monument sign shall not be calculated as sign area unless said base contains signage.

2. Sign copy mounted as individual letters and/or graphics against a wall or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangle that will enclose each word, grouping of such letters, words, or graphics in the total sign copy.

3. Multi-face signs shall be measured as follows:

   a. A double faced sign shall be considered as one sign when determining the sign area, provided both faces are parallel and the distance between faces does not exceed one (1) foot or the interior angle between the two (2) sign faces is forty-five (45) degrees or less. If the interior angle is greater than forty-five (45) degrees, the sign area shall be the sum of the area of the two (2) faces.

   b. Where a sign has three (3) or more faces the area of the sign shall be calculated as the total sum of the area of all faces.

   c. Where a sign is a spherical, free-form, sculptural or other non-planar sign the sign area shall be fifty (50%) percent of the sum of the area of the sides of the smallest polygon that will encompass the sign structure.

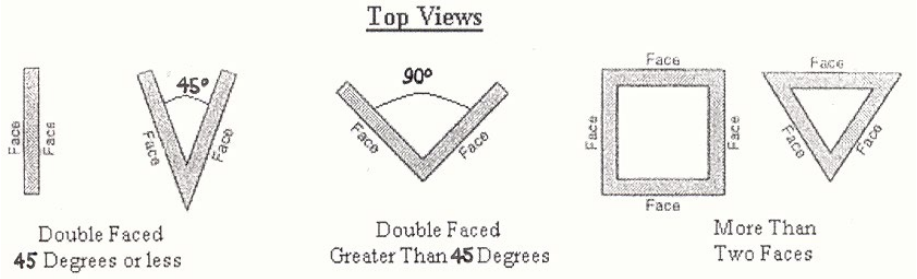
4. The aggregate sign area for all signs on a lot or parcel shall be the sum of the areas of all the signs except, the area for the following:

   a. Directional signs, assisting in the flow of traffic, which do not exceed an area of two (2) square feet or a height of three (3) feet and do not include advertising.

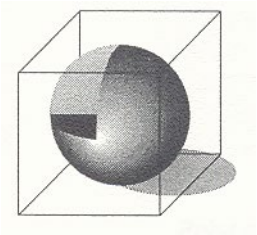
   b. Street address wall signs, which do not exceed an area of two (2) square feet.

   c. For sale, lease or rent signs.

Multi-Face Signs



Non-Planar Signs



B. "Sign Height" shall be measured as follows.

1. Freestanding signs shall be measured as the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or sidewalk, or the street grade of the nearest adjacent roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

2. Wall or parapet mounted sign height shall be measured as the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

Section 15.3 Permitted Signage by Zoning District.

A. Single and Multiple Residence Zoning Districts. For all signs within the "R1-43", "R1-22", "R1-10", "R1-8", "R-2", "R-3" and "R-4" Zoning Districts the following shall apply:

1. Temporary signs as outlined in Section 15.4 below may be permitted.

2. Signage shall not be permitted to advertise a home occupation; unless required to display a sign per State license and/or Town business license which shall be limited to a window sign with a maximum size equal to the minimum size required by said license.

3. A perimeter wall mounted or a freestanding monument sign may be permitted at no more than two (2) of the entryway(s) of a subdivision to identify the subdivision. The signage shall be integrated to complement the streetscape and landscaping frontages. A maximum aggregate area of no more than forty-eight (48) square feet per subdivision with no more than one (1) sign on each side of the entry, if wall mounted, may be permitted. Back lighted signs are preferred; spot lighting signs are strongly discouraged.

4. Only a school, municipality, or religious institution may use a reader panel sign. Said sign may use up to one-half (½) of the allowed sign area for the reader panel sign. A reader panel sign may be internally illuminated with an administrative use permit.

5. Non-residential uses, allowed by an Administrative Use Permit in the single residence zoning district, shall be limited to forty-eight (48) square feet in total aggregate area regardless of the type of sign(s) utilized. Signage may be externally illuminated with down lighting and shall be limited to the following types and styles (see Section 15.3B.4 below for standards).

   a. Wall Mounted Building Signage

   b. Freestanding Monument Signage

   c. Window Signage

   d. Awning Signs

e. Shingle Signs

6. Building number or letter signs for multiple building developments shall be in compliance with Fire Department requirements and shall not be counted as part of the aggregate sign area.

B. Commercial Zoning Districts. For all signs within the commercial districts of "NC", "C-1", "C-2", and "MU" the following regulations shall apply. Additionally, any complex of three (3) or more businesses shall be required to submit a comprehensive sign package (see Section 15.7) to be reviewed and approved by the Town.

1. **Total Signage:**

a. The combination of all of the below types and styles of allowed signage shall be included in calculating the total aggregate sign area; except for wall mounted signs and except where specifically excluded or otherwise exempted herein. For corner buildings or developments only the main entrance frontage shall be measured when determining the allowable signage.

b. The combined total aggregate sign area of all signs for any one (1) business in the "NC" and "MU" Zoning Districts shall not exceed thirty-six (36) square feet.

c. The combined total aggregate sign area of all signs for any one (1) business in the "C-1" Zoning District shall not exceed sixty-four (64) square feet.

d. The combined total aggregate sign area of all signs for any one (1) business in the "C-2" Zoning District shall not exceed eighty-four (84) square feet; except that commercial shopping centers with more than three(3) businesses may be permitted additional signage, through the comprehensive sign plan process, if so approved by the Town Council.

2. Only one (1) wall mounted building sign per business may be permitted in the "NC" and "MU" Zoning Districts.

3. No roof sign shall be erected upon the top of a building.

4. The type and style of permitted signs within the Commercial Zoning Districts shall be limited to the following:

a. **Wall Mounted Building Signage:**

i. The sign area for any one (1) business or individual tenant

shall not exceed one (1) square foot for each two (2) linear feet of street or building frontage.

ii. For a single building development with multiple tenants the wall mounted building sign shall only be permitted on the exterior wall of the space occupied by the business and shall not exceed one (1) square foot for each lineal foot of street frontage.

iii. Signage shall not extend horizontally a distance greater than fifty (50%) percent of the width of the building wall on which it is displayed.

b. **Freestanding and Monument Signage:**

i. One (1) freestanding identification sign shall be permitted per development and may include only the name of the business and shall include the address.

ii. The sign shall not exceed eighteen (18) feet in height; unless it is a multi-tenant sign approved by the Town Council through the comprehensive sign plan process.

iii. For a single tenant building the sign area shall not exceed one (1) square foot for each two (2) lineal feet of street frontage with the maximum not to exceed sixty-four (64) square feet.

iv. For a single building development with multiple tenants the sign shall not exceed one (1) square foot for each two (2) lineal feet of street frontage with the maximum not to exceed eighty-four (84) square feet in area.

v. In the case where there is no street frontage, the property owner may either; share a multi-tenant sign with the frontage property; or erect a freestanding sign on the frontage property within a "sign easement" procured from the frontage property owner. A minimum distance of fifty (50) feet shall be maintained between signs on the same property and from any sign on adjacent properties.

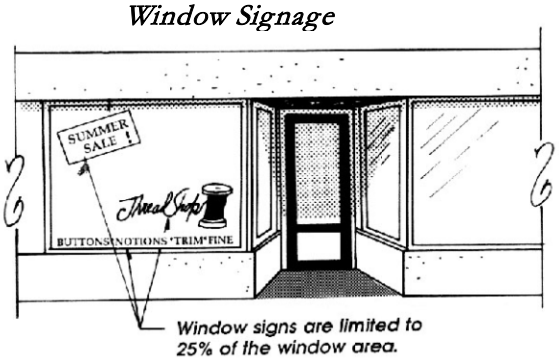
vi. For multiple building developments or commercial shopping centers one (1) sign may be permitted for every 330 foot of street frontage for the entire development with a maximum of two (2) signs per street frontage if applicable. The individual buildings within the development and/or the pad sites within the commercial center shall not be considered as separate developments.

The minimum distance between two signs on the same street frontage shall be 330 feet. Each sign may be a maximum of eighty-four (84) square feet in area and may be either a center identification sign or a multi-tenant identification sign.

c. **Directory Signs:** One (1) directory sign may be used when required to identify the location of various buildings, offices or businesses within a complex. A directory sign may be externally illuminated or non-illuminated and have a maximum area of six (6) square feet and a maximum height of six (6) feet and shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.

d. **Window Signage:** The total aggregate area of all window signs shall not exceed twenty-five (25) percent of the total area of the windows through which they are visible.

Window Signage

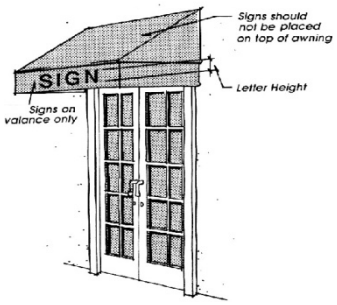


e. **Awning Signs:**

i. A maximum of twenty-five (25) percent of the front face area of the awning may be used for signage.

ii. May only identify the name of the business. Such signs shall not include advertising copy.

Awning Signage



f. **Shingle Signs and Projecting Signs:**

Shingle Signage

i. One (1) shingle sign or projecting sign which is designed and oriented primarily for the aid of pedestrians may be allowed per business and shall be located immediately adjacent to the business it identifies.

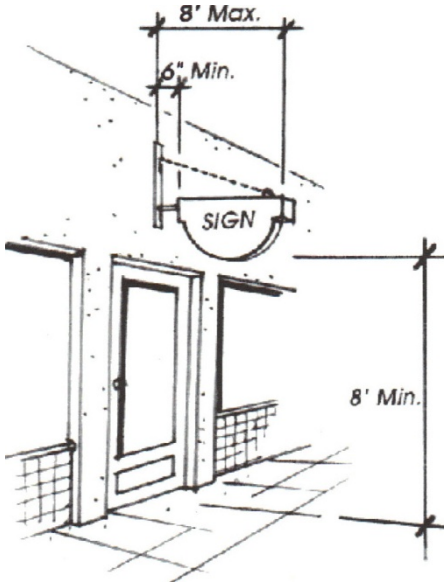
ii. Shall have an eight (8) foot minimum clearance between the bottom of the sign and the sidewalk.

iii. Projecting signs shall not project less than six (6) inches nor more than eight (8) feet from the building wall or building face.

iv. Shingle signs shall have a maximum area of six (6) square feet.

v. Projecting signs for each ground floor business, on a street, shall not exceed one (1) square foot for each linear street frontage of business, up to a maximum of twenty-four (24) square feet.

Projecting Signage



vi. May only identify the name of the business. Such signs shall not include advertising copy.

g. **Menu Boards:**

i. Each drive-through or drive-in restaurant may be permitted one (1) preview board and one (1) ordering menu board. These boards may be freestanding or wall-mounted; located not less than forty-five (45) feet from the street property line and the front of the board shall not be visible from the public street.

ii. Maximum sign area shall not exceed twenty-four (24) square feet and shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.

iii. The sign shall not exceed six (6) feet in height.

h. **Price Signs:** (For gasoline service stations only)

i. One freestanding sign per street frontage on which the service station has frontage.

ii. Maximum sign area shall not exceed twenty-four (24) square feet.

iii. Maximum sign height shall not exceed eighteen (18) feet.

i. **Directional Sign:** Such signs shall not exceed an area of six (6) square feet or a height of three (3) feet. These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and shall not include any advertising.

C. Industrial Zoning Districts. For all signs within the industrial districts of "I-1" and "I-2" the following regulations shall apply. Additionally, any development of three (3) or more businesses shall be required to submit a comprehensive sign package (see Section 15.7) to be reviewed and approved by the Town.

1. **Total Signage:**

a. The combination of all of the below types and styles of allowed signage shall be included in calculating the total aggregate sign area; except for wall mounted signs and except where specifically excluded or otherwise exempted herein. For corner buildings or developments only the main entrance frontage shall be measured when determining the allowable signage.

b. The combined total maximum aggregate sign area of all signs for any one (1) business in the "I-1" and "I-2" Zoning Districts shall not exceed eighty-four (84) square feet.

2. No roof sign shall be erected upon the top of a building.

3. The type and style of permitted signs within the Industrial Zoning Districts shall be limited to the following:

a. **Wall Mounted Building Signage:**

i. Identification signs pertaining to any one (1) business or individual tenant shall not exceed one (1) square foot for each linear foot of street or building frontage.

ii. For a single building development with multiple tenants a wall mounted building sign shall only be permitted on the

exterior wall of the space occupied by the business and shall not exceed one (1) square foot for each lineal foot of street frontage.

iii. The aggregate of all wall or building signage shall not extend horizontally a distance greater than fifty (50%) percent of the width of the building wall on which it is displayed.

iv. Signage shall be located near the building or business entryway and shall not exceed a height of twenty-four (24) feet above finished grade.

b. Freestanding and Monument Signage:

i. For a single user/tenant development there may be permitted one (1) freestanding identification sign, not exceeding eighteen (18) feet in height or sixty-four (64) square feet in area.

ii. For a multi-tenant development there may be one (1) freestanding identification sign, not exceeding eight (8) feet in height or eighty-four (84) square feet in area.

iii. If the development is located on a corner lot or parcel, for both the single tenant and the multi-tenant developments, then two (2) signs of the dimensions outlined above (64sf and 84sf respectively) may be permitted.

iv. Where two (2) signs are permitted there shall be a minimum distance of three hundred (300) feet between the freestanding signs.

c. **Directional Signs:** Such signs shall not exceed an area of six (6) square feet or a height of three (3) feet. These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and shall not include any advertising.

d. **Awning Signs:** Such signs shall adhere to the standards outlined in Section 15.3B.4. above.

e. **Projecting Signs:** Such signs shall adhere to the standards outlined in Section 15.3B.4. above.

D. "Open Space and Public-Institutional Zoning Districts": For all signs within the Open Space "OS" Zoning District and the Public-Institutional "P-I"

Zoning District the following regulations shall apply.

1. **Total Signage:**

   a. The combination of all of the below types and styles of allowed signage shall be included in calculating the total aggregate sign area; except for wall mounted signs and except where specifically excluded or otherwise exempted herein. For corner buildings or developments only the main entrance frontage shall be measured when determining the allowable signage.

   b. The combined total aggregate sign area of all signs for any one (1) property/development in the "OS" and "P-I" Zoning Districts shall not exceed forty-eight (48) square feet.

2. No roof sign shall be erected upon the top of a building.

3. The type and style of permitted signs within the Open Space and Public-Institutional Zoning Districts shall be limited to the following:

   a. **Wall Mounted Building Signage:**

      i. Wall identification signs pertaining to any one (1) business or individual tenant shall not exceed one (1) square foot for each linear foot of street or building frontage.

      ii. The aggregate of all wall or building signage shall not extend horizontally a distance greater than fifty (50%) percent of the width of the building wall on which it is displayed.

   b. **Monument Signs:** Freestanding monument signs may be permitted; provided a single sign does not exceed thirty-six (36) square feet in area and a height of twelve (12) feet.

   c. **Directional Signs:** Such signs shall not exceed an area of six (6) square feet or a height of three (3) feet. These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and shall not include any advertising.

   d. **Directory Signs:** One (1) directory sign may be used when required to identify the location of various buildings, offices or businesses within a complex. A directory sign may be externally illuminated or non-illuminated and have a maximum area of six (6) square feet and a maximum height of six (6) feet and shall not be included in calculating the total aggregate area for signage

allowed on a parcel or lot or for a particular business.

e. **Reader Panel Signs:** Elementary and secondary schools may also use, in addition to the above types of signs, a freestanding reader panel sign provided it does not exceed twenty-four (24) square feet in area and six (6) feet in height.

Section 15.4 Temporary Signage.

A. Banners, Pennants and Displays for Grand Openings.

1. Banners, pennants, and other displays, for the grand opening of a business, shall be allowed within the commercial zoning districts on a one-time basis for a maximum of fourteen (14) consecutive days.

2. Banners, pennants, and other displays for special sales events may be permitted within the commercial zoning districts. A business may request such signs and displays a maximum of four (4) times per year for a maximum period of ten (10) consecutive days on each occasion. A minimum of thirty (30) days shall pass between each such display. Such signs and displays shall be removed immediately upon termination of the sale that they advertise or after the ten (10) day period, whichever occurs first.

3. An Administrative Use Permit must be obtained from the Zoning Administrator prior to the installation of any special sales event or grand opening banners, pennants, signs, balloon, or other displays.

4. Banners and pennants shall be displayed only on the building and not within the parking area, perimeter landscape, or some other area of the development.

5. The maximum banner size shall be four (4) foot by eight (8) foot or thirty-two (32) square feet and shall be limited to one (1) per street frontage for the business.

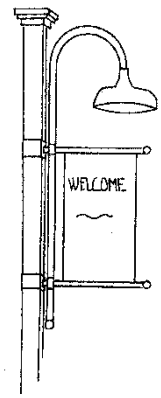
6. No pennant, banner or display shall be placed on or above the roof of any building.

B. Special Event Banners and Community Signs.

1. Banners shall be made of cloth, nylon, or similar material.

2. Banners may be fastened to streetlights that are specifically designed to accommodate banners. Such banners may advertise a town-authorized special event or a community wide event or a community message but not for individual businesses.

3. All banners shall be reviewed and approved by the Town.



C. Political Signs:

1. Political signs are allowed without a permit in all zones.

2. Signs shall not be displayed earlier than thirty (30) days prior to an election and shall be removed within seventy-two (72) hours after the specific election to which they refer. If a candidate is in a run-off election the sign may remain until after the completion of the run-off election.

3. Signs shall not be placed in any portion of the public right-of-way.

4. The sign area shall not exceed twelve (12) square feet and if the sign is a freestanding sign it shall not exceed six (6) feet in height.

5. Political signs and candidate signs shall be non-illuminated.

D. Real Estate Signs: Signs advertising the sale, lease or renting of a building, suite, dwelling or lot shall conform to the following regulations and are exempt from the total aggregate sign area.

1. Real estate signs are permitted in all zones.

2. In all zoning districts one (1) non-illuminated sign, located on the subject property, shall be permitted. Said sign shall not exceed six (6) square feet in area or four (4) feet in height. For multiple residential developments the real estate signs shall be placed at the dwelling unit unless an alternative location, not along the street frontage, is provided by the development for all such signs. For multi-tenant commercial centers the real estate sign shall be placed at the suite or building frontage and not along the street frontage.

3. A maximum of four (4) portable "Open House" directional signs may be posted for each home not within the public right-of-way. Each sign shall

have a maximum height of three (3) feet. The signs may be posted only when a sales person is on duty at the home and for no longer than nine (9) hours during any twenty-four (24) hour period.

4. All real estate signs shall be removed upon closing of the sale.

E. Construction and Future Development Signs:

1. For residential construction one (1) sign may be posted on the lot or parcel and shall have a maximum area of six (6) square feet and a maximum height of four (4) feet.

2. For commercial construction one (1) sign may be posted on the lot or parcel and shall have a maximum area of twenty-four (24) square feet and a maximum height of six (6) feet.

3. In all cases, such signs shall be removed within ten (10) days following the issuance of a certificate of occupancy for the project.

F. Portable Signs:

1. Portable signs shall be allowed only in the Commercial Zoning Districts. Signs may be placed on-site or within the adjacent public rights-of-way provided they are placed in a manner that does not impede or restrict vehicular, non-vehicular, or pedestrian traffic. No portable signs shall be allowed within the sight triangle at intersections or within the center medians that divide portions of paved or unpaved roads.

2. Portable signs shall not exceed three (3) feet in height or six (6) square feet in area and shall not exceed one (1) sign per business.

3. Signs may be placed, in the permitted areas, only between sunrise and sunset. Signs shall be removed daily prior to sunset, except if used to advertise a meeting then they shall be removed at the conclusion of the meeting, or they shall be subject to confiscation by the Town.

G. Yard Sale Signs:

1. Yard sale signs shall be portable signs limited to residential districts only and shall not exceed six (6) square feet.

2. Such signs shall not be up longer than three (3) consecutive days. All signs shall be picked up within twenty-four (24) hours from the completion of the yard sale.

Section 15.5 Exceptions.

A. **Permits Not Required:** Sign permits are not required for the following signs provided that such signs are subject to all other provisions of this Ordinance. Note: Electric permit required for all exterior electric signs.

1. Standard sign maintenance.

2. Political signs.

3. Real Estate and Open House signs (see Sec. 15.4 (D) for regulations).

4. Messages painted directly on, or adhesive vinyl film affixed to, the exterior surface of existing mineral glass windows; except that the aggregate square footage of such signs shall be calculated as window signage.

5. Signs required by a county, state or federal agency provided permits for such signs are issued by those agencies and signs are posted as determined by the governing agency.

B. **Exempted Signage:** The provisions of this Ordinance shall not apply to the following. (Note: Electric permits are required for all exterior electric signs).

1. Flags, pennants or insignia of any nation, state, county, Town, or school.

2. Memorial plaques, statuary or remembrances of persons or events noncommercial in nature, or building identification signs and building cornerstones when cut or carved into a masonry surface or when made of non-combustible material and made an integral part of the building or structure.

3. Works of fine art, building wall murals, and historic or cultural artifacts when not displayed in conjunction with a commercial enterprise that may derive direct commercial gain from such display.

4. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.

5. Signs that are relevant to the function of the property that are not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.

6. Signs displayed within the interior of a building.

7. The placement and maintenance of official traffic, fire and police signs, signals and devices and markings of the State of Arizona and the Town of Thatcher or other authorized public agency, and the posting of notices as required by law.

8. Non-illuminated directional or informational signs of a non-commercial public or quasi-public nature and community signs.

9. Signs displayed during recognized holidays as identification of temporary sales areas for trees and similar holiday items in conjunction with an approved Temporary Use Permit. Such signs shall be exempted only when displayed within thirty (30) days of the recognized holiday.

Section 15.6 Prohibited, Unsafe and Illegal Signs.

A. Prohibited Signs: Any sign not specifically listed as permitted by this Ordinance is prohibited, including, but not limited to the following:

1. Billboards are prohibited in the Town of Thatcher.

2. Signs mounted, attached, or painted on a motor vehicle, or trailer consistently parked, stored or displayed on public or private property, in a manner intended to attract the attention of the public, except for signs that the primary purpose of such a vehicle or trailer is not the display of signs. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate. This does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home.

3. Signs attached to any utility pole or structure, streetlight, traffic signal, tree, fence, fire hydrant, park bench or other location on public property unless otherwise specifically addressed in this article.

4. The use of pennants, banners, balloons, streamers, and similar displays except those temporarily displayed as may be permitted in Section 15.4 herein.

5. Off-site signs, unless otherwise permitted by this article.

6. Portable signs except as allowed for temporary signs as outlined in Section 15.4 herein.

7. Signs that rotate (except barber poles) or emit audible sound.

8. Signs displayed in a manner or locations that prevent free ingress and egress from a door, window or other exit.

9. Signs displayed in a location in such a manner as to obstruct or interfere with an official traffic sign, signal or device, or signs that obstruct or interfere with the driver's view of approaching, merging or intersecting traffic and signs within the road medians or signs that are otherwise prohibited by this Ordinance.

10. Balloons/Inflatable Devices as defined in Appendix A of this Ordinance, used for promotional and advertisement purposes.

11. Signage on wireless communication facilities unless otherwise required by the Town of Thatcher.

B. Unsafe Signs:

1. If the Building Official determines any sign or sign structure to be in an unsafe condition, he shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.

2. If the correction has not been made within forty-eight (48) hours, the Building Official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

C. Illegal Signs:

1. The Zoning Administrator, or other designated Town official, shall remove all illegal signs or legal signs placed in prohibited locations. Should an entity continue to place sign(s) without permit(s) a citation may be issued.

Section 15.7 Submittal and Permit Requirements.

A. Sign permit approval is required for constructing or altering any non-exempt sign. A sign permit application shall be made in writing on forms provided by the Town. The following information shall be required as part of all sign permit applications:

1. Business owner's name, address, telephone and email.

2. Sign contractor's name, address, telephone and email.

3. Inventory of all existing signs on the property showing the type and dimensions of each sign as well as a site plan showing the locations of each sign.

4. Fully dimensioned plans and elevations showing the dimensions, design copy, and location of each proposed sign in relation to the property line(s) and public right-of-way.

5. Plans indicating the scope and structural detail of the work to be done; including details of all connections, supports, footings, and materials to be used.

6. Required information for an electrical permit for all signage illumination.

7. A comprehensive sign plan is intended to provide for the establishment of signage criteria that are tailored to a specific development location, and which may vary from specific Ordinance provisions. The intent is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings and signs. A comprehensive sign plan shall demonstrate consistency and uniformity among signs within a project. The requirements of a comprehensive sign plan shall apply to all businesses and/or developments within a related project, even if the properties have been subdivided. When a comprehensive sign package is required by this Ordinance the submittal shall include information regarding the location(s), color(s), material(s), type of sign(s), method of illumination if applicable, and letter samples that are for all tenant, freestanding identification signage, directional signs, window signs and any other information deemed necessary by the Town to adequately review the comprehensive sign package.

B. Two (2) copies of all information listed above in Sec 15.7 (A) shall be submitted with the application for each sign; one (1) copy being returned to the applicant at the time the Permit is issued.

C. Before issuing any sign permit required by this Ordinance, the Town shall collect a fee in accordance with a fee schedule established by the Town Council. If work, for which a permit is required by this Ordinance, is started before a permit has been issued, the fees specified above shall be doubled. The payment of such double fee shall not relieve any persons from complying fully with the requirements of this Ordinance in the execution of the work or from any penalties prescribed herein.

D. All signs for which a permit is required shall be subject to inspections during various stages of construction as prescribed by the Town of Thatcher Building Safety Department.

E. **Amendments.** Applications for amendments to a Comprehensive Sign Package shall be processed in the same way as an original application. Revisions or

amendments to a Comprehensive Sign Package shall require documentation from all tenants and/or property owners on the property prior to approval.

F. **Minor Alterations.** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Zoning Administrator.

(End of Article)

CHAPTER 153, ARTICLE 16: Outdoor Lighting Regulations

Section 16.0 Purpose and Intent.

A. The purpose of this Article is to protect the unique environment of Thatcher by protecting and maintaining the access to the dark night sky. Intended outcomes include continuing support of astronomical activity and minimizing wasted energy while not compromising the safety, security and well-being of persons engaged in outdoor nighttime activities.

B. It is the intent of this Article to control the obtrusive aspects of excessive and careless outdoor lighting usage while preserving, protecting and enhancing the lawful nighttime use and enjoyment of any and all property. It is recognized that portions of properties may be required to be unlit or have reduced lighting levels in order to allow enough lumens in the lighted areas to achieve light levels in accordance with nationally recognized recommended practices.

Section 16.1 Conformance and Applicability.

A. All outdoor illuminating devices shall be installed in conformance with the provisions of this Article, the International Building Code, the International Electrical Code and the sign regulations of this Ordinance, as applicable, and under appropriate permit and inspection.

B. All proposed new land uses, developments, buildings, structures, or building additions or alterations of fifty percent (50%) or more either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall meet the requirements of this Article for the entire property. Cumulative modification or replacement of outdoor lighting fixtures constituting fifty percent (50%) or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.

C. Whenever the use of any existing building, structure or premises is changed to a new use, all outdoor lighting shall be reviewed and brought into compliance with this code before the new use commences.

D. If a property or use with nonconforming lighting is abandoned as defined in the Glossary of this Ordinance, then all outdoor lighting shall be reviewed and brought into compliance with this Article before the use is resumed.

E. The provisions of this Article are not intended to prevent the use of any design, material or method of installation or operation prescribed by this code

Section 16.2 Outdoor Lighting Areas and Lighting Uses.

A. The Town of Thatcher has several different lighting areas. The fixture type, lamp type, shielding requirements, and lighting curfews are determined by both the "lighting area" and the zoning district that the property is located in. The lighting areas are further delineated as follows:

1. **E3:** Lighting area E3 is an urban area (incorporated entities) with primary land uses for commercial, business, industrial activity, apartments and surrounded by suburban residential areas.

2. **E2:** Lighting area E2 consists of rural residential and agricultural areas.

3. **E1:** Lighting area E1 is a special area around astronomical observatories and includes all areas within the boundaries of the Graham County lighting area map. This includes Mt. Graham in the Pinaleño Mountains and those areas within any national park, monument or forest boundary. In these areas, the preservation of a naturally dark environment both in the sky and in the visible landscape is considered of paramount concern.

4. A property located in more than one of the lighting areas described in subsections (1) to (3) above shall be considered to be only in the more restrictive lighting area.

B. Outdoor lighting fixtures may be permitted for the following uses and activities:

1. Street lighting;

2. Parking lot lighting;

3. Building and structural lighting;

4. Landscape lighting;

5. Recreational lighting;

6. Signage (advertising or otherwise);

7. Product display lot or display area lighting;

8. Building overhangs and open canopies;

9. Security lighting;

10. Walkways; and

11. Lighting of agricultural facilities, arenas, corrals and animal containment areas, and mines.

C. To qualify as a "display lot or display area" one of the following specific uses must occur: automobile sales where accurate color perception by customers is required; assembly lots; swap meets; airport; and automobile fueling areas. Other uses must be approved as a "display lot or area" use by the Town of Thatcher.

Section 16.3 Total Lighting Output and Shielding Requirements.

A. The tables in this section give requirements of the total light output permitted per acre for the different lighting areas and the fixture shielding requirements for class of lighting, lamp type, and lighting area. These requirements shall be met for all lighting installations subject to this Article.

B. Total outdoor light output shall not exceed the lumen limits given in Table No. 16 herein. "Total" means the sum of shielded and unshielded light.

C. Outdoor light fixtures shall be installed in accordance with the lamp type and shielding requirements of Table No. 17 herein.

D. All light fixtures that are required to be shielded shall be installed in such a manner that the shielding is effective as defined in the Glossary of this Ordinance for full cut-off fixtures.

E. Beyond the shielding requirements of this section, all light fixtures on the residential side of commercial property adjacent to residential property shall be full cut-off and shall be a maximum of ten (10) feet above grade at the property line and no higher than a line rising twenty (20) feet above the ten (10) feet until one hundred (100) feet from the property line. All outdoor lighting adjacent to residential areas shall have internal house-side shields. In addition, all residential and commercial luminaires shall be full cut-off within twenty-five (25) feet of adjacent residential property lines.

F. Multi-class lighting must conform to the shielding and timing restrictions, if any, that apply to the most restrictive included class.

G. For lamp types that vary in light output as they age (such as fluorescent and high intensity discharge (HID) lamps), the mean lumen output as defined by the manufacturer shall be the lumen value used.

H. The total light output of each outdoor fixture shall be based on the largest lamp that the outdoor fixture is rated to accommodate. For the purpose of compliance with Section 16.3 B. above, the largest lamp rating for fluorescent and HID fixtures shall be based on the installed ballast rating.

I. For determining compliance with Section 16.3 B. above the total lumens shall be of the sum of the following:

1. One hundred percent (100%) of the lumens from outdoor light fixtures installed on grade, on poles and installed on the tops or sides of buildings or other structures when not shielded from above by the structure itself.

2. Twenty five percent (25%) of the lumens from outdoor light fixtures installed under canopies, buildings, overhangs or roof eaves where all parts of the center of the lamp or luminaire are located at least five feet from the nearest edge of the canopy or overhang.

3. Fifty percent (50%) of the lumens from underwater light fixtures unless the fixture is aimed at an angle of less than forty-five (45) degrees above the horizontal in which case the calculated lumens shall be calculated at ten percent of the rated lamp lumens.

Table No. 16 - Total Outdoor Light Output Lumen Caps (Initial Lumens per Net Acre[4])

Zoning District(s)	Lighting Areas		
	E3	E2	E1
Commercial and Industrial Zoning – Option 1[1][2]			
Total (full cut-off plus unshielded)[5]	100,000	25,000	12,500
Unshielded (fraction of the total)	5,000	2,000	1,000
Commercial and Industrial Zoning – Option 2 [1][2]			
Total (all outdoor lighting shall be full cut-off)	150,000	32,500	12,500
Unshielded ()fraction of the total)	0	0	0
All Residential Zoning [3]			
Total (full cut-off plus unshielded)	25,000	16,500	11,000
Unshielded (fraction of the total)	5,000	2,000	1,000

Notes:

(1) Use either Option 1 or Option 2 for entire property.
(2) This refers to all land-use within all commercial and industrial zoning districts.
(3) This refers to all land-uses within the residential zoning districts including all densities and types of housing.
(4) These are upper limits and not design goals. Design goals should be lower and should be the lowest levels that meet the task, and hence save energy and minimize glare.
(5) If shielded Low Pressure Sodium (LPS) lighting is used for commercial and industrial zoning, then the lumen caps are raised to 250,000 in E3, and 75,000 in E2, but non-LPS Actual Lumens shall not exceed limits of this Table.

Table No. 17 - Lamp Type and Shielding Standards			
Use Class and Lamp Type	**E3**	**E2**	**E1**
Class 1 Lighting (Color Rendition)			
LPS greater than or equal to 2950 lumens/luminaire	F	F	F
Others greater than or equal to 2950 lumens/luminaire	F	F	F
All types below 2950 lumens/luminaire	A(1)	F	F
Class 2 Lighting (General Illumination)			
LPS greater than or equal to 2950 lumens/luminaire	F	F	F
Others greater than or equal to 2950 lumens/luminaire	F	F	X
All types below 2950 lumens/luminaire	A(1)	F	F
Class 3 Lighting (Decorative)(4)			
All lighting greater than or equal to 2950 lumens/luminaire	F	X	X
All types below 2950 lumens/luminaire	A(1)	A(1)	F(2)(3)
Class 4 Lighting (Assimilation)(4)			
All lighting greater than or equal to 2950 lumens/luminaire	F	X	X
All types below 2950 lumens/luminaire	A(1)	F	F

Notes:

(1) Flood or spot lamps must however be aimed no closer than 45 degrees to the horizontal (halfway between straight down and straight to the side) when the source is visible from any adjacent residential property.

(2) Exception: seasonal decorations using unshielded low-wattage incandescent lamps shall be permitted.

(3) Non-LPS Actual Lumens shall not exceed limits of Table No. 16.

(4) All Class 3 lighting shall be extinguished between 11:00 p.m. (or when the business closes whichever is later) and sunrise.

- All Class 4 lighting shall be extinguished between two hours after sunset and two hours before sunrise.
- Under canopy lighting must meet the requirements of Table No. 16.

Use Code:

A = unshielded light allowed above those allowed by Table No. 16; shielding not required but highly recommended.

F = full cut-off lights required, except as allowed by Table No. 16

X = not allowed.

Section 16.4 Outdoor Advertising Signs.

A. External illumination for on-site signs shall conform to all provisions of this Article. In particular, such lighting shall be treated as Class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of Section 16.3. External fixtures shall be mounted on top or above the sign and directed downward onto the sign face.

B. Electrical illumination of outdoor advertising off-site signs is prohibited except that the use of lighting fixtures legally installed in areas E2 and E3 prior to the

effective date of this code may continue provided such fixtures are mounted on the top of the sign structure shall not be illuminated between the hours of eleven p.m. (11:00 p.m.) and sunrise, and comply with all other provisions of the code.

C. Outdoor internally illuminated advertising signs may be constructed with an opaque or colored background and translucent text and symbols. Lamps used for internal illumination of such signs shall not be counted toward the lumen cap described in Section 16.3.

D. Illumination for all advertising signs both externally illuminated and internally illuminated shall be turned off at the curfew times listed in Table No.18 or when the business closes whichever is later.

Table No. 18 - Illuminated Sign Curfews

Sign Type and Zoning Districts	Lighting Area		
	E3	E2	E1
Commercial & Industrial Zoning Districts			
Opaque Background	12:00 AM	11:00 PM	X
Colored Background	12:00 AM	12:00 AM	X
All Residential Zoning Districts			
Opaque Background	11:00 PM	10:00 PM	X
Colored Background	11:00 PM	10:00 PM	X
Notes: X = not allowed.			

Section 16.5 Special Uses.

A. Outdoor Recreational Facilities.

1. All site lighting not directly associated with outdoor athletic playing areas shall conform to the lighting standards described in this Ordinance including but not limited to the lamp type and shielding requirements of Section 16.3C and the lumens per acre limits of Section 16.3B.

2. Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1 (Color Rendition), and shall be exempt from the lumens per acre limits of Section 16.3B. All such lighting shall utilize full cut-off luminaires that are installed in a fashion that maintains the full cut-off characteristics unless certified by a registered engineer that such shielding is impractical. Every such lighting system design shall be certified by a registered engineer as conforming to all applicable restrictions of this Ordinance. Where full cut-off fixtures are not utilized, acceptable luminaires shall include those which:

   a. Are provided with internal and/or external glare control louvers and installed so as to limit direct uplight to less than five percent

(5%) of the total lumens exiting from the installed fixtures and minimize offsite light trespass as required herein, and

b. Are installed with minimum aiming angles of twenty-five (25) degrees downward from the horizontal. Said aiming angle shall be measured from the axis of the luminaire maximum beam candlepower as certified by independent testing agency.

3. All events shall be scheduled so as to complete all activity before the curfew listed in Table No. 19. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. No recreational lighting is permitted in area E1.

Table No. 19 - Sports Facility and Display Lot Curfews		
E3 Lighting Area	**E2 Lighting Area**	**E1 Lighting Area**
11:00 PM	11:00 PM	X
Notes: X = not allowed		

B. Outdoor Display Lots.

1. All site lighting not directly associated with the display areas shall conform to the lighting standards described in this Ordinance, including but not limited to the lamp type and shielding requirements of Section 16.3C and the lumens per acre limits of Section 16.3B.

2. Lighting for display lots shall be considered Class I (Color Rendition), and shall be exempt from the lumens per acre limits of Table No. 16. However, the installation shall be designed to not exceed the luminance recommendations for the activity as defined by the most current recommended practice of the Illuminating Engineering Society of North America (IESNA). All such lighting shall utilize full cut-off luminaires that are installed in a fashion that maintains the full cut-off characteristics. Every such lighting system design shall be certified by a registered certified engineer as conforming to all applicable restrictions of this Article.

3. Class 1 display lot lighting exceeding the lumens per acre cap of Section 16.3B shall be turned off at the curfew times listed in Table No. 19 or within thirty (30) minutes after closing of the business whichever is later.

4. Class 2 display lot lighting shall be permitted for security and safety lighting and shall be exempted from the turn-off requirements of Section 16.5A.

C. Agricultural Facilities.

1. All site lighting not directly associated with the agricultural facilities shall conform to the lighting standards described in this Ordinance, including but not limited to the lamp type and shielding requirements of Section 16.3C and the lumens per acre limits of Section 16.5A.

2. Lighting for agricultural fields or greenhouses shall be considered Class 4 (Assimilation Lighting), and shall be exempt from the lumens per acre limits of Section 16.3B. All such lighting shall utilize full cut-off luminaires that are installed in a fashion that maintains the full cut-off characteristics unless certified by a registered engineer that such shielding is impractical. Every such lighting system design shall be certified by a registered engineer as conforming to all applicable restrictions of this Ordinance. Where full cut-off fixtures are not utilized acceptable luminaires shall include those which:

   a. Are provided with internal and/or external glare control louvers and installed so as to limit direct up-light to less than five percent (5%) of the total lumens exiting from the installed fixtures and minimize offsite light trespass as required herein, and

   b. Are installed with minimum aiming angles of twenty-five (25) degrees downward from the horizontal. Said aiming angle shall be measured from the axis of the luminaire maximum beam candlepower as certified by independent testing agency

3. All lighting shall be scheduled so as to complete all activity before the curfew listed in Table No.20.

Table No.20 - Agricultural Facility Curfew

E3 Lighting Area	E2 Lighting Area	E1 Lighting Area
11:00 PM	2 hours after sunset to 2 hours before sunrise	2 hours after sunset to 2 hours before sunrise

D. Parking Lot Lighting.

1. Within the Commercial and Industrial Zoning Districts the maximum lighting intensity of the parking areas shall be 8 lumens (8 fcs), as measured within the parking lot and at the property line. However, if the commercial or industrial zoning district abuts a residential zoning district the maximum lighting intensity in the parking area shall be 2 lumens (2 fcs) measured at the property line.

2. The maximum height of parking lot lighting standards (poles) shall be sixteen (16) feet within the interior of the parking lot and twelve (12) feet at or along the perimeter of the parking lot.

3. All parking lot lighting, serving commercial and industrial businesses, shall be turned off one-half (½) hour after the close of the business(es) that the parking lot serves or as required for the safety of the employees leaving the business.

Section 16.6 Submittal and Permit Requirements.

A. Submission Contents. The applicant for any permit required by any provision of the laws of the Town of Thatcher in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this code. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices;

2. Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include but is not limited to catalog cut sheets by manufacturers and drawings (including sections where required); and

3. Photometric data, such as that furnished by manufacturers or similar showing the angle of cut-off or light emissions. Photometric data need not be submitted when the full cut-off performance of the fixture is obvious to the reviewing official.

B. Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Article will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall additionally submit as evidence of compliance certified reports of tests that have been performed and certified by a recognized testing laboratory.

C. Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of this Article will be adhered to.

D. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of

light source therein be changed after the permit has been issued, a change request together with adequate information to assure compliance with this Article must be submitted to the design professional and building official for his/her approval prior to substitution.

E. Special Inspection. In area E3 special inspection by a registered electrical engineer is required if the lumens per net acre are greater than one hundred thousand (100,000).

Section 16.7 Prohibited Outdoor Lighting.

A. Mercury Vapor Lamps Fixtures and Lamps. The installation, sale, offer for sale, lease or purchase of any mercury vapor lamp for use as outdoor lighting is prohibited.

B. Certain Other Fixtures and Lamps. The installation, sale, offering for sale, lease or purchase of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp the use of which is not allowed by Table No. 17 is prohibited.

C. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment when projected above the horizontal is prohibited.

D. Searchlights. The operation of searchlights for advertising purposes is prohibited in lighting areas E1 and E2 and in all other areas between ten p.m. (10:00 p.m.) and sunrise the following morning.

Section 16.8 Temporary Exemption.

A. Request, Renewal and Information Required. Any person may submit a written request on a form prepared by the jurisdiction, to the jurisdiction for a temporary exemption request. A temporary exemption shall contain the following information:

1. Specific exemption or exemptions requested;
2. Type and use of outdoor light fixture involved;
3. Duration of time of the requested exemption;
4. Type of lamp and lamp lumens;
5. Total wattage of lamp or lamps and number of lamps to be used;

6. Proposed location on premises of the outdoor light fixture(s);

7. Previous temporary exemptions, if any, and addresses of premises thereunder;

8. Physical size of outdoor light fixture(s) and type of shielding provided;

9. Such other data and information as may be required by the building official.

B. Approval and Duration. The Town of Thatcher shall have five business days from the date of submission in writing of the request for temporary exemption to act on the request. If approved, the exemption shall be valid for not more than thirty (30) days from the date of issuance of the approval. The approval shall be renewable at the discretion of the building official upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty (30) additional days.

C. Denial and Appeal. If the request for temporary exemption is denied, the person making the request will have the appeal rights provided in Section 16.10.

Section 16.9 Nonconformance.

A. Bottom-mounted outdoor advertising sign lighting shall not be used.

B. All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this Ordinance are exempt from all requirements of this Article. There shall be no change in use or lamp type or any replacement or structural alteration made without conforming to all applicable requirements of this Article. Further, if the property is abandoned or if there is a change in use of the property, the provisions of this Article will apply when the abandonment ceases or the new use commences.

Section 16.10 Alternative Materials and Appeals.

A. The provisions of this Article are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed by this Article provided any such alternate has been approved. The building official may approve any such proposed alternate provided he finds that it:

1. Provides at least approximate equivalence to the applicable specific requirements of this Article;

2. Is otherwise satisfactory and complies with the intent of this Article; and

3. Has been designed or approved by a registered professional engineer and is supported by calculations showing that the design submitted meets that intent of the Article and meets nationally recommended outdoor lighting levels.

B. Appeals. Any person substantially aggrieved by any decision of the building official made in administration of this Article has the right and responsibilities of appeal pursuant to Section 113 of the International Building Code.

Section 16.11 Law Governing Conflicts. Where any provision of federal, state, county, or Town statutes, codes or laws conflict with any provision of this Article the most restrictive shall govern unless otherwise regulated by law.

(End of Article)

CHAPTER 153, ARTICLE 17: Landscape Regulations

Section 17.0 Purpose and Intent.

A. The purpose of this Article is to establish landscape standards applicable to all Zoning Districts. The standards and regulations set forth in this Article shall qualify or supplement, as the case may be, the zoning district regulations set forth elsewhere in this Ordinance.

B. The intent of the landscaping requirements is to enhance, conserve, and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community. Landscaping also contributes to the relief of heat, noise, and glare through the proper placement of green plants, trees, and desert landscaping.

Section 17.1 Plant Specifications.

Low water use drought tolerant and freeze resistant plant species are encouraged.

A. **Trees:** Where required by this Ordinance trees shall be, upon installation, a minimum of fifteen (15) gallon size with forty percent (40%) of the required number of trees to be specimen trees of twenty-four (24) inch box size or larger.

B. **Shrubs:** Where required by this Ordinance shrubs shall be, upon installation, a minimum of one (1) gallon size with forty percent (40%) of the required number being five (5) gallon in size. The use of cactus and/or succulents may be substituted for up to fifty (50%) percent of the required shrubs.

C. **Organic Groundcovers:** Where required by this Ordinance organic groundcovers shall be, upon installation, a minimum of one (1) gallon size. Turf may also be considered. An irrigation system for the turf areas shall be installed by approved standards.

D. **Inorganic Groundcovers:** Where required by this Ordinance inorganic groundcovers shall consist of decomposed granite (minimum size ½" minus). Other decorative rock groundcover , in select areas, may also be considered.

E. **Prohibited:** The use of fruit producing species of Olive and Mulberry trees shall be prohibited.

F. **Maintenance:** Required landscaping areas shall be maintained in a neat, clean, orderly, and healthful condition. This includes proper pruning, weeding, mowing of lawns, removal of litter, fertilizing, replacement of dead plants, and the regular watering of all plantings. All landscaped areas shall be provided with a drip irrigation system terminating in an appropriate number of sprinklers or bibs to ensure a sufficient amount of water to sustain plants within the landscaped areas, except for all single residences and multiple residences of less than four (4) units.

Section 17.2 Landscape Requirements for Specific Land Uses.

A. Single Residence Zoning/Land Use.

1. Required landscaping for a subdivision development shall include the required open space area, retention or detention basins, and the adjacent public right-of-way.

2. The required landscaping for a subdivision development shall be installed in proportion to the construction phasing of the project and in accordance with the approved subdivision landscape plan.

3. Front yards and side yards of all dwellings that front on public streets shall be landscaped except for the area that is devoted to driveways and off-street parking space.

4. A planting plan shall not be required for single residence dwellings. Single residences are required to have the front yard landscaping completed within six (6) months from date of issuance of the Certificate of Occupancy.

B. Multiple Residence Zoning/Land Use.

1. The required landscaping for a development shall include the required common area and open space area, retention or detention basins, parking area, and the adjacent public right-of-way as required in Section 17.3. Installation of the required landscaping shall be in accordance with the approved landscape plan for the development. Any part of the lot or parcel not developed for buildings, structures, vehicular access, streets, parking and utility areas shall be landscaped.

2. For developments with ten (10) or more dwelling units the required landscaping shall be installed prior to the issuance of a Certificate of Occupancy. For developments with fewer than ten (10) dwelling units the required landscaping shall be installed within the first three (3) month from date of issuance of the Certificate of Occupancy.

3. The required rear and side yards shall contain a continuous, landscaped buffer area having a minimum width of ten (10) feet and containing a minimum of one (1) tree and three (3) shrubs every thirty (30) feet, or portion thereof, to provide visual screening between adjacent uses. Parking in these landscaped buffer areas is discouraged.

4. If the required onsite parking is adjacent to this landscaped buffer area, then the landscaped buffer area shall be designed in a manner that will allow the storm water to drain from the parking area into the landscaped buffer area for harvesting the storm water.

5. In addition to the landscaping within the buffer area, a perimeter wall may be required along the rear and side property lines. Vegetative screening may be used rather than the use of a perimeter wall only when adjacent to another multiple residence use or zoning district or adjacent to a property zoned "NC" or MU". Where vegetative screening is used in lieu of a perimeter wall the landscaped buffer area width from the common property line should be increased by five (5) feet and the required shrubs within the landscaped buffer area should be double the required amount. A perimeter wall shall be required when adjacent to a single residence zoned property.

6. If a perimeter wall is constructed it shall be a maximum of six (6) feet in height and is encouraged to be decoratively treated on all sides to match the architectural style and design of the development.

C. Commercial Zoning/Land Use.

1. The required landscaping for an individual site or development shall include the retention or detention basins, parking area, buffer areas, and the adjacent public right-of-way as required in Section 17.3. Installation of the required landscaping shall be in accordance with the approved landscape plan for the individual site or development and installed prior to the issuance of a Certificate of Occupancy unless otherwise provided herein. Any part of the lot area not developed for buildings, outdoor use areas, structures, approved storage, loading and vehicular access, streets, parking and utility areas shall be landscaped.

2. All "NC" and "MU" zoned commercial properties shall provide and maintain a landscaped buffer area, a minimum width of ten (10) feet along the rear and five (5) feet along the side property lines if a rear and/or side yard setback is required. This landscaped buffer area shall not be used for parking.

    a. When required, this landscaped buffer area shall contain a minimum of one (1) tree and two (2) shrubs every twenty-five (25) feet, or portion thereof.

    b. When required, in addition to the landscaping within the buffer area when required, a perimeter wall shall be required along the rear and side property lines. Vegetative screening may be used rather than the use of a perimeter wall only when adjacent to a multiple residence zoning district.

    c. Where vegetative screening is used in lieu of a perimeter wall the landscaped buffer area width of the side yard, from the common property line, should be increased by five (5) feet and the

required shrubs should be double the required amount.

d. Installation of the required landscaping shall be completed within the first three (3) months from date of issuance of the Certificate of Occupancy.

3. All "C-1" and "C-2" zoned commercial properties shall provide and maintain a landscaped buffer area, a minimum width of fifteen (15) feet along the rear and eight (8) feet along the side property lines if a rear and/or side yard setback is required.

a. When required, this landscaped area shall contain a minimum of one (1) tree and three (3) shrubs every twenty-five (25) feet, or portion thereof. This landscape area shall not be used for parking, maneuvering or storage. In addition to the landscaping within the buffer area, a perimeter wall shall be required along the rear and side property lines when adjacent to a residential zoning district.

D. Industrial and Public-Institutional Zoning/Land Use.

1. The required landscaping for an individual site or development shall include the retention or detention basins, parking area, buffer areas, and the adjacent public right-of-way as required in Section 17.3. Installation of the required landscaping shall be in accordance with the approved landscape plan for the individual site or development and installed prior to the issuance of a Certificate of Occupancy. Any part of the lot area not developed for buildings, outdoor use areas, structures, approved storage, loading and vehicular access, streets, parking and utility areas shall be landscaped.

2. All industrial and public-institutional zoned properties shall provide and maintain a landscaped buffer area, a minimum width of ten (10) feet, along the rear and side property lines, if a rear and/or side yard setback is required.

3. When required, this landscaped buffer area shall be located on the exterior side of any required perimeter wall and shall contain a minimum of one (1) tree and three (3) shrubs every forty (40) feet, or portion thereof. This landscape area shall not be used for parking, maneuvering or outdoor storage.

Section 17.3 R.O.W., Parking Lot and Retention Basin Landscaping.

A. Specific Right-of-Way Landscaping Requirements.

1. U.S. Highway 70 / Principal Arterial. Any lot, parcel or development, or portion thereof, that is adjacent to the U.S. Highway right-of-way or to a Principal Arterial Street, as classified in the Thatcher General Plan, shall be required to landscape that portion of the undeveloped right-of-way adjacent to their development, measure from back of ultimate improvements, in addition to the on-site landscaping that is required by this Ordinance.

    a. The landscape plan and plant palette shall be approved by the Town of Thatcher.

    b. Additional streetscape such as, but not limited to, benches and trash containers may be required in accordance with the adopted downtown streetscape plan.

2. Minor Arterial & Collector Streets. Any lot, parcel or development, or portion thereof, that is adjacent to a Minor Arterial or Collector Street, as classified in the Thatcher General Plan, shall be required to landscape the undeveloped portion of the right-of-way, measured from back of ultimate improvements, in addition to the on-site landscaping that is required by this Ordinance.

    a. The right-of-way landscaping shall be planted in a formal linear pattern creating a tree lined street and shall, at a minimum, consist of one (1) specimen tree and three (3) shrubs planted every forty (40) feet or fraction thereof; exclusive of that portion of the public rights-of-way occupied by a driveway area.

    b. Additional streetscape such as, but not limited to, benches, school bus stops, trash containers, pedestrian path and/or bike trail may be required if the Town has an adopted streetscape plan that identifies these amenities.

    c. Individual property owners and/or Homeowner Associations shall properly maintain all landscape materials and landscaped areas, including that within the public rights-of-way adjacent to their property or the development, in accordance with the approved landscape plan, except in and along public rights-of-way and easements where the Town of Thatcher has agreed to provide maintenance.

3. Local & Neighborhood Streets.

    a. All residential lots, parcels or developments (single residence and multiple residence) are encouraged to provide, at a minimum, one (1) canopy-type shade tree of fifteen (15) gallon size or greater, to be planted in each front yard either within a landscape easement

at the back of the sidewalk or within the right-of-way between the back of curb and the sidewalk if such a separation exists.

b. All commercial, industrial, and public-institutional zoned lots, parcels or developments shall provide, at a minimum, one (1) specimen tree and three (3) shrubs to be planted in the adjacent public right-of-way every forty (40) feet or fraction thereof; exclusive of that portion of the public rights-of-way occupied by a driveway area. The right-of-way landscaping is encouraged to be planted in a formal linear pattern creating a tree lined street.

B. Parking Lot Landscaping Requirements.

1. Amount Required. In parking lots, at least three percent (3%) of the interior parking area shall be landscaped, exclusive of perimeter landscaping (buffer area) and frontage landscaping. For every ten (10) required parking spaces, or portion thereof, a minimum of one (1) tree and two (2) shrubs shall be provided within the interior of the parking area. Trees located in the interior of the parking area shall have a clear trunk of at least five (5) feet and shrubs located in the interior of the parking area a maximum height of three (3) feet for adequate visibility. The total amount of parking lot landscaping may be reduced proportionally if permanent shade canopy/structures are provided.

2. Screening. Vehicular parking areas adjacent to the right-of-way are encouraged to provide screening to a height of at least three (3) feet by either a solid decorative masonry wall or a landscaped berm or a combination thereof. The slope of any berm should not exceed a ratio of one to two (1:2) and shall be landscaped with ground cover to prevent soil erosion. All landscape areas adjacent to the vehicular parking and access areas shall be protected by a permanent vertical barrier or containment, in order to minimize damage by vehicular traffic, and designed with openings that will allow the storm water to drain from the parking area into the landscape area for harvesting the storm water.

3. Location. Landscape areas shall be located and designed in such a manner as to break up the expanse of the parking area, better define parking circulation, and provide shade and comfort. The required landscaping shall be located in protected areas such as along walkways, in centrally located protected islands, at the ends of parking aisles, or between parking spaces. Landscape areas should contain a minimum of twenty-five (25) square feet and should have a minimum width of five (5) feet. The landscape areas should be depressed from the surrounding parking surface and designed with openings that will allow the storm water to drain into the landscape area for harvesting the storm water.

4. Irrigation of Parking Lot Landscaping. All right-of-way street frontage, perimeter, and interior parking area landscaping shall be provided with a pressurized, underground irrigation system.

C. Retention Basin Landscaping.

1. Residential subdivision retention or detention basins shall be landscaped and may qualify as open space only if they are multi-tiered, designed to be used as an active multi-use area, and integrated into the interior of the development. All basins to be accepted by the Town for maintenance shall be constructed with a minimum of four to one (4:1) side slopes.

2. Commercial and industrial retention or detention basins shall be landscaped and may qualify as open space only if they are visible from the public right-of-way. Terracing and contouring are encouraged to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three to one (3:1) slope.

D. Maintenance of Landscaping.

1. The maintenance of all required landscaping, whether located on the property or within the adjoining right-of-way frontage, parks, basins, and paths shall be the responsibility of the property owner.

2. The developer must put in place a Homeowners Association (HOA), improvement district, or other Town approved mechanism that shall fund the maintenance of these areas.

Section 17.4 Landscape Plan Submittal Requirements.

A. Any proposed building, building additions, or use of land that requires Site Plan Review by the Town shall also include, either on the site plan or on a separate sheet, information on the required landscaping in compliance with this Ordinance and, if applicable, the Subdivision Ordinance. The landscape information may be submitted as a separate Landscape Plan and shall be prepared by an Arizona Registered Landscape Architect, an Arizona Certified Nurseryman, or other approved professional. The landscape plans shall be submitted at the time of application for rezoning, use permit, subdivision plat approval, or at the time of building permit if none of the above applications are required and shall at a minimum contain the following:

1. Irrigation plans.

2. Plant Location: Call out the location of all existing and proposed species and inorganic ground covers, sidewalks, paths, curbing, fencing, walls, benches, ramadas, fountains, and waterways. Notations should be made

concerning any existing trees that will be removed. For fencing and walls, provide a graphic representation as to what is intended relative to the fencing and wall theme.

3. Right-of-way landscaping is required. The entire area of the right-of-way, as measured from back of ultimate improvements, between the property line and back of curb (B.O.C.) and/or pavement except for approved driveways, sidewalks and bike paths, shall be landscaped.

4. Plant Species: Include a plant palette, in list form, on the landscape plans that call out all proposed plant species and inorganic ground covers.

5. Plant Sizes: Call out the specific sizes of all proposed plant and inorganic ground covers. This information shall be included within the plant palette list on the landscape plan.

6. Plant Quantities: Call out the exact quantities for each species of tree, shrub and ground cover per each size and species. This information shall be included within the plant palette list on the landscape plan.

7. Paths, Trails, Sidewalks: Indicate the location of any proposed path, trail, or sidewalk on the landscape plan. Call out the material type and width of the surfacing of all proposed paths, trails and walks.

8. Walls/Fencing: Call out the type and location of proposed walls/fencing, if applicable. Indicate exact material types for all fencing and walls proposed. A separate 24" X 36" wall/fence sheet may be required to be submitted if the Zoning Administrator determines it to be necessary for clarification.

9. Signage: Indicate the location of any proposed signs or freestanding monument signs to be located within the landscape area.

10. Identify existing lots, streets, fences, walls, wells, or other features as may be applicable.

11. Identify the line of sight requirements of the Town, County and State.

12. Identify the name of the developer, project engineer, and landscape architect/designer on the plan.

B. All Site Plans and/or Landscape Plans submitted shall be reviewed and approved by the Town prior to the issuance of a Building Permit.

(End of Article)

CHAPTER 153, ARTICLE 18: Wireless Communication Facilities

Section 18.0 Purpose.

A. The purpose of this Article is to establish uniform standards and procedures to manage the development, siting, installation, and operation of wireless communications facilities in compliance with the Federal Telecommunications Act of 1996. These regulations are intended to provide for appropriate development of wireless communication facilities to provide services within the Town in a manner that will protect and promote public health and safety, preserve the Town's residential character and uncluttered appearance and prevent visual blight.

B. This Article shall apply to all new wireless communications facilities and the renewal, expansion and/or alteration of any existing Wireless Communication Facility ("WCF"), including the following:

1. Amateur or Ham radio facilities;

2. Over the air reception devices ("OTARD") and satellite earth stations;

3. Radio and television broadcast and transmitting facilities.

Section 18.1 Conformance with Applicable Codes.

A. All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration ("FAA"), the Federal Communications Commission ("FCC"), and any other agency of the state or federal government with the authority to regulate towers and antennas, and the provisions of this Article. The following provisions are not intended to prevent the use of any material or method of installation not specifically prescribed by this Article, provided any such alternate has been approved in writing by the Zoning Administrator. As new wireless communication technology develops, the Zoning Administrator shall consider any state of the art technology that is consistent with the intent of the Ordinance.

Section 18.2 Application and Submittal Requirements.

A. A Conditional Use Permit shall be required for any WCF including wireless communication towers and antennas. An Administrative Use Permit shall be required for any amateur (ham) radio towers and antennas. All Use Permits shall be in accordance with Section 3.4 of this Ordinance.

B. All wireless communication towers and antennas (including pole, rooftop and building mounted) shall submit the following information:

1. **Inventory.** An inventory list and map of existing WCF(s) operated within 2 miles of the proposed site, to include specific information as to location, height, and design of each facility.

2. **Report on Alternatives.** A report explaining why the WCF is needed at the requested location. If the applicant is seeking to construct a new monopole, applicant shall explain why co-location or location on another kind of support structure (including alternative poles or buildings) is not feasible, including efforts made to develop such an alternative. If the Town has requested that the applicant co-locate its WCF on a site, applicant shall explain why co-location is not feasible, including efforts made to develop such an alternative.

3. **WCF Plans.** A map of the service area for the proposed facility. Plans shall include a fully-dimensioned diagram of the proposed facility and antennae, including mounting style, number of antennas planned, height, shape, size and nature of construction. The plans for a monopole must provide sufficient detail to demonstrate that the structure will be able to accommodate at least one (1) other similar telecommunications provider in addition to the applicant. The plans shall include a diagram showing the separation between the proposed WCF and any existing WCF(s) on the same support structure or site, if co-location is planned.

4. **Site Plans.** A fully-dimensioned site/landscaping plan that includes, at a minimum, the following information: specific placement of the proposed tower, equipment shelters, and any other WCF on the site, setbacks from adjacent property lines, adjacent land uses and zoning, proposed means of access, the location of existing structures, trees, and other significant site features identifying those features proposed to be removed, the type and locations of fencing and plant materials proposed to screen WCF components; and the proposed materials and color(s) for the WCF including a description of efforts to blend the WCF with the surrounding area.

5. **Visual Analysis.** Photo-simulations showing views of the proposed facility from surrounding residential properties and public rights-of-way at varying distances with a map indicating the locations from used for the analysis and their distances from the site.

6. **Fees.** In addition to any other fees required by this Zoning Code, applicants shall pay a permit fee as established by resolution of the Council, to cover the reasonable actual cost and a reasonable administrative fee for consulting services required by the Town to evaluate any technical aspect of the WCF application.

7. **Additional Information.** Any other information required by the Town for issuance of a use permit pursuant to Section 3.4 of this Ordinance.

C. Amateur (ham) radio towers and antennas, permitted as an accessory use in all single residence zoning districts and in the Manufactured Home Zoning District, shall submit the following information:

1. A fully-dimensioned site plan showing the location of the proposed tower and antennas in relation to the residence, property lines, setbacks and accessory structures.

2. Specification cut sheet for proposed retractable tower and antennas that at a minimum details the full height and retractable height of the tower, the dimension of the antennas, the method of anchoring and/or attachment.

Section 18.3 Use Permit and Findings.

A. The Council, may approve or approve with conditions, modify, deny or revoke a Conditional Use Permit required pursuant to Section 3.4 of this Ordinance. The following additional findings are required for approval of a Conditional Use Permit for wireless communications (towers and antennas):

1. The proposed use conforms with the specific purposes of this Article and any special standards applicable to the proposed facility.

2. The applicant has made good faith and reasonable efforts to locate a WCF on an existing support structure other than a monopole or to accomplish co-location.

3. The applicant has made good faith and reasonable efforts to locate a WCF on another kind of structure within the needed service area.

4. The visibility of a monopole will be reduced to the extent feasible by decreasing its height, increasing its setback, placing it strategically in relationship to other structures, using antennae designs which minimize horizontal projections, and/or by undertaking other measures.

5. The monopole provides an important link in applicant's service area build-out and in providing services to Town residents.

B. The Zoning Administrator may approve, approve with conditions, deny, or revoke an Administrative Use Permit pursuant to Section 3.4 of this Ordinance. An Administrative Use Permit for amateur (ham) radio towers shall be subject to the following conditions and requirements.

1. Such structures shall not be located in the required front yard, or required street side side yard, or in front of the front line of the dwelling or principal building; and

2. Such structure shall in no case be located nearer than five (5) feet to any side or rear property line; and

3. Such structures does not exceed a height of eighteen (18) feet within a required side or rear yard; and

4. Such structures does not exceed a maximum of thirty-five (35) feet in height measured from grade if located within the buildable area of the lot; and

5. Not more than two (2) such structure shall be erected per lot or parcel; and

6. The tower and antenna shall be retractable.

C. A communication tower and antennas designed and used specifically for public safety purposes shall be reviewed by the Zoning Administrator and are exempt from the Conditional Use Permit process. Communication towers and antennas for public safety purposes and which are also utilized by commercial communication companies shall be considered commercial communication towers and are subject to approval of a Conditional Use Permit.

Section 18.4 Permit Terms, Limitations and Waivers.

A. An Administrative Use Permit or Conditional Use Permit for a WCF shall have a term of ten (10) years, except an Administrative Use Permit for a temporary wireless communications facility shall have a term of up to one hundred-twenty (120) days, subject to termination or expiration as provided for in this Article or under the specific conditions of the permit.

1. A permittee may apply for a renewal permit under the Code as it may exist at such time within six (6) months prior to expiration of its existing permit, except no renewal of an Administrative Use Permit for a temporary wireless communications facility shall be allowed.

2. Renewal of an Administrative Use Permit for a public safety communications tower shall be granted in successive terms for up to thirty (30) years, where permittee demonstrates compliance with applicable rules and regulations, existing permit conditions, and continued need for the public use.

3. When a use permit is granted for a co-location on a facility with an

existing use permit, the action of granting the new use permit shall extend the existing use permit so that they will expire simultaneously.

B. Any Administrative Use Permit or Conditional Use Permit issued pursuant to this Article shall expire automatically if the use is not commenced within one (1) year after the date of approval of such permit.

C. If use of the facility is discontinued for over ninety (90) days, the permit shall expire and permittee shall remove the facility or the Town may cause the facility to be removed at the expense of the permittee/owner of the facility.

1. Permittee shall maintain the WCF, including paint and landscaping, to standards imposed by the Town at the time of granting the permit. If the permittee fails to maintain the facility, the Town may undertake maintenance at the expense of the permittee or terminate the permit.

2. The applicant shall notify the Town in writing of all changes in ownership of the facility within sixty (60) days of the change.

D. The Council may waive or modify requirements of this Article upon finding that strict compliance would result in noncompliance with applicable federal or state law.

E. Upon compliance with the requirements of this article and stipulations of the Conditional Use Permit or Administrative Use Permit, whichever the case may be, the Building Inspector shall issue a permit for the installation of the WCF or the amateur tower and/or antenna to be installed per the approved application.

Section 18.5 General Requirements.

A. In Single Residence Zoning Districts. All WCF's, except for amateur (ham) radio towers and antennas, shall require a Conditional Use Permit and shall be limited to the following locations:

1. On property owned by the state, municipality, county, public school district, or community college district, if the primary use of such property is a governmental use (not wireless communication use).

2. On property owned by a church if the primary use of the property is for worship or social use (not wireless communication use).

3. On property owned by an electric utility company, if the primary use of such property is an electric utility use (not wireless communication use).

B. Support Structures. Support structures for WCF's shall comply with all applicable building and engineering codes. In addition, the following standards

apply:

1. A building used as a support structure for a WCF must be an existing non-residential building. For purposes of this Article, "Non-Residential Building" shall mean no person is residing in the building.

2. A monopole or tower used as a support structure for a WCF shall be sunk into the ground and/or attached to a foundation. All new monopoles and towers must be constructed to allow for co-location by other wireless communications providers. If less than the maximum height permitted within such zoning district, the monopole or tower must have suitable footing and be capable of bolting an additional vertical section to a total height permissible. A monopole may be mounted on a trailer or a portable foundation if the use is for a temporary WCF.

3. A replacement WCF electric utility pole diameter at its base, middle and top shall not exceed the existing pole diameter at such points by more than twenty-five percent (25%).

4. Towers shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height and shall be non-climbable. Above ground equipment cabinets shall be completely screened from view by a compatible solid wall or view obscuring fence.

5. Towers shall be painted or treated to minimize the contrast of the tower against the horizon.

C. Height. Maximum height restrictions for all types of WCF are specified in-the following Table No.21.

Table No. 21 - Maximum Height of WCF				
WCF Type of Support Structure	**Zoning Districts**			
	Industrial	**Commercial**	**Residential**	**OS & P-I**
Monopole (measured from natural grade)	125'	125'	not allowed	125'
Monopole - temporary	125'	125'	not allowed	not allowed
Existing Non-Residential Building	10' above roofline	10' above roofline	10' above roofline	5' above roofline
Existing Verticality	height of existing verticality	height of existing verticality	height of existing verticality	height of existing verticality
Alternative WCF/ Recreational Ball Field Light Pole	60'	60'	60'	60'
Alternative WCF/ Other Light Pole	height of approved lighting use	height of approved lighting use	height of approved lighting use	height of approved lighting use
Alternative WCF/ Building Element	10' above permissible bldg. height	10' above permissible bldg. height	10' above permissible bldg. height	(OS) not allowed (P-I) 10' above permissible bldg. height
Alternative WCF/Stealth Structure	40'	40'	40'	40'
Replacement WCF/Electric Utility pole	original pole height	original pole height	original pole height	original pole height
Public Safety Communication Tower	125'	125'	not allowed	125'
Satellite Dish Antenna (2 meters and under)	5' above roofline, if roof mounted	5' above roofline, if roof mounted	ground-mounted only	(OS) not allowed (P-I) ground mounted only
Satellite Dish Antenna (under 1 meter)	2' above roofline	2' above roofline	2' above roofline	2' above roofline
Satellite Earth Station Antenna (2 meters or larger)	5' above roofline, if roof mounted	5' above roofline, if roof mounted	ground-mounted only	(OS) not allowed (P-I) ground mounted only
Amateur Radio Tower	not allowed	not allowed	18' - 35'	not allowed
Notes:				

D. Setbacks and Exemptions.

1. For purposes of determining whether the installation of a tower or antenna complies with zoning district development regulations, including but not limited to setback requirements, lot coverage requirements and

other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

2. Any equipment cabinet or building constructed for the WCF use shall comply with the required minimum setbacks for the Zoning District in which it is located. Towers shall be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line. Facilities that are located on street lights, traffic signal poles, sixty-nine (69) kilovolt or above, and existing electrical utility poles, are exempt from setback requirements.

3. The Council may waive or reduce setback requirements for monopoles or replacement WCF electricity poles located on electric substation sites, subject to the following conditions:

   a. Permittee shall plant and maintain landscaping per approved landscape plan on such site, and the site shall meet landscaping design and maintenance standards of the Town of Thatcher.

   b. Monopoles shall be setback from adjacent residential properties to the maximum extent feasible.

E. Screening and Aesthetics.

1. A building-mounted WCF shall be screened from residential views and public rights-of-way in a manner architecturally compatible with the building.

2. A WCF mounted on an existing verticality, alternative WCF/Recreational ball field light pole, alternative WCF/Other light pole, or replacement WCF electric utility pole shall be camouflaged from residential views and public rights-of-way in a manner architecturally compatible with the structure.

3. The design, screening or camouflaging of an alternative WCF/Building element or alternative WCF/Stealth structure, shall be subject to review and approval by the Zoning Administrator.

4. A WCF, including all components thereof, shall be painted when this would serve the purposes of architectural compatibility or camouflage. The Zoning Administrator shall approve the paint colors, which must be non-reflective.

5. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding development.

6. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be painted or treated such that they match the color and/or texture of the supporting structure.

7. Rooftop mounted equipment shall be screened from off-site views to the extent possible by solid screen walls or the building parapet. Screening shall be integrated into and architecturally compatible with the building design.

8. Building mounted antennas shall be mounted a minimum of one (1) foot below the top of the building wall, shall not be extended more than twelve (12) inches from the face of the building, and shall be either treated or painted to match the color and texture of the building.

9. Artificial lighting of a WCF, including its components, is prohibited, unless required by the Federal Aviation Administration or other applicable authority. A motion-sensor light may be used for security purposes, if the beam is directed downwards, shielded from adjacent properties and kept off when personnel are present at night.

10. No signs shall be allowed on an antenna, on a tower or on any portion of the premises leased for wireless communication use except that each WCF shall be identified by a permanently installed plaque or marker, no larger than 4" by 6", clearly identifying the provider's name, address and emergency phone number.

F. Equipment Cabinets and Buildings.

1. Equipment cabinets shall be located within the building or structure upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and associated equipment such as air conditioning units and emergency generators shall be completely screened from view by a wall or landscaping, as approved by the Town. Any wall shall be architecturally compatible with the building or immediate surrounding area.

2. An equipment cabinet shall not exceed eight (8) feet in height and a building shall not exceed fifteen (15) feet in height.

    a. An equipment cabinet or building may contain an area of up to three hundred (300) square feet for a single provider or six hundred (600) square feet for multiple wireless providers.

    b. An equipment cabinet or building for servicing a public safety communications tower may exceed the size limitations set forth

herein.

3. All equipment shall be unmanned. Equipment storage buildings or cabinets shall comply with all applicable building codes.

G. Building Codes and Safety Standards. A WCF shall be constructed and maintained in a structurally sound manner and comply with applicable local building codes and standards of the Electronic Industries Association. If, upon inspection, the Town determines that a WCF fails to comply with said codes and standards, the Town shall provide a notice to the owner, and the owner shall have thirty (30) days to bring such facility into compliance. If the owner fails to bring the facility into compliance the Town may terminate the permit and remove the facility at the owner's expense.

H. Noise. WCF and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of forty (40) decibels (DBA) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of fifty (50) DBA during the hours of 7:00 a.m. to 10:00 p.m. and forty (40) DBA during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

I. Co-Location. The applicant and owner of any site on which a WCF is located shall cooperate and exercise good faith in co-locating a WCF on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

1. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Town may require the applicant to obtain a third party technical study at applicant's expense. The Town may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

2. No co-location may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunications facilities or failure of the existing WCF(s) to meet federal standards for emissions.

3. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Article is grounds for denial of a permit request or revocation of an existing permit.

Section 18.6 Specific Requirements for Satellite Dishes.

A. Satellite Earth Stations and large satellite dishes that are two (2) meters or larger, in non-residential zoning districts, shall meet the following conditions:

1. If roof-mounted, it shall be screened behind a parapet wall or cornice and shall not extend above the roofline of the building by more than five (5) feet to preserve the character of the building.

2. If ground-mounted, it shall be installed in the rear of the lot and away from street side yards and screened from view of adjacent properties and streets by means of landscaping or fencing, to minimize visual clutter. Any wall shall have a color and texture compatible with the primary building on site.

3. Meet the district setback requirements for mechanical structures.

B. Large satellite dish antennas, two (2) meters and less in size, and OTARDs, one (1) meter and less in size, located in residential zoning districts shall meet the following conditions:

1. The antenna shall be no larger than that required by current technology to receive or transmit desired communications, and shall not exceed a diameter of two (2) meters.

2. In single residence zoning districts, no more than one (1) dish may be located on any lot.

3. In multiple residence zoning districts, no more than one (1) large satellite dish antenna may be located on a lot with less than ten (10) units, and no more than two (2) large satellite dish antennas may be located on any lot with ten (10) or more units.

4. Meet the district setback requirements for mechanical structures.

5. Screened or camouflaged to the extent feasible, and installed in the rear of the residence or building.

6. Large satellite dish antennas shall only be ground mounted. Roof-mounted OTARDs one (1) meter or less in size may be roof-mounted provided that the height is the minimum necessary to receive an acceptable quality signal.

(End of Article)

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CHAPTER 153, ARTICLE 19: Nonconforming Provisions

Section 19.0 Purpose.

A. The purpose of this article is to provide for the regulation and limit the development and continued existence of nonconforming buildings, uses, lots, and signs. These regulations are designed to protect the rights of legally existing nonconforming buildings, uses, lots, and signs under specific conditions and within certain parameters. It is also the intent of this article to curtail substantial investment in non-conformities and to bring about their eventual improvement or elimination in order to preserve the integrity of this Ordinance, promote adopted plans and policies, and enhance the character of the Town.

B. Any use or activity lawfully conducted under County zoning regulations at the effective date of annexation or under previous zoning regulations in effect at the adoption of this Ordinance, or any amendment, shall be considered a legal nonconforming use under this Ordinance.

Section 19.1 Limitation on Buildings.

A legal nonconforming building (which shall also include structures or fences) may continue only in the manner and to the extent that it existed at the time of such enactment, amendment, or annexation, subject to the following provisions:

A. Routine repairs or maintenance of legal nonconforming buildings is permitted.

B. Any legal nonconforming building which has been damaged by fire, windstorm, flood, or some similar abnormal and identifiable event or decay may be reconstructed and used as before provided that a building permit is secured, reconstruction is started within six (6) months from the date of damage, and such reconstruction is diligently pursued to completion. Such restoration shall not increase the floor space over that which existed at the time the building became nonconforming. The Zoning Administrator may determine that such delay in reconstruction was caused by unforeseen circumstances beyond the control of the owner of the premises and permit a reasonable extension of time for reconstruction.

C. A legal nonconforming building which ceases to be used for a period of one hundred eighty (180) consecutive days shall lose all nonconforming status and shall be retrofitted to comply with all applicable building codes and this Zoning Ordinance.

D. Notwithstanding the issuance of a permit therefor, no building which becomes nonconforming upon the passage of this Ordinance or which becomes nonconforming due to amendment to this Ordinance shall be built unless construction has taken place thereon to the extent of at least five hundred dollars ($500) in replaceable value by the date on which this Ordinance or said

amendment becomes effective. "Replaceable value" means the expenditure necessary to duplicate the materials and labor at market prices.

Section 19.2 Limitation on Uses. A legal nonconforming use may continue only in the manner and to the extent that it existed at the time of such enactment, amendment, or annexation, subject to the following provisions:

A. A legal nonconforming use which ceases to be used for a period of one hundred eighty (180) consecutive days, or is replaced by a conforming use, shall lose all nonconforming status.

B. A nonconforming use shall not be changed to a different nonconforming use. This shall not prevent a name change or change in ownership of the same nonconforming use.

C. Nonconforming uses shall not be increased nor expanded except where a health or safety official, acting in his official capacity, requires such increase or expansion. Such expansion shall be no greater than that which is required to comply with the minimum requirements as set forth by the health or safety official.

Section 19.3 Limitation on Lots.

A. Routine maintenance of a legal nonconforming lot is permitted.

B. This Ordinance shall not prohibit the continued occupancy of a building that has been legally constructed on a nonconforming lot.

C. Notwithstanding any other provision of this Ordinance, a single residence dwelling may be constructed on any lot of record in any zoning district in which dwellings are permitted, even though such lot fails to meet the area or width requirements for single residence dwellings within the zone. Where two (2) or more contiguous lots of record, having contiguous frontage, are owned by the same person at the time of the passage of this Ordinance, the land included in the lots shall be considered to be an undivided parcel and no portion of said parcel shall be used as a dwelling site or sold which does not meet the lot area and lot width requirements of the zoning district in which the lot is located. Yard dimensions and other requirements not involving lot area or lot width shall conform to the regulations of the zoning district in which the lot is located.

Section 19.4 Limitation on Signs.

A. Legal Nonconforming Signs:

1. Legal nonconforming sign(s) shall mean a sign that lawfully exists at the time of the enactment of this Ordinance which does not conform to the regulations as specified in this Ordinance.

2. A legal nonconforming sign may continue to be utilized in perpetuity only in the manner and to the extent that it existed at the time of the adoption of this Ordinance or any amendment thereto.

3. A legal nonconforming sign may not be altered in any manner not in conformance with this Ordinance. This does not apply to the normal repair, maintenance or changing of copy on the sign provided that structural alterations are not required as part of the repairs, maintenance, or changing of copy.

4. Any sign that becomes nonconforming subsequent to the effective date of this Ordinance, either by reason of annexation to the Town or amendment to this Ordinance, shall be subject to the provisions of this Ordinance.

5. Notwithstanding any other provision of this article, legal nonconforming signs that are located on a parcel of property which is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:

   a. Is not increased in area or height;

   b. Remains structurally unchanged except for reasonable repairs or alterations;

   c. Is placed in the same relative position on the remaining property that it occupied prior to the relocation; and

   d. Is relocated in a manner so as to comply with all applicable safety requirements.

B. Signs For a Legal Nonconforming Use:

1. New or additional signs for a nonconforming use shall not be permitted.

2. A nonconforming sign for a nonconforming use which ceases to be used for a period of one hundred eighty (180) consecutive days or is suspended by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

C. Alteration or Removal of Nonconforming Signs:

1. A nonconforming sign structure shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this Ordinance; except as provided for in the above Sec 17.4 A(5).

2. Any construction permit which invokes Certificate of Occupancy requirements shall specify and require that any nonconforming sign located within the boundaries of the development site authorized by said permit shall be brought into conformance with the provisions of this Ordinance, provided that if the nonconforming sign is a type of sign prohibited under Article 15 of this Ordinance, it shall be removed.

(End of Article)

Glossary

A. General Terms. For the purpose of carrying out the intent of this Zoning Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. Words used or defined in one tense or form shall include other tenses and derivative forms; words used in the singular include the plural; and words in the plural include the singular.

2. The word "shall" is mandatory.

3. The word "may" is permissive.

4. The word "person" includes an individual, tenant, lessee, firm, co-partnership, joint venture, corporations, associations, estate, trust, receiver, or and any other group or combination acting as a singular entity, including the federal government, another Town, county, or school district, except as exempt by law.

5. The following words or terms when applied in this Ordinance may be used interchangeably unless contrary to the circumstances: lot, plat, parcel or premise; and "building" applies to the word "structure".

B. Specific Terms. The following additional words and phrases shall, for the purpose of this Ordinance, have the following meanings:

A

Abandoned or Junk Motor Vehicle. A motor vehicle or any major portion thereof that is unlicensed and is incapable of movement under its own power and will remain so without major repair, including but not limited to repair of the differential, transmission, head, engine block, or oil pan.

Abandonment of Use. The relinquishment of a property or the cessation of a use or activity by the owner or tenant for a period of one year, except for the purpose of remodeling, maintaining or otherwise improving or rearranging a facility.

Abut. To physically touch or border upon or to share a common boundary, property line, or right-of-way. Parcels having only one common corner are not considered as abutting parcels.

Access or Access Way. The place, means, or ways by which pedestrians, vehicles, or both shall have safe, adequate, and usable ingress/egress to a property or use. A private access is an access not in public ownership and controlled by means of deed, dedication, or easement.

Accessory Structure or Dwelling. A detached subordinate structure or building, situated on the same lot or building site, the use of which is customarily incidental to that of a principal use of the main building or premise.

Accessory Use. A use of land or of a building or portion thereof clearly incidental and subordinate to the principal use of the land or building and is conducted on the same lot with the principal use or building.

Acre. A measure of land area containing 43,560 square feet.

Addition. An extension or increase in floor area or height of a building or structure.

Adjoining Lot or Land. A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Administrative Decision. Any decision on a development application made by the Zoning Administrator or his/her authorized representative pursuant to this Ordinance.

Adult Oriented Business. This term is synonymous with "sexually oriented business" and means an adult arcade, adult bookstore, adult cabaret, adult motel, adult novelty store, adult theater, adult motion picture theater, adult video store, escort agency, nude model studio, or sexual encounter center.

1. Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters depicting, describing or exhibiting "specified sexual activities" or "specified anatomical areas".

2. Adult Bookstore, Adult Novelty Store or Adult Video Store. A commercial establishment that has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for sale or rental for any form of consideration any one or more of the following:

    a. Books, magazines, periodicals or other printed matter, or photographs, films, computer simulations, holograms, motion pictures, video reproductions, compact discs, slides, or other visual representations, which are characterized by their emphasis upon the depiction, description, exhibition or display of "specified sexual activities" or "specified anatomical areas"; or

    b. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

3. Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

a. Persons who appear in a state of nudity or semi-nude; or

b. Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

c. Films, motion pictures, computer simulations, holograms, video cassettes, slides, or other photographic reproductions, which are characterized by the depiction, description, exhibition or display of "specified sexual activities" or "specified anatomical areas".

4. Adult Motel. A hotel, motel, or similar commercial establishment that:

a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, computer simulations, holograms, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction, description, exhibition or display of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; and, either

b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

5. Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, holograms, computer simulations, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

6. Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear nude or semi-nude, or in live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

7. Adult Video Store. See Adult Bookstore, Adult Novelty Store or Adult Store.

8. Escort. A person who, for consideration, and for another person, agrees or offers to act as a companion, guide, date or to privately model lingerie or to privately perform a striptease.

9. Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

10. Nude, Nudity or a State of Nudity. The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

11. Nude Model Studio. Any place where a person (or persons) who appears semi-nude, in a state of nudity or displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A nude model studio does not mean a modeling class, or the facility for such class, operated:

    a. By a proprietary school licensed by the State of Arizona; a college, junior college, or university supported entirely or partly by taxation;

    b. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

    c. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing.

12. Semi-Nude or in a Semi-Nude Condition. The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

13. Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: a place where two (2) or more persons may congregate, associate, or consort for the purpose of "specified sexual activities". The definition of sexual encounter center or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

14. Specified Anatomical Areas. Human genitals in a state of sexual arousal.

    a. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

b. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

15. Specified Sexual Activities. Any of the following:

a. The fondling or other erotic touching of human genitals, pubic region, anus, or female breasts;

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

c. Excretory functions as part of, or in connection with, any of the activities set forth in subdivisions (1) through (2) above.

Agricultural Animals. The following animals, other than household pets, are considered accessory agricultural animals to an agricultural use, whether kept and maintained for production and sale, family food production, education or for personal enjoyment. Agricultural animals are classified as large and small animals. Examples of the types of animals in the different categories include, but are not limited to:

1. Large animals: horses, burros, donkeys and mules, miniature horses, cattle, sheep, goats, and ratites.

2. Small animals: rabbits, chinchillas, and poultry.

Agricultural Building. A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place used by the public.

Agricultural Facility. An open field or enclosed building with transparent walls or roof whether publicly or privately owned including, but not limited to, greenhouses used for the production of horticultural products, and the pasturing of animals.

Airport. An area of land that is used, or intended to be used, for aircraft to land on or take-off from, including its buildings and facilities, if any.

Alley. A dedicated right-of-way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration. Any architectural, structural, or use change to a building that requires a permit under the Building Code of the Town.

Alternative WC/Recreational Ball Field Light Pole. A light pole that is constructed and used to provide a useful and appropriate recreational ball field lighting function as well as a wireless communications facilities ("WCF") function.

Alternative WC/Other Light Pole. A Light pole that is constructed and used to provide a useful and appropriate lighting function, other than a recreational ball field lighting function, as well as a wireless communications facilities ("WCF") function. Examples include streetlight, parking and security light poles.

Alternative WCF/Stealth Structure. A structure designed to conceal and/or camouflage wireless communications facilities ("WCF"), such as an artificial saguaro, artificial tree, or sculpture. An alternative WCF stealth structure does not include a monopole with an attached flag or other minimal design feature.

Alternative WCF/Building Element. A building element designed to conceal and/or camouflage wireless communications facilities ("WCF"), such as a clock tower, cupola, or church steeple.

Amateur Radio Tower. A free standing or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) License issued by a Federal Communications Commission.

Amendment. A change in the wording, application, or substance of this Ordinance, or any change, deletion, or addition in the zoning district boundaries or classifications of the zoning map.

Animal Hospital. The place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care related to medical or surgical treatment.

Antenna. Any device on a tower, building, or structure that radiates or captures electromagnetic waves for the purpose of communicating information.

1. Panel Antenna. A relatively flat rectangular device that transmits or receives communications signals in directional pattern of less than 360 degrees.

2. Parabolic Antenna. A dish shaped device that transmits or receives communications signals in a specific directional pattern.

3. Whip Antenna. A long thin device that transmits or receives communications signals in a 360 degree radial pattern and is minimally viewable.

Antique Shop. A retail business specializing in the sale of merchandise made in, or typical of, a previous era. Typical merchandise includes, but is not limited to, furniture, silverware, glassware, and other collectibles. Items shall not be donated for resale, but may be displayed on consignment.

Apartment Unit. One (1) or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three (3) or more dwelling units.

Applicant. A person submitting an application for development, rezoning or other action.

A.R.S. The abbreviation for the Arizona Revised Statutes.

Assisted Living Facility. A facility consisting of independent and semi-independent dwelling units, each occupied by not more than two (2) residents per dwelling unit, at least one of whom is 55 years of age or older and providing assisted-living services to deal with the activities of daily living including congregate meals program in a common dining area, recreational facilities, and personal service facilities; but excludes institutional care such as medical or nursing care.

Attached Building. Any structure sealed from the elements with a permanent slab foundation and architecturally integrated with the main structure.

Auto Body Shop. The general repair, alteration, rebuilding, or reconditioning of vehicles body, frame, upholstery, interior or paint work.

Automobile Repair (general). Servicing of motor vehicles including tire repair, battery changing, engine rebuilding and transmission repair, storage of merchandise and supplies related to the servicing of motor vehicles, sale of lubricants, automobile washing and lubrication, but excluding body work and painting of vehicles, or other similar activities.

Automobile Service Station. A convenience use having pumps and storage tanks or other facilities from which gasoline, diesel or alternative fuels are dispensed into motor vehicles.

Automobile Wrecking Yard. See Junkyard.

Awning. An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

B

Baby-sitting. Any residential dwelling in which child care is regularly provided for compensation for no more than four (4) children who do not reside in the home.

Bar. An establishment including, but not limited to, a cocktail lounge, discotheque, nightclub or tavern, the main use of which is to serve alcoholic beverages to the public for on-site consumption; meeting all requirements for certification and licensing by the proper State agencies and Town departments. Such a facility may serve food, provide dancing and entertainment.

Bed & Breakfast Establishment. A dwelling in which the occupants of the dwelling provide, for compensation, the short term lodging and meals for guests, occupying not more than four (4) guest rooms, located within the same principal dwelling. Any dwelling in which more than four (4) guest rooms are provided shall be deemed a hotel.

Board. The Town of Thatcher Board of Adjustment.

Boarding House. A dwelling in which three (3), four (4), or five (5) rooms are occupied as guest rooms and in which food may be served to the occupants thereof. Any dwelling in which more than five (5) rooms are occupied as guest rooms shall be deemed to be a motel or hotel. A boarding house shall not include buildings for persons requiring physical or mental care by reasons of age, infirmity, or disease.

Buildable Area. The portion of a lot, that is within the envelope formed by the required setbacks. See "Yard, Required".

Building. Any structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, use, occupancy, or enclosure of persons, animals, chattel or property of any kind, with the exception of dog houses, playhouses and similar structures.

Building Area. The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, steps, roof overhangs, and balconies.

Building Height. The vertical distance of a building measured from natural grade or the average elevation of the finished grade within (20) twenty feet of the structure to the highest point of the coping of a flat roof, or to the highest point of a mansard roof, or to the highest gable of a pitch or hip roof.

Building Official. An employee of the Town authorized to issue building permits and Certificates of Occupancy, to administer all applicable construction codes, and enforce the provisions of this Ordinance.

Building Permit. An authorization to construct, repair, alter, or add on to a building or structure as issued by the Building Official and authorized by the Zoning Administrator.

Building, Principal. A building or structure in which the principal or dominant use of the property is conducted.

Building Setback Line. See "Setback".

C

Cargo Container. A standardized, reusable shipping vessel that is or appears to be originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight articles, goods or commodities. Also frequently referred to as a "sea container".

Carport. A roofed structure that may be attached or unattached to the principal structure providing space for the parking or storage of motor vehicles and entirely open on two (2) or more sides. Enclosed storage facilities may be provided as part of a carport.

Carport, Portable. A non-permanent structure designed as a shelter for motor vehicles, boats and similar personal property.

Certificate of Occupancy. A document issued by the Building Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes of the Town of Thatcher.

Ceiling Height. Clear vertical distance from the finished floor to the finished ceiling.

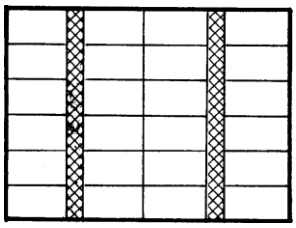
Child Care, Home Based. Any single residence dwelling in which childcare is regularly provided for compensation for no more than six (6) children who do not reside in the home provided there shall be no more than a total of ten (10) children. The home-based child care center shall meet all requirements for certification by the appropriate State agencies and Town departments.

Child Care Center (DHS Licensed Child Care Center). Any facility in which the care, supervision and guidance of a child or children are regularly provided for compensation for eleven (11) or more children. The child care center shall meet all requirements for certification by the appropriate State agencies and Town departments.

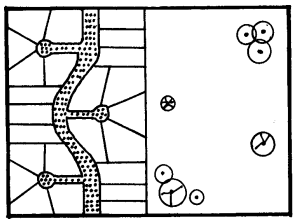
Clinic. An establishment where patients are admitted for examination and treatment by one or more medical practitioners typically physicians, dentists, psychologists, or social workers and where patients are not usually lodged overnight.

Club. A group of people organized for a common purpose to pursue common goals, interest, and activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitutions and bylaws. Does not refer to and is not associated with an establishment or a physical building.

Cluster Development / Cluster Residential. A development design technique that concentrates development/buildings in specific areas on a site, rather than distributing them evenly, thereby allowing the remaining land to be retained as natural open space for the preservation of sensitive lands, parks, and public open space areas.



24 Conventional Lots
No Open Space



24 Clustered Lots
50% Open Space

Co-Location. The use of a single support structure and/or site by more than one telecommunications provider.

Commission. The Town of Thatcher Planning and Zoning Commission.

Common Ownership. Ownership by one or more individuals in any form of ownership.

Common Access. A commonly shared or used pedestrian or vehicular way that connects or serves two (2) or more properties.

Conditional Use. A "conditional use" is a use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Ordinance.

Condominium. Real estate, portions of which are designated for separate ownership with the remainder designated for common ownership by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Contiguous. See "Abut".

Convenience Market. A small-scale (less than 5,000 square feet) retail establishment the primary purpose of which is the sale of fresh or packaged food, dry goods, and nonprescription medicine primarily to customers from the immediate neighborhood.

Corral. The fenced area for the confinement of large agricultural animals.

Courtyard. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

D

Dedication. The conveyance of land by its owner to the Town for any general or public use.

Density. A ratio expressing the number of dwelling units, lots or spaces per acre.

Density Transfer. Permitted unused allowable densities in one area to be used in another area of the same development. (Example: within a subdivision clustering of homes on smaller lots to retain larger open space areas.).

Detention Basin. A stormwater storage facility that temporarily stores surface runoff and releases it at a controlled rate through a positive outlet.

Developer. A person, firm, partnership, joint venture, association, corporation, or entity that desires to improve or otherwise engage in any development of property within the Town of Thatcher, including the owner of the property and any agents acting on behalf of the owner.

Development Project. Any residential, commercial, industrial, or mixed-use project, or development plan, that is submitted to the Town of Thatcher for approval or for permit.

Display Lot or Area. Outdoor areas where active sales and display activity occurs.

Drainage Way. Any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

Driveway. A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Duplex. A building designed as a single structure, on a single lot and under one (1) ownership, containing two (2) separate living units, each of which is designed to be occupied as a separate residence for one (1) family totally separated from the other and with its own separate, private means of ingress.

Dwelling, Multi-Family. A building or buildings designed exclusively for occupancy by two (2) or more families living independently of each other.

Dwelling, Single Family. A building containing only one (1) dwelling unit.

Dwelling Unit. A room or group of rooms within a building providing permanent provisions for living, sleeping, eating, cooking, and sanitation that is designed to be occupied exclusively by a single housekeeping unit.

E

Easement. A grant by a property owner of the use of land by the general public, a corporation, or a certain person or persons for the specific uses and purposes designated.

Elevation.

1. A vertical distance above or below a fixed reference level.

2. A flat scale drawing of the front, rear, or side of a building.

Excavation. Removal or recovery by any means whatsoever of soil, rocks, minerals, mineral substances, or organic substances other than vegetation from water or land on or beneath the surface thereof or beneath the land surface whether exposed or submerged.

Exhibit. Any graphic representation noted as "Exhibit" within this Ordinance that is used to illustrate and exemplify certain standards and regulations contained within the language of this Ordinance. If an exhibit and text of the Ordinance conflict, the written text of the Ordinance shall control.

Existing Verticality. Any existing monopole, public safety communications tower, recreational light pole, street light pole, traffic signal pole, electric utility pole or tower, water tower, lattice tower, or exhaust stack. Existing verticality does not include a building.

Exterior Wall. Any wall that defines the exterior boundaries of a building or structure.

F

Facade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Factory-built Building. A residential or nonresidential building including a dwelling unit or habitable room thereof that is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined elsewhere in this Glossary.

Family. A family is:

1. An individual or two (2) or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or

2. A group of not more than five (5) persons, who need not be related, living together as a single, housekeeping unit within a dwelling.

3. Functional Family (as defined in this Glossary).

Farm/Agriculture. An agricultural use, and all accessory structures customarily associated with such use, where the growing and harvesting of field, tree or bush crop**s** including flowers takes place, which may or may not be owner-occupied but may utilize employees who are not owners or family of the owners. Does not include: dairies, concentrated animal feeding operations (CAFO), slaughter and meat packing plants, or fertilizer yards.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Fence. An artificially constructed barrier of wood, masonry, stone, metal or combination of materials erected to enclose, screen or separate areas but not including hedges, shrubs trees or other natural growth.

Findings. A written statement of facts, conclusions and determinations based on the evidence presented in relation to the approval criteria and prepared by the approval authority in support of a decision.

Flood *(terms specifically related to floods/flooding)***.**

1. **Base Flood.** The flood having a one-percent (1%) chance of being equaled or exceeded in any given year.

2. **Flood or Flooding.** A temporary inundation of land not normally covered by water due to unusual and rapid accumulation or runoff of surface waters from any source, or a rise in flow or stage of any stream or watercourse that result in water overtopping its banks and adjacent areas that are not normally covered by water.

3. **Flood Hazard Zone.** Any land area partially or wholly within a delineated floodplain susceptible to flood related damage as designated on the Flood Management Maps. Such flood hazard zones may include, but not be limited to, areas highly susceptible to erosion, stream meander sensitivity, moveable bed, scour, wave action, and subsidence.

4. **Floodplain.** The relatively flat areas or low lands adjoining the channel of a watercourse, or areas where drainage is or may be restricted by man-made structures which have been or may be covered partially or wholly by flood water, but shall compose an area not less than that area confined by the Fifty (50) Year Flood and shall not exceed that area confined by the One hundred (100) Year Flood.

5. **Floodplain Administrator.** The Graham County Floodplain Administrator.

6. **Floodway.** The channel of a river or other watercourse and the adjacent land areas necessary in order to discharge the one-hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot.

Fowl. Domesticated birds to include only chickens, ducks, geese, turkeys, pigeons, peacocks and peahens.

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

Frontage. The length of any one-property line that abuts a legally accessible street right-of-way.

Functional Family. Not more than five (5) persons, plus their offspring, adopted and/or foster children who have a relationship functionally equivalent to a family. The relationship must be of a permanent nature and demonstrate a bonded, cohesive unit. A functional family will be presumed to exist where the group shares the whole house, prepares and eats meals together, and shares household chores and household expenses. The presumption may be rebutted. Functional family does not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

G

Garage, Private. A building, or portion thereof, in which only motor vehicles used by the tenants of the building, or buildings on the premises are stored or kept.

Garage, Public. A building, other than a private garage, designed and used for the short term parking of motor vehicles and is available for use by the general public.

General Plan. A comprehensive plan pursuant to A.R.S. 9-461.05, providing for the future growth and improvement of the Town of Thatcher and for the general location of streets, schools and recreation areas, public building sites, and other physical development, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Grade, Finished. The final elevation of the ground surface after development in conformance with the approved grading plans.

Grade, Natural. The elevation of the ground surface in its natural state, before man-made alterations.

Group Home. A single dwelling unit shared as their primary residence by handicapped and/or elderly persons living together as a single housekeeping unit in which staff persons provide on-site care, meals, supervision, and other support services for the residents. Group homes shall not include assisted living facilities, nursing homes, shelter care facilities, recovery homes, community correctional facilities, or homes for the developmentally disabled as regulated by the Arizona Revised Statutes.

Guest Quarters. A permanent accessory structure used for the temporary housing of family members and non-paying guests.

H

Height. For the purpose of determining the height limits in all zones set forth in this Ordinance, the datum shall be mean sea level elevation unless otherwise specified.

Home Occupation. A business activity conducted as an accessory use to a dwelling unit by the permanent residents thereof, in compliance with the terms and conditions of this Ordinance.

Hospital. An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel. A facility offering transient lodging accommodations to the general public and in which ingress and egress to and from all guest rooms are made through an inside lobby or office. Hotels may provide additional services such as restaurants, meeting rooms, and recreation facilities.

Housekeeping Unit. Any number of related persons living together within a single dwelling unit; provided, however, that it shall not include a group of more than five (5) persons who are unrelated by blood, marriage or adoption.

I

Impervious Surface. Impervious surfaces are those that do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete of asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

J

Junk. Scrap metals and their alloys and bones, used cloth, rubber, rope, tinfoil, bottles, old or machinery, tools, appliances, fixtures, utensils, lumber, boxes or crates, pipe or pipe fittings, tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

Junk Automobile. See **Abandoned or Junk Motor Vehicle**.

Junkyard. Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale, keeping, baling, packing, disassembly, exchange, or abandonment of junk, waste paper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two (2) or more unregistered, inoperable motor vehicles or other type of junk but does not include uses confined entirely within enclosed buildings.

K

Kennel. Any establishment, pursuant to Town Code or A.R.S., at which dogs, cats, or other small animals are either privately or commercially cared for, bred, boarded, or trained; does not include veterinary hospitals or humane societies.

L

Landscaping. Shall consist of any of the following or combinations thereof: material such as, but not limited to, organic and inorganic ground covers, vegetation and irrigation, hardscape, walls or fences that may be calculated as open space but excluding paving *(refer to the definition of Open Space)*.

Leadership in Energy and Environmental Design (LEED). An independent certification program that provides voluntary guidelines for developing high-performance, sustainable buildings. Created by the U.S. Green Building Council (USGBC), the program awards varying levels of certification to buildings that meet LEED rating standards in five major categories: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

Livestock. See **Agricultural Animals**.

Live/Work Unit. An integrated housing unit and place of business within a building that has been designed or structurally modified to accommodate joint residential occupancy and work

activity. It differs from a "Home Occupation" in that it allows for outside employees and signage for the business.

Loading Space. An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lodging House. Any building or portion thereof, containing not more than five (5) guest rooms that are used by no more than five (5) guests, where rent is paid in money, goods, labor or otherwise.

Lot. A single piece of property located in a recorded subdivision. A lot also includes a parcel of land, shown in the records of the Graham County Assessor's Office, divided to be used separately from other parcels of property by description, as on a recorded survey map, or by metes and bounds, for purposes of sale, lease, or separate use in a legal manner pursuant to all state, county, and Town requirements for the development and proposed use of that property.

Lot Area. The total area within the boundary lines of a lot.

Lot, Corner. A lot located at the intersection of two (2) or more streets.

Lot Coverage. The percentage of the area of a lot that is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

Lot, Interior. A lot other than a corner lot, with frontage only on one (1) street.

Lot, Key. A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street that forms the side boundary of the corner lot.

Lot Line. A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.

Lot Line, Front.

1. Corner Lot. The front lot line shall be the narrowest of the two lines adjoining a street right-of-way. Where lines are equal, the front lines shall be that line that is obviously the front by reason of the prevailing frontage of the other lots on the block. If such front is not evident, then either may be considered the front of the lot but not both.

2. Interior Lot. The front lot line shall be the line separating the lot from the street right-of-way.

3. Through Lot. The front lot line shall be that line that is obviously the front by reason of the prevailing frontage of the other buildings on the block.

4. Combined Lots. Where two (2) or more lots are used as a building site and where the main building crosses lot lines, then the entire area shall be considered as one

(1) lot, except that the front of the parcel shall be determined to be the front of the individual lots as originally platted or laid out.

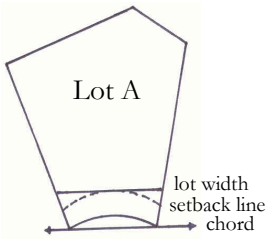
Lot Line, Rear. A lot line that is opposite to and most distant from the front lot line. In the case of a corner lot, the Zoning Administrator shall determine the rear lot line. In the case of an irregular or triangular shaped lot, a lot line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot line that is not a front or rear lot line.

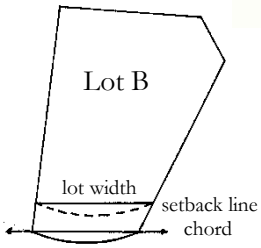
Lot, Through. A lot that fronts upon two (2) parallel streets, or that fronts upon two (2) streets that do not intersect at the boundaries of the lot (also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the non-access easement.

Lot Width.

1. For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard setback line on a line parallel to the street or street chord.



2. For lots on the inside of the curve of a street, the distance between side lot lines measured at the required minimum front yard setback line on a line parallel to the street or street chord.



Low Impact Development (LID). An alternative site design strategy that uses natural and engineered infiltration and storage techniques to control storm water where it is generated. LID combines conservation practices with distributed storm water source controls and pollution prevention to maintain or restore watershed functions.

M

Maintain. To cause or allow to continue in existence; when the context indicates, maintain shall mean to preserve and care for a structure, improvement, conditions or area so that it remains attractive, safe and presentable and caries out the purposes for which it was installed, constructed or required.

Manufactured Home or Housing. A residential dwelling built in accordance with and certified as a manufactured home under the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and the laws of the State of Arizona Office of Manufactured Housing.

Manufactured Home Park (land lease) Development. A residential development, typified by single ownership of the land within the development, approved pursuant to this Ordinance for placement of manufactured homes used for residential purposes.

Manufactured Home Space. A plot of ground within a manufactured home park (land lease) development designed for the accommodation of one (1) manufactured home with an annual lease.

Manufactured Home Subdivision Development. A development that meets the requirements of the Subdivision Ordinance and this Ordinance for the placement of a manufactured home on an individual lot.

Medical Marijuana. Means of all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patients debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Medical Marijuana Cultivation. The process by which a person grows a marijuana plant. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.

Medical Marijuana Dispensary. A non-profit entity as defined in A.R.S.§36-2801(11), that sells, distributes, transmits, gives, dispenses, or otherwise provide medical marijuana to qualifying patients.

Medical Marijuana Dispensary Offsite Cultivation Location. The one (1) additional location, if any, duly identified pursuant to A.R.S.§36-2806(E) during the process of registering a nonprofit medical marijuana dispensary, where marijuana will be cultivated for sale at a nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. §36-2804.

Medical Marijuana Qualifying Patient. A person who has been diagnosed by a physician as having a debilitating medical condition as defined in A.R.S.§36-2801.13.

Mixed-use Structure. A single building containing more than one (1) type of land use or a single development of more than one (1) building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

Mobile Home. A residential dwelling that was fabricated or built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards.

Mobile Home Park. A plot of land divided into spaces for exclusive mobile home use on a short-term or rental basis. (Grandfathered land use/development under the previous Zoning Ordinance and old Zoning Districts "C-MH" and/or "MHS").

Mobile Home Subdivision. A plot of land subdivided into lots to be sold for mobile home use exclusively. Expressly prohibited for residential purposes are buses, recreational vehicles,

motor homes, campers, trailers and other similar vehicles. (Grandfathered land use/development under the previous Zoning Ordinance and old Zoning Districts "C-MH" and/or "MHS").

Modular Home. A structure intended for residential use and manufactured off-site in accord with the Uniform Building Code (UBC) and/or International Building Code (IBC) as adopted by the Town of Thatcher. (See Factory-built Building).

Monopole. A facility used exclusively for WCF mounts and is self-supporting with a single shaft of steel, concrete or wood.

Motel. A building or group of buildings containing guest rooms or rooming units, each of which maintains a separate entrance leading directly from the outside of the building. Such building or group of buildings being designed, intended, or used primarily for the accommodation of automobile travelers, and provide automobile parking conveniently located on the premises. Motels include motor courts, motor lodges and tourist courts, but not mobile home parks or recreational vehicle parks.

Motor Home. Any vehicular type unit thirty-five (35) feet or less in length and eight (8) feet or less in width, primarily designed as temporary living quarters for camping or travel use.

N

Net Acres. The total acreage of a tract or parcel of land exclusive of the area existing or required for arterial or collector street right-of-way dedications and school/public site reservations. When calculating residential net acres within a Traditional Neighborhood Development (TND) any commercial and industrial zoned land must be excluded in addition to those uses listed above.

Nonconforming Lot. A parcel of land having less area, frontage or dimensions than required in the district in which it is located.

Nonconforming Structures. A building or structure, or portion thereof, lawfully erected or altered that, no longer conforms to a subsequently established district or district regulation for which the building or structure is located.

Nonconforming Uses. (see Article 19) A use of land that:

1. Legally existed before its current zoning or land use category designation; and

2. Has been maintained continuously since the time the applicable regulations governing the land changed; and

3. Because of subsequent changes, does not conform to this Ordinance or General Plan provisions that now govern the land.

Nurseries, Retail. The use of the land, buildings, or structures for the retail sales of plant materials, landscape materials, gardening supplies and fertilizer, excluding growth and production of plant materials and wholesaling of nursery materials.

Nursery School. A school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five (5) or more children of elementary school age or younger, and not related to the proprietor, for periods of more than one (1) hour but less than twenty-four (24) hours per day for compensation. This includes child care centers.

Nursing Home. A nursing home is an extended health care facility licensed by the State of Arizona that provides lodging, meals, personal services, and skilled nursing and medical care on a long term basis to individuals who, because of advanced age, chronic illness, or infirmity, are unable to care for themselves.

O

Occupancy or Occupied. The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial building.

Occupant. The individual or individuals in actual possession of a premise.

Office. A place where a particular kind of business is transacted or a service is supplied, excluding retailing, according to the following:

1. A place in which functions, such as consulting, record keeping, or clerical work are performed, or

2. A place in which a professional person (e.g. a physician or lawyer) conducts professional services.

Off-Street Parking Space. A parking space designed for a motor vehicle that is directly accessible to an access aisle, and is not located on a dedicated street right-of-way.

Open Space. Any parcel or area of land or water unimproved or improved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space, Common. Land within or related to a development, and such area is owned in common by all property owners in that development, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complimentary structures and improvements as are necessary and appropriate.

Open Space, Private. Common open space held in private ownership, the use of which is normally limited to the occupants of a single dwelling or building.

Open Space, Public. An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency, or other public body for recreational or conservational uses.

Open Space, Usable. Land that can be actively used by people. This could include landscaped or hardscaped plazas, paseos and promenades, fountains and sitting areas meant to provide an open park like atmosphere. Also playgrounds, golf courses, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), and trail heads. Usable open space does not include parking areas and vacant or undeveloped lots.

Outdoor Lighting.

1. **Candela.** A unit of luminous intensity equal to one-sixtieth (1/16) of the luminous intensity of one (1) square centimeter of a black body surface at the solidification temperature of platinum.

2. **Class 1 Lighting.** All outdoor lighting used for, but not limited to: outdoor sales or eating areas; entrance canopies on retail buildings; assembly or repair areas; advertising and other signs; recreational facilities; amphitheaters and other similar applications where color rendition is important to preserve the effectiveness of the activity.

3. **Class 2 Lighting.** All outdoor lighting used where general illumination for safety or security of the premises is the primary concern. Used for, but not limited to: illumination for walkways, roadways, equipment yards, parking lots, outdoor security.

4. **Class 3 Lighting.** Any outdoor lighting used for decorative effects including, but not limited to: architectural illumination; flag and monument lighting; illumination of landscaping.

5. **Class 4 Lighting.** Lighting used for horticultural activities (also called assimilation lighting).

6. **Direct Illumination.** Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces (such as the ground or building faces).

7. **Full Cut-Off Light Fixture.** A fixture constructed (or shielded with an opaque material) so that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected only below a horizontal plane running through the lowest point on the fixture where light is emitted.

8. **Installed Lighting.** The attachment or assembly fixed in place, whether or not connected, to a power source of any outdoor light fixture.

9. **Lighting Areas.** All lighting areas as defined on the Graham County Lighting Area Map, that is, hereby made a part of this Ordinance by reference.

10. **Lumen.** The unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one (1) candle intensity.

11. **Luminaire.** A luminaire consists of the complete lighting assembly, less the support assembly. For purposes of determining total light output from a luminaire lighting assembly that includes multiple unshielded or full cut-off lamps on a single pole or standard, the multiple assembly shall be considered as a single unit. Two (2) or more units with lamps less than three (3) feet apart shall be considered a single luminaire.

12. **Multi-Class Lighting.** Any outdoor lighting used for more than one purpose (such as security and decoration) such that its use falls under the definition of two (2) or more classes as defined for Class 1, 2, 3 and 4 lighting.

13. **Opaque.** Impervious to the passage of light and not reflecting light.

14. **Outdoor Light Fixture.** An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement including the complete lighting unit consisting of a lamp or lamps and ballast(s) (when applicable) together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

15. **Temporary Lighting.** Lighting that does not conform to the provisions of this Ordinance and that will not be used for more than one (1) thirty (30) day period within a calendar year with one (1) thirty (30) day extension. Temporary lighting is intended for uses that, by their nature are of limited duration, e.g. holiday decorations, civic events or construction projects.

16. **Total Outdoor Light Output.** The total amount of light measured in lumens from all lamps installed in outdoor lighting fixtures.

Outdoor Sales. The display of products or services that are intended for retail or wholesale purchase not within a completely enclosed building.

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

Over-The-Air Reception Device. An antenna: 1) Designed to receive direct broadcast satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite and that is one meter (39.37 Inches) or less in diameter, or 2) Used to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite and that is one meter (39.37 Inches) or less in diameter or diagonal measurement, or 3) Designed to receive television broadcast signals. For purposes of this definition, "Fixed Wireless Signals" means any

commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location, but shall not include among other things, AM radio, FM radio, amateur ("Ham") radio, citizen's band ("CB") radio, and digital audio radio service ("DARS") signals.

P

Parapet. That part of any wall extending above the roof line.

Parking Aisle. The travel way by which cars enter and depart parking spaces.

Parking Lot. An off-street, ground-level area, surfaced and improved for the temporary storage of more than four (4) motor vehicles.

Parking Space. An unobstructed space or area other than an street or alley for the parking of one (1) motor vehicle.

Plan, General. The Thatcher General Plan together with any supplements thereto.

Plant Nurseries and Greenhouses. The use of the land, buildings, or structures for the growth and production of flowers, plants and trees for transplanting or wholesale. It may also include, as accessory to the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Zoning Administrator to be landscaping materials.

Plat. A map that provides for changes in land use or ownership.

Plat, Final. A final map of all of a subdivision, including supporting data, in substantial conformance to an approved preliminary plat and all conditions placed upon it by the Commission or Council, prepared by a registered land surveyor, in accordance with this Ordinance and the Arizona Revised Statutes.

Plat, Preliminary. A preliminary map, including supporting data, indicating a proposed subdivision design, prepared by a registered civil engineer and a registered land surveyor, in accordance with this Ordinance and the Arizona Revised Statutes. A preliminary site plan for a condominium development shall be considered a preliminary plat.

Principal Use. The main or primary use on any lot or parcel that establishes the basic land use characteristics of the property, as opposed to an accessory use. In some instances, a property may have more than one (1) principal use.

Produce Stand (Farmers Market). A temporary open-air stand or place for the seasonal selling of agricultural produce. A produce stand must be portable and capable of being dismantled or removed from the sales site.

Protected Development Right. The right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan, without

compliance with subsequent changes in zoning regulations and development standards during the term of the Protected Development Right, except as provided by A.R.S.□9-1204.

Protected Development Right Plan. A development plan identified as a Protected Development Right Plan at the time of the Landowner's submission, that, if approved by the Council, grants to the Landowner a Protected Development Right to undertake and complete development and use of the property as shown thereon for a specified period of time.

R

Recreational Facilities, Indoor. Establishments providing indoor amusement or recreation. Typical uses include: martial arts studios, billiard and pool halls, electronic and coin-operated game rooms, bowling alleys, skating rinks, and health and fitness establishments.

Recreational Facilities, Outdoor. Long term facilities designed for providing outdoor amusement, entertainment and active recreation whether publicly or privately owned including but not limited to baseball including batting cages, soccer, football, golf including miniature golf, tennis, swimming pools, skateboard parks, amusement parks, and racetracks of any sort.

Recreational Vehicle. A vehicular type unit eight (8) feet or less in width and forty (40) feet or less in length, primarily designed as temporary living quarters for recreational camping or travel use and not designed for permanent residential or commercial purposes that:

1. Contains its own motive power as in the case of motor homes, mini-motor homes, or recreational vans;

2. Is drawn by another vehicle as in the case of travel trailers, tent trailers, camper trailers, or water craft on boat trailers; or

3. Is mounted on another vehicle as in the case of truck campers.

Recreational Vehicle Park. An integrated land-lease development, in accordance with the provisions of this Ordinance, where recreational vehicles are used for temporary residential purposes.

Recreational Vehicle Space. A parcel of land that is designated and intended for the accommodation of one (1) recreational vehicle on a short-term basis.

Rental Unit. Any housing unit that, is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which was not owned as a condominium unit or cooperative unit on the effective date of this Ordinance.

Religious Institution. A permanently located building or group of buildings or structure wherein people regularly assemble for religious worship and that is maintained and controlled by a religious body to sustain public worship and religious uses.

Replacement WCF Electric Utility Pole. A pole erected in place of an existing electric utility pole, to be used for both wireless communications facilities ("WCF") and electric utility purposes.

Resort. A building or group of buildings containing guest rooms providing outdoor recreational activities such as golf, tennis, horseback riding or swimming for guests. A resort may provide services customarily furnished by a hotel including restaurant, bar and convention facilities. A resort may contain dwelling units in conjunction with guest rooms

Restaurant. An establishment where meals are prepared and served to the public for consumption on the premises entirely.

Retention Basin. A stormwater storage facility that stores surface runoff.

Right-of-Way. The area between boundary lines of street or other dedicated area.

Roadway. That portion of a road or alley right-of-way that is improved for vehicular traffic and is narrower in width than the right-of-way.

Roof. A continuous solid sheathing top covering on a structure that provides protection from rain, wind, sun or other natural elements.

S

Satellite Dish Antenna. An antenna circular or parabolic in shape designed to receive or transmit electromagnetic transmissions from or to an earth satellite.

Satellite Dish Antenna, Large. Satellite dish antennas two meters (6 Feet, 7 Inches) in diameter, not otherwise classified as satellite earth stations shall be defined as "Large Satellite Dish Antennas" for purposes of this Ordinance.

Satellite Earth Station. A station equipped with transmitters, receivers, antennas, and other equipment for receiving and transmitting communications from satellites, and for processing communications over a terrestrial distribution system.

School, Elementary, Junior High, High School, College, or Junior College. Public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, secondary, and tertiary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education or the State Board of Regents.

School, Private or Parochial. An institution conducting regular academic instruction at kindergarten, elementary, secondary, and tertiary levels operated by a nongovernmental organization.

School, Trade. Schools offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by a nongovernmental organization.

Screen Wall. A barrier that functions to shield, protect, or conceal.

Service Station. See Automobile Service Station.

Setback. The required minimum distance between a structure and a property line(s) of a parcel of land or other established reference point. When the property abuts a dedicated right-of-way, the distance shall be measured from the dedicated right-of-way line. When the property abuts a private street, the distance shall be measured from the back of the tract or easement used for the private access way. When the property abuts a street which is shown on the General Plan Street Classification Map, but for which right-of-way does not yet exist, the setback shall be measured from the future right-of-way, as determined by using the street classification shown in the General Plan and the typical street sections of the Subdivision Ordinance. In such cases, the Zoning Administrator will determine the setback requirement(s).

Sight Triangle. A triangular-shaped portion of land established at street or alley intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign. Any object, display, structure, or devise (including but not limited to letters, words, numerals, figures, symbols, pictures, outline, character, trademark, logo, or any part or combination) used for visual communication that is intended to attract the attention of the public by providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building and is visible from the public rights-of-way or other properties.

The term sign shall also mean and include any trademark or logo displayed for the purpose of commercial identification or attraction.

The term "sign" shall not include any national or state flags, window displays, athletic score boards or the official announcement or signs of government.

1. **Sign, Abandoned.** A sign that no longer identifies or advertises bona fide business, lessor, service, owner, product or activity, and/or for which no legal sign owner can be found.

2. **Sign, Animated.** Any sign or part of a sign that changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.

3. **Sign, Awning/Canopy.** A sign on a traditional canvas awning and/or a sign on the edge of a structural canopy that is otherwise permitted by this Ordinance.

4. **Sign, Balloons/Inflatable Device.** One (1) or more balloons or a lighter than air or gas filled inflatable object attached by a tether to a fixed place used as a temporary sign or as a means of directing attention to: any business or profession; a commodity or service sold, offered, or manufactured; or to any entertainment.

5. **Sign, Banner.** Any sign consisting of fabric, plastic, paper, or other light pliable material not enclosed in a rigid frame.

6. **Sign, Billboard.** Same as Off-Site, sign.

7. **Sign, Business.** A sign that attracts attention to a business or profession conducted on-site, or to a commodity or service sold, offered or manufactured on-site, or to an entertainment offered on-site.

8. **Sign, Community.** The "Town of Thatcher Welcome Signs" and the integrated public service club(s) sign/panels.

9. **Sign, Construction.** A temporary sign, limited to the period of construction, erected on a premises of an existing construction project, and designating the architect, contractor, designer, engineer, financier, or name and nature of the project.

10. **Sign, Directional.** Signs limited to directional messages that, do not contain identification or advertising copy, which aid the flow of pedestrian and vehicular traffic as well as providing directional information relating to points of interest, institutions, facilities and districts.

11. **Sign, Electronic Message.** A variable-message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps. LEDs, LCDs or a flipper matrix.

12. **Sign, Freestanding Monument.** A sign that includes, as copy, only the name of the business, place, facility, organization, building, or person it identifies.

13. **Sign, Illuminated.** A sign with the surface artificially lighted; either internally or externally.

14. **Sign, Marquee.** A sign that is usually defined as any movie-type marquee with changeable copy. Marquee signs are considered permanent signs. A marquee is defined as a permanent canopy structure constructed of rigid materials that are attached to and supported by the building and that projects over the entrance to a building.

15. **Sign, Menu Board.** A sign displaying the bill of fare of a restaurant.

16. **Sign, Nonconforming.** A sign lawfully erected and maintained prior to the adoption of this Ordinance that does not conform with the requirements of this Ordinance.

17. **Sign, Off-Site.** A sign that directs attention for a commercial purpose to a business, commodity, a service, entertainment, product or attraction that is not sold, offered, or existing on the property where the sign is located.

18. **Sign, Parapet.** A sign attached to that portion of a building's exterior wall that projects above the plate line of the building.

19. **Sign, Pole**. A sign that is supported by a pole and otherwise separated from the ground by air. Like monument signs, pole signs are separate from a building.

20. **Sign, Political.** A temporary sign that supports any candidate for public office or urges action for or against any matter on the ballot of primary, general or special elections.

21. **Sign, Portable.** A temporary sign not affixed to a structure or ground mounted on a site. It rests on the ground and consists of two (2) sign faces.

22. **Sign, Projecting.** A sign attached to a building or other structure and extending in whole or in part more than fourteen (14) inches beyond the building or other structure.

23. **Sign, Reader Panel.** A sign designed to permit immediate change of copy using individual letters, not electronic or digital in nature, for use only by churches, schools and municipalities.

24. **Sign, Roof.** A sign erected on, above, or over the roof of a building so that it projects above the highest point of the roofline, parapet, or fascia.

25. **Sign, Shingle.** A sign suspended from, and located entirely under a covered porch, covered walkway, or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.

26. **Sign, Wall.** A sign fastened to or painted on the exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

27. **Sign, Window.** Any poster, cut-out letters, painted text or graphic, or other text or visual presentation affixed to the interior or exterior of a window, or placed within six (6) feet behind a window pane, and is placed to be read from the exterior of a building. This does not include any item of merchandise normally displayed within a show window of a merchant.

Site. The land area designated for development, exclusive of any right-of-way. The land area may be a portion of a lot, a single lot, or consist of more than one (1) lot.

Site Built Dwelling. A structure or dwelling constructed on the site by craftsmen utilizing materials delivered to the site. Said structure shall consist of footings and foundations poured in place and solidly attached to the walls. Roofing materials, interior and exterior finishes shall be applied on the site. All construction shall be in conformance with all building codes in force at the time of construction. This definition does not include relocated site built homes.

Site Plan. The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood plains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Slope. The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees, or as a ratio.

Street. Any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct, or easement for public vehicular access, or a street shown in a plat heretofore approved pursuant to law, or a street in a plat duly filed and recorded in the Graham County Recorder's Office. Street includes all land within the street right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking spaces, bridges and viaducts, bike lanes, pedestrian facilities, utility areas, and other such design features.

Street, Arterial. A street so designated on the Traffic Circulation Plan as a principal arterial street or minor arterial street as classified in the Thatcher General Plan whose primary function is to carry traffic between and through major traffic generators, have signalized intersections and restricted parking.

Street, Collector. A street so designated on the Traffic Circulation Plan in the Thatcher General Plan whose primary function is to carry traffic from local streets to arterial streets and whose secondary function is to provide access to abutting properties.

Street, Frontage. A local street parallel and adjacent to an arterial street that provides access to abutting property, intercepts other local streets and controls access to the arterial street.

Street, Local. A local street permits direct access to abutting lands, traffic movements within neighborhoods, and connections to the collector and arterial street system.

Street, Major. A principal traffic route for contiguous streets that is also a means of access to arterial streets.

Streetscape. A design term referring to all the elements between the buildings on either side of the street that, as a group, define its character, including building frontage/façade, street paving, landscaping (including trees and other plantings), sidewalks, street furniture (benches, kiosks, trash receptacles, fountains etc.) signs, awnings and colonnades, and street lighting.

Structure. Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.

T

Temporary Structure. A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Except for temporary structures permitted pursuant to this Ordinance, a structure intended to be used or actually used for longer than six (6) months is not a temporary structure.

Temporary Wireless Communications Facility. Any type WCF utilized on a temporary basis, not to exceed one hundred twenty (120) days, and may include a vehicle- or trailer-mounted facility.

Tenant. Any person who occupies or has a leasehold interest in a rental unit under a lawful rental agreement whether oral or written, express or implied (per A.R.S. §33-1310).

Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Theater, Drive-In. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid-admission basis to patrons seated in automobiles.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, and digital and/or cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto. Lattice-type structures or structures that require the use of guy wires are strongly discouraged.

Town. The Town of Thatcher.

Town Council. The Town of Thatcher Town Council.

Traditional Neighborhood Development (TND). A development in which flexibility can be permitted in the zoning standards, in order to encourage more creativity, a mix of land uses and densities, and sustainable design, and thereby providing usable open spaces within and about the development and enhancing the overall character of the Town.

Transmitting Facilities. Buildings, structures or land used for the above-ground transmission or reception of airborne radio or television signals include all transmitting or receiving towers, dishes, and antennae, but not including accessory antennae or dishes. "Transmitting facilities" shall not include wireless communications facilities.

Truck Terminal. A location or facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in the use type would be express or other

mail and package distribution facilities, including such facilities operated by the U.S. Post Office and includes related administrative offices, fueling facilities, dispatch operations and loading facilities.

Truck Yard. A location where commercial vehicles such as semi-tractors and trailers are stored when not in use and may include related administrative offices, repair facilities, fueling facilities, dispatch operations but does not include the transshipment of cargo. Commercial vehicles include any vehicles over 10,000 pounds gross vehicle rating and/or having more than two (2) axles.

U

Use. The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Use Permit. A permit required of this Ordinance for uses that may be permissible under the circumstances of a specific case, but where the use in general may not be permitted.

Use, Principal. The main or primary purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained.

Use, Temporary. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period as regulated by this Ordinance.

Utility Facilities. Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewerage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials. "Utility Facilities" shall not include wireless communications facilities.

Utility, Public. Any agency under public franchise or ownership, or under certificate of convenience and necessity that provides the public with electric, gas, heat, communication, rail transportation, water, sewage collection, or other similar service.

Utility Services. Service to the public of water, sewer, electric, gas, communications, cable television, drainage, flood control, or other facilities, owned and operated by any person, firm, corporation, municipal department or board, duly authorized by State or Municipal regulations. The foregoing shall be deemed to include facilities and appurtenances to the above uses but shall not include public utility treatment and generating plants or offices.

V

Vehicle Sales. The use of any building, land area, or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles and including any warranty repair work and other repair service conducted as an accessory use.

W

Wholesale. The bulk sale of goods generally for resale to a person other than the direct consumer.

Wireless Communications Facility (WCF). An unstaffed facility for the transmission and reception of personal wireless services radio or microwave signals as defined and regulated by the Telecommunications Act of 1996, and any amendments thereto. Personal wireless services includes commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services, but not direct-to-home satellite services wireless communications facilities are composed of two or more of the following components:

1. Antenna
2. Support Structure
3. Equipment Cabinet or Building
4. Fencing or Security Barrier.

Y

Yard. An open area at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front. An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

Yard, Rear. An open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot. The rear yard shall always be opposite the front yard.

Yard, Side. An open unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side lot line. An interior side yard is defined as the side yard adjacent to a common lot line.

Z

Zoning. The dividing of the Town into districts or zones and the establishment of regulations of governing the use, placement, spacing, and size of land and buildings within each zone or district.

Zoning Administrator. The staff/official responsible for the administration and interpretation of the Zoning Ordinance.

Zoning Clearance. The approval by the Zoning Administrator of a plan that is in conformance with this Ordinance.

Zoning District. A portion of the Town within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ~~Code~~ Ordinance.

Zoning Ordinance. The Zoning Ordinance of the Town of Thatcher.

(End of Glossary)