CHAPTER 3. SPECIAL USES AND CONDITIONS

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Section 3.1: Purposes

1. This Section is intended to provide special standards and conditions to specific Uses within the Zoning Ordinance. The provisions of this Section shall apply to the uses and conditions hereinafter enumerated. Where this Section prescribes regulations more restrictive than the zone in which a use or conditional use is permitted, the provisions of this Section shall apply.

Section 3.2: Temporary Uses

Section 3.2.A: Purpose

The purpose of this Section is to authorize uses for a limited and fixed duration within a zoning district where the temporary use is otherwise prohibited.

Section 3.2.B: Applicability

All time requirements are consecutive days per calendar year unless specifically stated otherwise. Only one temporary use permit is to be issued for a parcel at any one time. Temporary use permits shall not have overlapping time frames. Multiple temporary uses may be considered only through Planning & Zoning Commission approval.

a1. Special events shall be limited to a maximum of four (4) times per calendar year not to exceed a maximum duration of seven (7) days per event, and shall include such outdoor activities as:

a1. Transient amusement activities (carnivals, circuses)

b2. Tent revivals, seasonal festivals

c3. Outdoor sales events (sidewalk, parking lot sales, excluding garage sales on residential properties)
4. Outdoor art and craft shows, exhibits (art, craft, RV, boat)

5. Events shall be limited to a maximum of three (3) times per calendar year not to exceed a maximum duration of five (5) days per event.

2. Seasonal Stables, and Horseback Rides with associated campfire and meal activities. Permits from other agencies may be required.

3e. Seasonal Game Receiving Stations or Processing Facilities.

d. Christmas tree Holiday sales lots, such as holiday trees and pumpkin sales, subject to not more than 40-90 days of site occupation and operation per year.

e. Pumpkin sales lots, subject to not more than 30 days of site occupation and operation per year.

f. Campaign offices subject to not more than 70 continuous days of site occupation and operation.

g. Religious, patriotic, historic, or similar displays or exhibits within yards, parking areas, or landscaped areas, subject to not more than 30 days of display in any one year period for each exhibit.

7h. Modular office structures such as a contractor’s office, metal storage containers and storage yards on the site of an active construction project.

i. Office trailers for security purposes on the site of an active construction site of major development projects. Temporary use permits may be issued for the length of the construction project but for no longer than 12 months. Permit may be renewed annually so long as project remains in active status. (Temporary modular offices located on-site to not require a Temporary Use Permit and may be approved for a period not to exceed 12 months and with the issuance of a building and/or construction permit.)

j. Stands for the sale of jewelry, art, furs, rugs and similar home-type products subject to not more than 30 days per year.

2. Stands for the sale of produce subject to not more than 30-120 consecutive days per year. The provisions of this subsection do not apply to the sale of produce raised on the premises.

10l. Temporary retail food sales located in a movable vehicle or trailer, or in a temporary stand. Temporary retail food sales are subject restricted to not more than 30 days per year per location. This shall include stands for sales at one (1) day special events. Parking shall be coordinated with any existing Use to meet parking requirements. All waste shall be disposed of daily. Commissary agreements for food storage may be required.

11. Establishment of Batch Plants in conjunction with road construction projects subject to Planning and Zoning Commission approval.
12. Establishment of Forest Materials Storage and Value Added Production in conjunction with restoration projects subject to the Planning and Zoning Commission approval.

13. Temporary occupancy of a one Recreational Vehicle or a Travel Trailer (excluding tents or yurts) in the G, AR, RR, or MHP Zone for a period not to exceed 100-120 consecutive days per calendar year, provided that the lot or parcel is not already occupied by a Dwelling Unit, or other residential Structures. Approved method of wastewater disposal such as a self-contained unit, chemical toilet or portable toilet is required. Other conditions may be required.

14. Upon the issuance of a Building Permit for a residential Dwelling, temporary occupancy of a Recreational Vehicle or a Travel Trailer in the G, AR, or RR Zone for a period not to exceed six months, provided that the Lot or parcel is not already occupied by a Dwelling Unit, or other residential Structure. The temporary use permit may be renewed only if the Building Permit is issued for a Dwelling, and if the Building Permit remains active. Other conditions may be required.

15. Metal Storage Container Boxes, subject to the performance standards of Section 3.10.

16. Storage of one (1) unoccupied Mobile or Manufactured home per Lot or parcel in the G or AR zone, for a period not to exceed ninety (90) days.

17. Additional Uses not listed above and their associated intensities and timeframes determined to be similar to the foregoing may be granted permits by either the Director of Community Development for single temporary uses, or the Planning and Zoning Commission for multiple temporary uses.

Section 3.2.C: Performance Standards

1. NOISE: Noise shall not be generated by any use to the point of disturbing the peace, quiet and comfort of neighboring residences or businesses.

2. PARKING: Adequate parking shall be provided. All parking shall be located on the same property as the temporary use; public Rights-of-Way shall not be used for parking.

3. LOCATION: No permit shall be issued for a Use the location of which is deemed to be potentially hazardous to the public. This includes, but is not limited to, heavily congested and/or trafficked areas where the use may impede or inconvenience the public and/or emergency vehicles. No use shall be permitted in a public Right-of-Way.

4. SANITATION: All requirements of the County Health Department, County Environmental Quality and/or other regulatory Health Authorities agency shall be met. Provisions for disposal of solid waste shall be required for all Uses.

5. SIGNS: One (1) freestanding or wall mounted Sign not exceeding six (6) square feet in area and six (6) feet in height is permitted. Signage for food trucks and trailers is limited to
A diagram of the Sign indicating size, text, location on site is required. Color and materials may be reviewed if site is within a DRO Zone. No off-site Sign is permitted. Additional signing may be permitted at the discretion of the Planning and Zoning Commission.

6. LIGHTING: All lighting sources shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the light source. The operation of searchlights or similar lighting sources is prohibited.

7. OTHER PERMITS AND DOCUMENTATION: Any required Public Health Services District, Environmental Quality, Department and Sheriff’s Office permits or licenses, Fire Department, or Public Works Right of Way permits shall be obtained. Other required documentation may include but not be limited to Proof of Liability Insurance, and a security, parking and traffic safety plan for special events.

Section 3.2.D: Permits and Administration:

1. All temporary uses shall be subject to the issuance of a temporary use permit. Issuance may be through the action of the Director of Community Development or the Planning and Zoning Commission. Permits issued through the Director of Community Development shall follow Section 5.1.A, Administrative Permits requirements and procedures. Permits issued through the Planning and Zoning Commission shall be subject to the standards of Section 5.1.B, Permits requiring Hearing.

2. Temporary Use Permits shall be issued when compliance with this Ordinance is verified. If the Community Development Director or Planning and Zoning Commission determines that the proposed temporary use does not comply with this Ordinance, the permit shall be denied.

3. Approval of a Temporary Use Permit application shall require compliance with the above performance standards and any further conditions deemed necessary by the Director of Community Development or the Planning and Zoning Commission in order to reduce possible detrimental effects to surrounding developments and to protect the public health, safety and welfare. Failure to comply with the performance standards could result in denial or revocation of a Temporary Use Permit.

4. No work shall commence on a temporary use until the issuance of a permit.

5. No Temporary Use Permit shall be issued if the temporary use is in Violation of other laws or impairs property rights. The Director of Community Development will determine if the Violation or impairment exists with appeal to Superior Court.

55. Extensions and Renewals

a. All temporary uses shall fit the prescribed timeframes outlined in this Section.
b. Requests to exceed timeframes, extend the lapse date of an existing permit, or renew a permit beyond stated timeframes shall be heard by the Planning and Zoning Commission.

65. Appeal

a. Administratively Approved Permits

A decision by the Director may be appealed within thirty (30) days to the Planning and Zoning Commission. The decision of the Commission shall be final.

b. Planning and Zoning Commission Approved Permits

A decision by the Planning and Zoning Commission may be appealed within fifteen (15) calendar days to the Board of Supervisors by the applicant or any other person as prescribed in Section 5.5 (Appeals: Board Review)

76. Condition of Site Following Temporary Uses

Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the Use, and shall thereafter be used only in accord with the provisions of the zoning regulations. Site shall be restored to previous conditions or better.

Section 3.3: Agriculture and Animal Keeping

Section 3.3.A: Purpose

1. To provide high levels of flexibility and allowances for small-scale agriculture and the keeping of certain animals which provide healthy and affordable source of food and fiber and companionship.

2. To support self-reliance and promote economic well-being.

3. To support animal welfare.

4. To avoid adverse impacts on adjacent properties by reason of dust, fumes, noise, odor, insect or vermin infestations, or visual blight, and to maintain the public health, safety, and welfare.

5. To protect the environment from pollution resulting from manure and animal waste.

Section 3.3.B: Applicability

1. The following standards for Agriculture and the keeping of animals are applicable to all zones unless otherwise noted.
2. Additional Agriculture and animal keeping Uses may be permitted in specific zones. Please check specific zone for such Uses.

3. All other provisions of this Ordinance shall remain applicable unless otherwise specified.

Section 3.3.C: Agricultural Performance Standards

1. Agriculture

   a1. General Agriculture, General and gardening is permitted in all zones.

   2b. Sale of products raised or grown on the Lot shall be permitted.

      4a. Farm Stands are permitted subject to setbacks of the underlying zone. Projections into Side and Rear Yards shall be prohibited. Projections into Front Yards shall be allowed one half (1/2) the required Yard.

      2b. Signage shall be limited to allowances for agricultural uses in the underlying zoning. Refer to Section 4.2.C.XX.

      3c. Parking shall be provided for on-site and spaces shall be delineated.

   e3. Community Gardens shall be permitted through the issuance of an Administrative Permit in all zones subject to the following:

      4a. Community Gardens of fifteen (15) plots no greater than 400 square feet in area shall be permitted.

         i. A Conditional Use Permit may be requested in order to exceed fifteen (15) plots.

      2b. The property shall Front on and have direct Access on a Road accepted for maintenance by the County or other governmental agency.

         i. A waiver may be granted by the Director of Community Development if an agreement of affected property owners which includes provisions for traffic related to the Community Garden is produced.

      3c. All parking shall be on-site and spaces shall be delineated. Parking surfaces shall be improved to the satisfaction of the Director of Community Development.

      4d. Community Gardens shall be located on land that is level enough to support the intended use without excessive grading or the excessive removal of trees.

      5e. The site shall be designed and maintained so that water and fertilizer will not drain to adjacent property.
6f. Any fencing shall meet the Standards of Section \[3.4.14\]XX and the exterior shall be natural, earth-toned colors. New \(c\)Chain link should \(shall\) be avoided.

7g. Hours of operation shall be limited to the hours between sunrise and sunset.

8h. Signage shall be limited to allowances for agricultural uses in the underlying zone. Refer to Section 4.2.C.XX.

9i. Waste receptacles shall be provided and screened from neighboring properties. Refuse shall be removed so as not to cause a Nuisance.

10j. A Structure shall be provided for the storage of any tools, fertilizers, equipment or other materials used in conjunction with the Community Garden. Such facilities shall screen materials from neighboring properties and shall be adequately secured.

11k. Accessory structures associated with such a Community Garden shall be permitted prior to the establishment of a residence where otherwise prohibited.

12l. Composting shall be permitted.

(1)i. Composting of vegetative matter shall be done in a facility \(container\) or structure specifically designed for that purpose. Uncontained piles are prohibited. Supplements to enhance the composting process are acceptable.

(2)ii. Composting facilities shall be located twice the distance of the required Setback from adjoining Lots.

13m. Heavy Storage of commercial equipment shall be prohibited unless approved through a Conditional Use Permit.

14n. The property shall be maintained in a neat and orderly fashion.

d4. Farmers’ Markets shall be permitted subject to the issuance of Conditional Use Permit in all zones, or with a Temporary Use Permit per Section 3.2.B.1.

5. Agritourism shall be permitted subject to the issuance of a Conditional Use Permit in designated zones. Agritourism facilities may include residences for owners and employees, and lodging facilities for tourists.

**Section 3.3.D: Animal Keeping Performance Standards**

2. Animal Keeping

1a. Animal keeping is permitted in all zones subject to the following standards:

a. No animal may be fed, watered or sheltered within any Front, Side or Rear Yard Setback.
1. Certain animals may require more restrictive Setbacks as outlined herein.

2. Requests for reductions in Setbacks or required Lot size for the keeping of animals may be granted as an Administrative Adjustment for no more than 10% of the required Setbacks or Lot size, or for requests greater than that, may be heard by the Board of Adjustment as a request for Variance.

b. No animal may be permanently fed, watered, or sheltered within 150 feet of a perennial water source.

c. All animals shall be maintained on property. Shelter and fencing (e.g. barn, coop, corral, pens, stables, etc.) shall be provided to sufficiently contain the animals and keep them from roaming at large.

d. Offspring of animals maintained on the same property that are less than four months old or that have not been weaned, whichever is longer, shall not be subject to the maximum animal counts.

e. Manure shall be actively managed to either contain it on site or be properly disposed of for all animals on the property. Livestock manure shall be collected at least weekly and spread on pastures, fields, or arenas, composted for later use, or hauled off site. There shall be no accumulation of manure permitted within any Water Feature. Storing and stockpiling of manure is allowed only for composting. Manure composting piles shall be located a minimum of 55' from all properties lines, 500 feet from Water Features and wells, and surrounded with grass buffer strips, silt fencing, berms, ditches or straw socks to prevent run off from contaminating surface waters or groundwater. Onsite storm water (10-year event) shall be contained around the composting site. Offsite storm water (10-year event) shall be diverted around the composting site.

f. A Conditional Use Permit may be requested to exceed allowances for the number of animals kept on-site or to request a waiver if documentation is available that specific provisions inhibit best ecological practices on a Lot.

2. Additional Requirements for the keeping of specific animals are as follows. The maximum allowances listed below are for each animal category. More than one category of animal may be kept on site:

a. Aviaries

(1) A minimum of 1 acre Lot Size is required.

b. Bee Keeping

(1) The number of hives permitted on a Lot shall be subject the following

(a) One (1) beehive shall be permitted on any Lot regardless of Zone or Lot Size.
(b) One additional hive shall be permitted for every additional 6,000 feet of Lot Size.

(c) On Lots greater than five (5) acres there shall be no restrictions on the number of hives.

(ii) Beehives shall be setback a minimum of twenty (20) feet from any property line.

(iii) Where the entrance to a hive is located closer than fifty (50’) to a Lot Line, a flyway barrier shall be established and maintained so that all bees are forced to fly at an elevation of at least six feet above ground level in the vicinity of the beehive. Barriers shall be subject to the following:

(a) The barrier shall comply with the provisions of Section 34.XX15, Walls and Fences and Screening;

(b) The height of the barrier shall be a minimum of six feet;

(c) The barrier shall be solid such that bees cannot fly through it;

(d) The barrier shall be placed parallel to the hive entrance;

(e) The barrier shall extend a minimum of four (4’) feet beyond the entrance to the beehive(s) in each direction.

(iv) A convenient source of water shall be made available to bees at all times to prevent bees from congregating at swimming pools, pet watering bowls, bird baths, or other water sources.

(v) In any instance in which a colony exhibits highly defensive behaviors by stinging or attempting to sting without due provocation, beekeepers shall promptly re-queen the colony with a less defensive queen. Queens shall be selected with a gentle disposition from stock bred for gentleness and nonswarming characteristics.

3c. Cats

(i) A maximum of four cats over the age of four months shall be permitted on properties up to one (1) acre in Lot size.

(ii) A maximum of one (1) additional animal for every additional one half (1/2) acre of Lot size up to a maximum of ten (10) such animals shall be permitted.

4d. Dogs

(i) A maximum of four dogs over the age of four months shall be permitted on properties up to one (1) acre in Lot size.
(2) A maximum of one (1) additional animal for every additional one half (1/2) acre of Lot size up to a maximum of ten (10) such animals shall be permitted.

Community Coops and Animal Keeping shall be permitted through the issuance of an Administrative Permit in all zones subject to the following requirements:

i(1) A care-taker shall reside on the Lot.

(2) The property shall have direct Access on a Road accepted for maintenance by the County or other governmental agency.

(a) A waiver may be granted by the Director of Community Development if an agreement of affected property owners, which includes provisions for traffic related to such Use, is produced.

iii(3) Any fencing shall meet the Standards of Section 34.14XX, and the exterior shall be natural, earth-toned colors. Chain link should be avoided.

iv(4) The site shall be designed and maintained so that water, waste, and chemicals will not drain to adjacent properties.

(a) A record of chemical Use shall be maintained and made available upon request.

v(5) Hours of operation shall be limited to the hours between sunrise and sunset.

vi(6) Signage shall be limited to allowances for agricultural uses in the underlying zone. Refer to Section 4.2.C XX

vii(7) All parking shall be provided for on-site and spaces shall be delineated. Parking surfaces shall be improved to the satisfaction of the Director of Community Development.

viii(8) Waste receptacles shall be provided and screened from neighboring properties. Waste shall be removed so as not to cause a Nuisance.

ix(9) A Sanitary Facilities Station shall be provided per the County Health Code.

x(10) Structures associated with such Use shall be permitted prior to the establishment of a residence where otherwise prohibited.

xi(11) A Structure shall be provided for the storage of any tools, fertilizers, equipment or other materials used in conjunction with the Community Coops. Such facilities shall screen materials from neighboring properties and shall be adequately secured.

xii(12) The number of animals is limited to two (2) such animals for every one thousand (1,000) square feet of Lot Size with no more than a total of eighty (80) animals.
(a) Coops shall be Setback twice the distance of the Setback for the underlying zone.

(b) A minimum of five acres is required for the keeping of roosters, turkeys, peafowl, geese, and similarly noisy animals.

(c) Animals shall be provided with a covered, predator proof shelter with a minimum of four (4) square feet per animal.

(d) An additional ten (10) square feet of run shall be provided per animal.

XIII. The community keeping of other animals found in this Section may be permitted subject to the same number and provisions described herein.

XIV. Food shall be stored in animal-proof containers.

XV. Any mass of Animals which have sickened or died for unexplained reasons, or mammals which display any signs of rabies, shall be tested to determine the cause of illness and reported to the County Public Health Services District Department.

XVI. Composting shall be allowed.

(a) A facility specifically designed for composting shall be provided. Uncontained piles are prohibited.

(b) Composting facilities shall be located twice the distance of the required Setback from adjoining Lots.

XVII. The slaughter of animals is prohibited.

XVIII. The property shall be maintained in a neat and orderly fashion.

6f. Horses and Livestock

i. (1) A minimum of one (1) acre of Lot Size land shall be required for the keeping of such animals.

ii. (2) Three such animals may be maintained on the first acre and up to one additional animal for each additional one half acre

iii. (3) No such animal may be sheltered, fed, or watered closer than 55 feet to a Lot Line.

iv. (4) Protection from natural elements such as wind and sun shall be provided, and natural drainage provided to keep enclosures free from standing water.

v. (5) Boarding of 1 or 2 horses for a fee is permitted subject to the above standards. Additional boarding may be allowed though issuance of a Conditional Use Permit.
(6) Swine, excluding potbellied pigs, are subject to the following standards:

(a) A minimum of one (1) acre of Lot Size shall be required for the keeping of swine.

(b) Three such animals may be maintained on the first acre and up to one additional animal for each additional one-half acre

(c) Feeding, watering, or sheltering shall be setback:

(i) A minimum of 300 feet from a neighboring residence or building for public use.

(ii) A minimum of 200 feet from a water source or stormwater area.

7g. Poultry and Rabbits

i (1) Every Lot shall be entitled to minimum of five (5) such animals.

ii (2) A maximum of one (1) animal for every 1,000 square feet of Lot Size with no more than a total of twenty (20) such animals except in the G and AR Zones which shall allow for the keeping of up to forty (40) such animals.

iii (3) A minimum of one (1) acre is required for the keeping of roosters, turkeys, peafowl, geese, and similarly noisy animals.

(a) Such animals shall be kept in a coop enclosed with a solid material during hours of darkness so as to limit crowing and noise.

(b) A Conditional Use Permit may be sought for the keeping of such animals on parcels smaller than one (1) acre.

iv (4) Animals shall be provided with a covered, predator proof shelter with at least four (4) square feet per animal.

v (5) Slaughtering shall be permitted for personal use only.

8h. Potbellied Pigs

i (1) A maximum of two (2) such animals on Lots up to one half (1/2) acre in Lot Size are permitted. An additional two (2) animals are permitted for each additional one half (1/2) acre.

ii (2) The weight of each potbellied pig is capped at sixty (60lbs) pounds.

iii (3) Unless contained within a Dwelling, feeding, watering or sheltering shall be setback:
(a). A minimum of 300 feet from a neighboring residence or building for public use.

(b). A minimum of 200 feet from a water source or storm water area.

9. Miniature Goats

(i). A maximum of two (2) such animals on Lots up to one half (1/2) acre in Lot Size are permitted. An additional two (2) animals are permitted for each additional one half (1/2) acre.

(ii). The weight of each miniature goat is capped at ninety (90lbs) pounds.

10. Swine, excluding potbellied pigs

(i). A minimum of one (1) acre of Lot Size shall be required for the keeping of swine.

(ii). Three such animals may be maintained on the first acre and up to one additional animal for each additional one half acre.

(iii). Feeding, watering, or sheltering shall be setback:

a. A minimum of 300 feet from a neighboring residence or building for public use.

b. A minimum of 200 feet from a water source or storm water area.

11. Wild, non-domesticated or Exotic Animals

(i). May be allowed through the granting of a Conditional Use Permit.

(a). Written approval from Arizona Game and Fish Department is required prior to application.

Section 3.3.D: Permits and Administration:

1. Permits are not required for Agriculture and Animal Keeping unless otherwise noted.

2. Performance and Permitting do not alleviate the applicant from the duty of obtaining all applicable Building, Environmental Quality, Engineering, County Public Health Services District Department and other State and Federal permits as they apply.
Section 3.4: Accessory Dwellings

Section 3.4.A: Purpose:

To increase housing supply, achieve housing affordability goals, promote integrated conservation design and the use of sustainable building techniques, while preserving single Family residential and neighborhood character.

Section 3.4.B: Applicability:

This Section is applicable to all Residential Zones and single family residential properties in the Planned Community Zone.

Section 3.4.C: Performance Standards:

Approval of Accessory Dwellings shall require compliance with the following performance standards:

a1. A maximum of one Accessory Dwelling is permitted per Lot.

b2. In all single Family residential areas, an Accessory Dwelling of up to 400-600 square feet livable area is permitted regardless of Lot or principal Dwelling size.

e3. Accessory Dwellings are further limited to 50% of the livable square footage of the main Dwelling up to a maximum of 1000 square feet for a Detached Accessory Dwelling, or 1200 square feet for an Attached Accessory Dwelling.

d4. Only a single Family Dwelling or Modular Home may be used as an Accessory Dwelling in the RS and RR zones. Single Family Dwellings, Modular, Manufactured Homes (including Park Models or Tiny Homes built to modular or manufactured building code) may be used as an Accessory Dwelling in zones where those are allowed as Primary Dwelling Units in the G, AR zones. Travel Trailers, Park Models, Recreational Vehicles, Manufactured and Mobile Homes are prohibited Accessory Dwellings.

e5. All utilities may be on separate meters than the principal Dwelling unless otherwise prohibited by a utility company.

f6. Maximum separation between the principal Dwelling and Detached Accessory Dwelling shall be sixty-one hundred (610’) feet on Lots less than four (4) acres and one-two hundred (1200’) feet on Lots four (4) acres or greater. Separation distance shall be measured from the closest outside edge of each building. Whenever possible, Accessory Dwellings shall not be located in front of the primary structure.
Accessory Dwellings shall share some common features with the principal Dwelling. Common features may include, but are not limited to, roof pitch, colors, porches and window treatments or other components of the exterior appearance.

Section 3.4.D: Permits and Administration:

1. Applicable Building, Environmental Quality and Engineering Permits apply. Planning and Zoning Division review shall be conducted through the issuance of such permits.

2. A waiver of the requirements for separation distance and maximum square footage may be waived by requesting an Administrative Adjustment in writing from the Director of Community Development, if the waiver is necessary to achieve the following. Waivers shall be limited to the minimum necessary to meet the need for the waiver:
   a. For existing Structures on the property to be converted into an Accessory Dwelling,
   b. Protection of Environmentally Sensitive Features, as defined in Chapter 6,
   c. Energy efficiency through passive solar design,
   d. Site Design necessary to accommodate energy efficiency through passive solar design, alternative energy or water conservation systems into the site plan or building design,
   e. Location of the Accessory Dwelling due to constraints of existing site infrastructure, such as wastewater treatment system(s), wells, utility lines, driveway(s).

3. A decision of the Director of Community Development may be appealed to the Planning and Zoning Commission Board of Adjustment as a request for a Variance.

Section 3.5: Home Occupations

Section 3.5.A: Purpose

The purpose of a Home Occupation is to increase flexibility in work and professional occupations, and to provide business opportunities that accommodate work-at-home scenarios influenced by changing technologies, by allowing activities to be conducted within residential Dwelling Units. These work activities shall not impact and must be compatible with and preserve the character of the existing neighborhood.

Section 3.5.B: Applicability

Home Occupations, where permitted by the provisions of this Ordinance, may be permitted in any residential zoning district, subject to the granting of an Administrative Permit per Section
5.1.A. Home Occupations, and shall be subject to the approval of the Director of Community Development and shall comply with the following Performance Standards:

Section 3.5.C: Performance Standards

1. A Home Occupation shall be conducted within a Dwelling Unit and shall be clearly incidental to the Use of the Structure as a Dwelling.

2. In no way shall the appearance of the Structure or the premises be so altered or the conduct of the occupation within the Structure be such that the Structure or premises may be reasonably recognized as serving a non-residential Use (either by color, materials, or construction, lighting, Signs, sounds or noises, vibrations, display of equipment, etc.).

3. No one other than a resident of the Dwelling shall be employed in the conduct of a Home Occupation.

4. No motor or mechanical equipment shall be permitted other than normally incidental to the Use.

5. The Use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.

6. No storage of materials and/or supplies, including vehicles or equipment used in the occupation, indoors or outdoors, shall be permitted which will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood.

7. No Building or space outside of the main Building shall be used for Home Occupational purposes except approved Agricultural/horticultural related activities.

8. There shall be no use of utilities or community facilities beyond that normal to the Use of the property for residential purposes.

9. A Home Occupation shall not create any radio or television interference or noise audible beyond the boundaries of the site.

10. No smoke, odor, liquid, or solid waste shall be emitted.

11. There shall be no outdoor storage or display of materials or equipment maintained on the premises.

12. The conduct of the Home Occupation shall not interfere with the maintenance of the required off-street parking spaces on the property.
Section 3.5.D: Permits and Administration

1. The application shall be subject to periodic review by the Director of Community Development. Violation of any criteria listed above shall result in cancellation of the Home Occupation permit.

2. A decision of the Director of Community Development regarding the approval, disapproval, or conditions imposed may be appealed in writing to the Planning and Zoning Commission within fifteen (15) days of notice of the decision.

Section 3.6: Cottage Industries

Section 3.6.A: Purpose

The purpose of a Cottage Industry is to foster innovation and increase flexibility in small individually-owned businesses or commercial operations by recognizing opportunities to locate and operate within residential neighborhoods. A Cottage Industry is conducted within a Dwelling Unit or Accessory Structure without altering the residential character of the neighborhood.

Section 3.6.B: Applicability

Cottage Industries, in Zones in which they are a listed Use, may be permitted subject to the granting of a Conditional Use permit per Section 5.7 by the Planning and Zoning Commission, and if approved shall comply with the following restrictions:

Section 3.6.C: Performance Standards

1. The entrepreneur of the Cottage Industry shall reside on the property.

2. The number of persons employed in connection with the Cottage Industry and who are not residents of the Dwelling shall not exceed three (3) full time employees or the equivalent part-time, or as approved by the Conditional Use Permit.

3. The Cottage Industry may be conducted either within the Dwelling or an Accessory Structure, or both, provided that not more than 50% of the combined floor area shall be used in the conduct of the Cottage Industry, or as approved by the Conditional Use Permit.

4. One non-illuminated Sign not exceeding six (6) square feet in area and six (6) feet in height shall be permitted. Colors of Sign background, Sign lettering, and support structure shall be earth tones complementary to the natural surroundings.

5. Adequate off-street parking shall be provided according to the provisions of Section 4.1, Off-Street Parking. There shall be a maximum of five (5) parking spaces.
6. Any outdoor storage, including the initial processing of game meat, shall be as permitted in the underlying zone or as specified by the Commission. Outdoor storage shall be completely enclosed with a solid six (6) foot high fence or wall.

7. Parking of Commercial Vehicles shall be as permitted in the underlying zone.

8. Property for which a conditional use permit for a Cottage Industry is approved shall front on and have direct Access on a Road accepted for maintenance by the County or other governmental agency. The Access requirement may be waived by the Planning and Zoning Commission or Board of Supervisors if the additional Findings of Fact below are made:
   a. The granting of the waiver will not diminish the ability for emergency service providers to access the property and carry out their services.
   b. The granting of the waiver will not put an undue maintenance burden or impact on others that legally use the access.
   c. The granting of the waiver is consistent with applicable engineering standards set by the Public Works Department or Engineering Division of the Community Development Department.
   d. The granting of the waiver will not have a negative impact on neighboring properties or improvements, especially as related to dust and traffic safety.

9. Outdoor lighting shall conform to Section 4.3.5 Lighting.

10. Direct sales of products is allowed if such sales are specifically provided for in the Use permit.

11. The business shall not generate any noise, vibration, smoke, dust, odor, heat, glare, or electrical interference with radio or television reception that would exceed that normally produced by a Dwelling Unit. Hazardous materials shall be stored and monitored.

Section 3.6.D: Permits and Administration:

1. Establishment of a Cottage Industry shall require issuance of a Conditional Use Permit in compliance with the provisions of Section 5.7.

2. The Commission may grant a Conditional Use permit for up to three (3) years. If all requirements of this Section and of the use permit have been consistently met, and if no complaints have been filed with the Department of Community Development, the Use permit may be renewed for up to five (5) years.
Section 3.7: Bed and Breakfast Establishments

Section 3.7.A: Purpose

The purpose of a Bed and Breakfast Establishment is to provide a small, owner-operated business that provides transient overnight or temporary lodging and that may provide meals.

Section 3.7.B: Applicability

Bed and Breakfast Establishments, where permitted by the provisions of this Ordinance through the issuance of a Conditional Use permit per Section 5.7, shall be subject to the approval of the Planning and Zoning Commission and shall comply with the following Performance Standards:

Section 3.7.C: Performance Standards

1. All provisions of Section 3.5 pertaining to Home Occupations shall be met.

2. Applicants for a use permit shall be the property owners.

3. No more than two four bedrooms shall be used at any one time.

4. No more than five 10 total occupants, including staff and boarders may be accommodated at any one time.

5. The maximum duration of stay of any one guest shall be ten days.

6. The boarders must enter primarily through the main entrance of the Dwelling to get to their rooms, with no separate entrances allowed.

7. All parking must be accommodated on site.

8. The Commission may grant a Conditional Use permit for up to three (3) years. If all requirements of this Section and of the Use permit have been consistently met, and if no complaints have been filed with the Department of Community Development, the Use permit may be renewed for up to five (5) years.

9. For the use of two or more bedrooms, State and County Health Department approval and permits are required.

10. One non-illuminated Sign not exceeding six (6) square feet in area and six (6) feet in height shall be permitted in compliance with provisions of Section 4.2. Colors of Sign background, Sign lettering, and support structure shall be earth tones complementary to the natural surroundings.
Section 3.7.D: Permits and Administration:

Establishment of a Bed and Breakfast shall require issuance of a Conditional Use Permit in compliance with the provisions of Section 5.7.

Section 3.8: Group Homes for the Disabled

Section 3.8.A: Purpose:

The purpose of these regulations is to permit disabled persons, as defined by state and federal law, to reside in single family residential neighborhoods in compliance with the Fair Housing Act and applicable state law, while preserving the residential character of the neighborhood.

Section 3.8.B: Applicability

1. Zoning Confirmation: Prior to registration, a request for zoning confirmation may be submitted to the Community Development Department to confirm that the proposed location of the group home is permitted under this Section.

2. Additional Requirements of State Law: Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a Group Home for the developmentally disabled pursuant to ARS § 36-582 or an assisted living home pursuant to ARS Title 36, Chapter 4, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

Section 3.8.C: Performance Standards

Group Homes for the Disabled shall be located, developed, and operated in compliance with the following standards:

a. Separation. The minimum separation between group homes shall be 1,200 feet in accordance with ARS § 36-582, as measured from the closest property lines. No separation is required when Group Homes are separated by a utility Right-of-Way of at least 300 feet in width, or by a freeway, arterial Street, canal, or railroad.

b. Occupancy. The number of residents, excluding staff, shall not exceed 10.

c. Exterior Appearance. There shall be no sign or other exterior indication of a Group Home visible from a Street.

d. Compliance with all applicable Building, Environmental Health and Fire Safety Regulations. If a Group Home has one or more non-ambulatory residents, building code requirements in addition to those applicable to Group Homes with no non-ambulatory residents, shall apply.
e. Licensing. Group Homes shall comply with applicable licensing requirements.

f. Parking. Any parking for the Group Home shall be on Site.

Section 3.8.D: Permits and Administration

1. Permits shall be subject to the standards of Section 5.1.A: Administrative Permits.

2. Property is considered a Group Home for the Disabled under this Ordinance after the Coconino County Community Development Department issues a Permit for a Group Home for the Disabled for that property. Only property serving occupants who fit the definition of Disabled under the Fair Housing Act are eligible for determination as a Group Home for the Disabled.

   a. In order to secure a Permit for a Group Home for the Disabled, an application must be submitted on the form prescribed by the Community Development Department. The application must be accompanied by the following: a Site Plan, a notarized statement detailing qualifications, copies of applicable licensed, an affidavit of compliance and other documentation indicating the use of the property as a Group Home for the Disabled as may be required by the Director of the Community Development Department. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a Conditional Use Permit exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.

   b. The Community Development Department will review the application for administrative completeness within 10 days after submission. The Department will have 30 days after administrative completeness to conduct its substantive review of the application. The total time for the granting or denying of the Certificate of Exemption is 40 days. Time frames are tolled and may be waived in accordance with A.R.S. §11-1601 et seq.

3. If standards are not met, the home shall be considered an Other Group Home or Institutional Residential Use and shall be subject to the provisions of the Zoning Ordinance guiding such establishments. Status as a Group Home for the Disabled is open to review by the Coconino County Community Development Department and may be canceled at any time, with 90 day occupancy notice, upon a determination by the Director that the property is no longer being used for a qualifying purpose or meeting standards laid forth in this Ordinance.

Section 3.9: Wireless Telecommunication Facilities

Section 3.9.A: Purpose

1. The purpose of this Section is to establish a process, rules and standards for the construction of Wireless Telecommunication Facilities to:
a. To protect and promote the public health, safety and welfare.

b. To provide guidelines for the siting and design of Wireless Telecommunication Facilities.

c. To protect the county’s environmental resources and to minimize adverse impacts on visual resources.

d. To ensure that Wireless Telecommunication Facilities are compatible with adjacent land Uses.

e. To minimize the number of towers by encouraging the joint use (co-location) of facilities and by maximizing the use of existing Towers and Structures.

f. To allow competition in telecommunications service.

g. To enhance the ability to provide wireless telecommunication services to county residents, businesses and visitors.

Section 3.9.B: Applicability

1. Wireless Telecommunication Facilities require the granting of a Conditional Use permit by the Planning and Zoning Commission except as exempted in Section 2.a. below. Facilities are preferred in the industrial (M-I-L-10,000, M-2IH-6,000, and MIP-20,000) and commercial (CG-10,000, CH-10,000, and CN-2/A) zones, but are also permitted with a Conditional Use permit in the AR, RR, G, PRD, PC, PS, OS, RC, P, RS, RM, MHP, RMH, and MR zones. Facilities are least preferred in the residential (RS-6,000, RS-10,000, etc., RM-10/A, RM-20/A, MHP and RMH) zones.

2. Exemptions

   a. This Ordinance does not apply to Ham Radio Towers, which are regulated elsewhere in the Zoning Ordinance, or to satellite dishes for television reception at individual single family residences.

   b. A Conditional Use Permit is not required to co-locate additional Antennas or microwave dishes on already approved Towers unless it results in a substantial change in the approval, such as an increase in Tower Height. An increase of the originally approved Tower Height by more than 10% or an increase in the originally approved Tower Height to create an antenna separation of more than 20 feet is considered a substantial change in Tower Height. Co-locations are subject to the same conditions of approval as the original Conditional Use Permit. A Conditional Use Permit is not required for attached Antennas where the Height of the Structure the Antenna is being attached to is not increased. Examples would be Antennas on existing utility or light poles, water Towers, or on the fascia of existing Buildings. If an increase in Tower Height creates a Tower height exceeding 199’, all required FAA safety lights shall be radar-activated.
Section 3.9.C: Performance Standards

1. Preferred Facilities:

   a. Site location and development of Wireless Telecommunication Facilities shall preserve the existing character of the surrounding land Uses and Buildings and the aesthetic visual character of the area. If technically feasible, new facilities shall use the most preferred facility type. The order of preference for new facilities is as follows (from most preferred to least preferred):

      1. Co-location on an existing Tower
      2. Antennas attached to existing Structures such as Buildings, light poles, utility poles
      3. Concealed or camouflaged facilities
      4. New sites on previously disturbed areas such as cinder pits
      5. New Towers/facilities under 100’ in commercial or industrial zones
      6. New Towers/facilities 100’-175’ in commercial or industrial zones
      7. New Towers/facilities under 100’ in G, AR, or RR zones
      8. New Towers/facilities 100’-199’ in G zones
      9. New Towers/facilities 100’-150’ in AR or RR zones
     10. New Tower in other zones as described in Section 3.10.B.1 above

   b. New facilities shall use the most preferred facility type and location where technically feasible, even if it results in an increase in the number of facilities or a higher cost. A lesser-preferred facility type may be permitted only if the applicant presents substantial evidence to show that it will have a lesser visual impact or is more technically necessary than the use of more preferred facilities. New facilities shall be designed to accommodate co-location to the extent possible.

2. Disfavored Facilities

   a. Any site that is within a state or federal designated scenic corridor such as Highways 180, 64, and 89A.
b. Any site within a visual corridor, highway corridor or scenic vista, for example in the view of the San Francisco Peaks, along a ridgeline exposed to view from highway travelers or to residential areas, along a public trail, in a park or recreation area, unless the facility blends with the surrounding natural and human made environment.

c. Sites adjacent to or very close to residential areas.

d. Sites adjacent to or very close to sacred sites.

e. Sites within a wildlife or migration corridor, or near a water source.

f. Facilities with guy wires.

3. All Facilities

a. Height. New facilities shall not exceed 199 feet in height.

b. Setbacks. The setback for Towers is 105% of the Tower Height from all property lines so that in case of collapse or failure the Tower would be contained on the property. Setbacks may be allowed to extend onto adjacent properties if there are dedicated fall zone easements. The Setbacks may be reduced if a registered engineer can certify that in case of failure the tower would be contained on site. In commercial and industrial zones, the Setbacks may be reduced to 30% of the Tower Height if a registered engineer can prove that in case of failure the Tower would be contained on site. Guys and Accessory Structures must meet the Setbacks of the underlying zoning classification. Facilities that are located on new or replaced utility poles, street lights, or traffic signal poles are exempt from the Setback requirements.

c. Color and Materials. Towers and attached Antennas must be painted or coated in a color that blends with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated Structures such as equipment Buildings, including the roofs, shall be painted with earth tone colors.

d. Bird Flight Diverters. All towers with guys wires must include Bird Flight Diverters, eight inches long by eight inches wide, at for every fifteen feet intervals along the length of the wire, or as otherwise approved by staff based on the most current science and technology.

e. Fencing. New Towers, other than flagpoles, utility poles, or other camouflaged facilities, shall be fenced to prevent trespass.

f. Lighting. Lighting on any new Tower is prohibited unless required by the Federal Aviation Administration or by other applicable state or federal requirements. If an increase in Tower Height creates a Tower height exceeding 199', all required FAA safety lights shall be radar-activated. Motion detector security lighting may be approved if the lights are fully shielded. Any outdoor lighting requires a separate lighting permit.
g. Landscaping. Perimeter Landscaping may be required as a condition of approval of the facility, depending on the location. Existing vegetation shall be preserved to the maximum extent possible.

h. Signs. No advertising is permitted anywhere upon or attached to the facility. Signage is limited to small non-illuminated warning and identification Signs.

i. Permits. A Building Permit is required for the construction of any new Tower and for Accessory Structures.

j. Storage. Long-term vehicle storage and other outdoor storage are prohibited.

k. Term of use permit. The Conditional Use Permit shall have a time limit of no more than ten years. Prior to the end of the ten-year period, the applicant and/or Structure owner shall be responsible for submitting a new application for renewal. The applicant shall demonstrate that changes in technology have not eliminated the need for the facility as approved. Renewal of a conditional use permit shall be based on compliance with the conditions of approval.

4. Abandonment

The provisions of Zoning Ordinance Section 3.13, Historic and Nonconforming Uses, shall apply to Wireless Telecommunications Facilities. Pursuant to Section 3.13, a Tower shall be considered abandoned and the use discontinued if it is not utilized, i.e. there are no providers/Antennas on the tower, for a continuous period of 180 days.

5. Obsolescence and Removal

In addition to all other remedies available to Coconino County, if a facility is abandoned pursuant to Section 3.9.C.4 above and Section 3 of the Zoning Ordinance, or if a facility becomes obsolete due to changing technology, it shall be the responsibility of the Tower owner and/or property owner to remove the Tower and to restore the site to its original condition within 60 days.

Section 3.9.D: Permits and Administration:

1. Establishment of a Wireless Telecommunications Facility shall require issuance of a Conditional Use Permit in compliance with the provisions of Section 5.7, except as exempted by Section 3.9.B.2.

2. Application Process

a. Prior to the submittal of a conditional use permit application, the applicant shall schedule a pre-application conference with staff of the Community Development Department. In addition, for facilities located within one-half mile of a residential area, the applicant shall hold a neighborhood meeting prior to the submittal of an application. Staff will attend the meeting and utilize the comments of neighbors in the analysis presented to the
Planning and Zoning Commission. The requirement for a neighborhood meeting may be waived by the Director of Community Development.

b. In addition to requirements of Section 5.1.B, Permits requiring Hearing, the following shall be provided:

1. Elevation drawings. The drawings shall show the Tower and proposed attached Antenna(e), as well as proposed Structures on the ground. Materials and colors shall be indicated and color samples shall be provided.

2. Photo images. Photo simulations of the proposed facility from each direction shall be provided showing the Tower, all Antennas, Structures, and equipment facilities, demonstrating the true impact of the facility on the surrounding visual environment. The Community Development Department will assist in specifying recommended vantage points and the requested number of photo simulations at the pre-application conference.

3. Coverage maps. The applicant shall submit coverage maps from a licensed engineer demonstrating the need for the proposed facility. The maps shall be drawn to scale, shall demonstrate existing service coverage and strength, and shall demonstrate future service coverage and strength with the proposed facility.

4. Evidence of the least intrusive means to address a demonstrated coverage gap. For applications made to close a significant gap in coverage, the applicant shall provide evidence that they have explored all other reasonable locations and designs to address the demonstrated coverage gap. The applicant shall provide evidence that the selected site and design is the least intrusive option to address the gap in coverage or that less intrusive sites and designs are not technically or physically feasible.

5. Written narrative. A written narrative shall be submitted with the application explaining why the proposed site has been chosen, why the proposed Wireless Telecommunication Facility is necessary, why the requested height was chosen, ability of the facility to accommodate other providers, and any other information requested at the pre-application conference.

6. Existing Structures. Evidence shall be submitted demonstrating that no existing verticality can be utilized within the targeted search area, defined generally as a one mile radius, to meet the applicant’s requirements.

7. Property owner list. A typewritten list of the names and addresses of all property owners, keyed to Assessor’s Parcel Numbers, within 500 feet of the outside boundaries of the subject property for towers up to 99 feet, and within 1000 feet for towers from 100-199 feet.

8. For facilities within one quarter mile of an established residence, evidence of notification of property owners within one quarter mile, and a map indicating the Tower site and residential area.
c. Due to the complexity of the methodology or analysis required to review an application for a wireless telecommunications facility conditional use permit, the Director may require a technical review by a third party expert. The costs of this review shall be borne by the applicant, and shall be in addition to applicable Conditional Use Permit and Building Permit fees. The expert review may include, but is not limited to, the following:

1. The accuracy and completeness of the submissions;
2. The applicability of analysis techniques and methodologies;
3. The validity of conclusions reached;
4. Whether the proposed Wireless Telecommunications Facility complies with the applicable criteria set forth in these regulations;
5. Other matters deemed by the Director to be relevant in determining whether a proposed Wireless Telecommunications Facility complies with the provisions of these regulations.

**Section 3.10: Metal Storage Container Boxes**

**Section 3.10.A: Purpose**

The purpose of this Section is to establish the criteria, process, rules and standards for the use of Metal Storage Container boxes.

**Section 3.10.B: Applicability**

*Standards in this Section apply to all permanent or temporary uses of Metal Storage Containers that are located as outdoor, stand-alone structures.*

**Section 3.10.C: Performance Standards**

1. Temporary Uses in the G, AR, RR and RS Zones

a. Upon the issuance of an Administrative Permit, two 160 or one 320 square foot Metal Storage Containers may be established with a no-fee temporary use permit. A temporary use permit is required prior to the storage containers being located on site and may be issued for up to 18 months at a time. Temporary use permits may be renewed so long as Building Permit remains in active status.

b. For non-permit projects (emergency situations related to fire or flood, or remodels), two 160 or one 320 square foot Metal Storage Containers may be established with temporary use permit for up to 9 months. Emergency related projects are subject to a no fee permit. Temporary use permits may be renewed for an additional 9-month period.
c. Metal Storage Containers shall be located at least 10 feet from the Front and Street Side Property Lines and shall meet Side and Rear Setback requirements for the zoning district in which they are located. Exceptions may be granted by the Director of Community Development in an emergency situation for a maximum of 90 days.

d. There shall be no utilities installed within the Metal Storage Container.

e. Any deviations from these standards may be approved through the issuance of a Conditional Use Permit per Section 5.7.

2. Temporary Uses in the PS, CG, CH, M1–IL and M2IH Zones

a. Upon the issuance of an Administrative Permit, Metal Storage Containers may be established with a temporary use permit. A no fee temporary use permit is required prior to the storage container being located on site and may be issued for up to 18 months at a time. Temporary use permits may be renewed so long as Building Permit remains in active status.

b. For non-permit projects Metal Storage Containers may be established with a temporary use permit for up to 6 months.

c. Metal Storage Containers are required to meet all development standards of the Zoning District in which they are located including Setbacks, Building separation and Structure Height. Exceptions may be granted by the Director of Community Development in an emergency situation for a maximum of 90 days.

d. There shall be no utilities installed within the Metal Storage Container.

3. Permanent Uses in the G, AR, RR and RS, RM, RMH and MHP Zones

a. One 160 square foot Metal Storage Container may be established with an approved Administrative Permit subject to the following standards.

1. There shall be no signage on the Metal Storage Container.

2. The only utilities permitted shall be electricity for lights and outlets, i.e. there shall be no plumbing or mechanical. The addition of electricity requires an electric permit.

3. All containers shall be painted and maintained either the primary Structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.

4. Metal Storage Containers are required to meet all development standards of the Zoning District in which they are located including Setbacks, Building separation and Structure Height. Whenever possible, Metal Storage Containers shall not be located in front of the primary structure.
5. Use of the unit is for the storage of personal effects owned by the property owner or tenant. There shall be no commercial use of the unit, for example rental of the unit to people not residing on the property.

6. The unit shall not be used for residential use or for the keeping of animals.

7. Nothing shall be stored on top of the unit.

b. Any deviations from these standards may be approved through the issuance of a Conditional Use Permit per Section 5.7.

c. Metal storage containers existing prior to the adoption of this Ordinance will have until January 1, 2009, to meet these requirements.

3. Permanent Uses in the PS, CG and CH Zones

a. The equivalent of one 320 square foot Metal Storage Container (for example two 8’x20’ containers or one 8’x40’) may be established with an approved Administrative Permit subject to the following standards.

1. There shall be no signage on the Metal Storage Containers.

2. Electric utility may be permitted as part of the Building Permit.

3. All containers shall be painted and maintained either the primary Structure color or a pre-approved earhtone color consistent with the surrounding terrain prior to placement.

4. Metal Storage Containers are required to meet all development standards of the Zoning District in which they are located including Setbacks.

b. Any deviations from these standards may be approved through the issuance of a Conditional Use Permit per Section 5.7.

c. Metal storage containers existing prior to the adoption of this Ordinance will have until January 1, 2009, to meet these requirements.

4. Permanent Uses in the M1 and M2 Zones

a. Metal Storage Containers are permitted with an approved Building Permit subject to the following standards.

1. There shall be no signage on the Metal Storage Containers

2. Electric utility may be permitted as part of the Building Permit.
3. All containers shall be painted and maintained either the primary Structure color or a pre-approved earth tone color consistent with the surrounding terrain prior to placement.

4. Metal Storage Containers are required to meet all development standards of the Zoning District in which they are located including Setbacks. Any deviations from these standards may be approved through the issuance of a conditional use permit.

b. Any deviations from these standards may be approved through the issuance of a Conditional Use Permit per Section 5.7.

c. Metal Storage Containers existing prior to the adoption of this Ordinance will have until January 1, 2009 to meet these requirements.

Section 3.10.D: Permits and Administration:

1. All Metal Storage Containers shall be subject to the issuance of a permit. Issuance may be through the action of the Director of Community Development or the Planning and Zoning Commission.

a. Establishment of a Metal Storage Container Administrative Permit shall be in compliance with the provisions of Section 5.1.A.

b. Establishment of a Metal Storage Container requiring issuance of a Conditional Use Permit shall be in compliance with the provisions of Section 5.7.

Section 3.11: Accessory Wind Energy Systems

Section 3.11.A: Purpose

The purpose of this Section is to establish a process, rules and standards for the construction and operation of Accessory Wind Energy Systems used primarily for on-site power consumption.

Section 3.11.B: Applicability

1. Accessory Wind Energy Systems shall be considered a permitted use in the following zoned areas: G, AR, RR, RS, RM, PC, PRD, PS, RC, CG, CH, MR, MP, M1 and M2 Zones that are a minimum of one acre in size on all properties with sufficient distance to accommodate setbacks, per this Section. Roof mounted systems may be permitted in any of the abovementioned zoned areas that are a minimum of one-half acre in size.

2. Any deviation from the required standards of this Ordinance may be approved through the issuance of a Conditional Use Permit per Section 5.7.
Section 3.11.C: Performance Standards

1. The requirements of this Ordinance shall apply to all Accessory Wind Energy Systems proposed after the effective date of this Ordinance.

2. All Accessory Wind Energy Systems shall conform to applicable industry standards, including those of the American National Standards Institute.

3. Minimum parcel size of one acre is required for the installation of an Accessory Wind Energy System.

4. No more than two systems are permitted per parcel.

5. Maximum height shall be that of the underlying zoning district measured from preexisting natural Grade to the center of the turbine hub for horizontal and vertical systems.

6. Setback requirements shall be 100% of the Total Height of the Accessory Wind Energy System, including blade length, from all property lines, Access Easements, Residential Structures, and public electric power or telephone lines. No part of the wind system Structure, including guy wire anchors, may extend into the minimum Setback area of the underlying zoning district or into any Access or utility Easements.

7. Bird flight diverters are required on Accessory Wind Energy System with guy wires. Bird flight diverters (minimum 8 inches long by 8 inches wide) shall be placed at 15 foot intervals along the length of the wire.

7. All portions of the energy system shall be a non-reflective, non-obtrusive color, subject to the approval of the Community Development Director. The appearance of the turbines, towers and any other related components shall be maintained throughout the life of the wind energy facility pursuant to industry standards.

8. Systems shall not be used for displaying any advertising.

9. Systems shall not be illuminated unless required by a state or federal agency.

10. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid. All grid-connected systems shall have a completed contractual agreement with the local utility prior to the issuance of a Building Permit.

11. Accessory Wind Energy Systems shall be designed, installed, and operated so that noise generated by the system shall not exceed fifty decibels (50 dBA), as measured from the nearest property line, except during short-term events including utility outages and severe wind storms.

12. Obsolescence and Removal
If the Accessory Wind Energy System remains nonfunctional or inoperative for a continuous period of 120 days, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire Structure including foundations to below natural Grade, and transmission equipment.

**Section 3.11.D: Permits and Administration:**

Building Permits shall be obtained for any Accessory Wind Energy System prior to installation.

**Section 3.12: Medical Marijuana Dispensaries and Off-Site Cultivation and Infusion Facilities**

**Section 3.12.A: Purpose**

The purpose of this Section is to establish a process, rules, and standards for the construction, establishment, and operation of Medical Marijuana Dispensaries, and Off-Site Cultivation and Infusion Facilities, pursuant to ARS §36-2806.01.

**Section 3.12.B: Applicability**

1. Medical Marijuana Dispensaries shall be considered a permitted use in the CG-10,000 (Commercial General) and CH-10,000 (Commercial Heavy) Zones, or in the PC (Planned Community) Zone in areas designated for development subject to CG-10,000 and CH-10,000 Uses and development standards, subject to the following performance standards and design requirements.

2. Medical Marijuana Off-Site Cultivation and Infusion Facilities shall be considered permitted Uses in the M-1-10,000 (Light Industrial), and M-2-6,000 (Heavy Industrial), Zones or in the PC (Planned Community) Zone in areas designated for development subject to the M-110,000 and M-2-6,000 Uses and development standards, subject to the following performance standards and design requirements. Off-Site Cultivation and Infusion Facilities shall be considered Conditional Uses per Section 2.7.B in the CH-10,000 (Commercial Heavy) Zone or in the PC (Planned Community) Zone in areas designated for development subject to CH10,000 uses and development standards.

**Section 3.12.C: Performance Standards**

1. Medical Marijuana Dispensaries shall be located in a permanent Building, and may not locate in a trailer, cargo container, or motor vehicle.

2. Medical Marijuana Dispensaries shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana pursuant to ARS §36-2806(C).
3. Medical Marijuana Dispensaries shall be a maximum of 2,500 gross square feet.
   a. Medical Marijuana Dispensaries and Cultivation/Infusion Facilities shall not be located within 500 feet of a public or private Preschool, kindergarten, elementary, secondary, or high school, place of worship, or public park existing before the date of application for the Medical Marijuana Dispensary or Cultivation/Infusion Facility. This distance shall be measured in a straight line from the exterior walls of the Building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
   b. Medical Marijuana Dispensaries and Cultivation/Infusion Facilities shall not be located within 500 feet of another Medical Marijuana Dispensary or Cultivation or Infusion Facility. This distance shall be measured in a straight line between the exterior walls of the Buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
   c. Any Medical Marijuana Dispensaries and Cultivation/Infusion Facilities lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public or private Preschool, kindergarten, elementary, secondary, or high school, place of worship, or public park.
   d. Retail sales and dispensing of Medical Marijuana and related products is prohibited at Off-Site Medical Marijuana Cultivation and Infusion Facilities.
   e. Operating hours of Medical Marijuana Dispensaries are limited to 8:00 am to 8:00 pm.
   f. Drive-through services are prohibited.
   g. There shall be no emission of dust, fumes, vapors, odors, or hazardous waste into the environment from any facility where Medical Marijuana Cultivation or Infusion occurs.
   h. Marijuana remnants and byproducts shall be secured and properly disposed of and shall not be placed within the facility’s exterior refuse containers.
   i. Medical Marijuana Cultivation and Infusion may occur within a Medical Marijuana Dispensary. Otherwise, a Medical Marijuana Dispensary may have one additional location where Cultivation, Infusion, and production of Medical Marijuana products occurs pursuant to ARS §36-2804(B)(1)(b)(ii).

Section 3.12.D: Permits and Administration

1. Establishment of a Medical Marijuana Dispensaries and Cultivation/Infusion Facility shall require issuance of an Administrative Permit in compliance with the provisions of Section 5.1.
2. Where Medical Marijuana Dispensaries and Cultivation/Infusion Facilities are classified as a permitted Use, an administrative permit shall be obtained prior to establishment of the Use and in compliance with the provisions of Section 5.1.A. To obtain an administrative permit, an applicant must comply with paragraphs 3-9 of this Section.

3. Where Medical Marijuana Cultivation/Infusion Facilities are classified as a Conditional Use, a Conditional Use Permit shall be obtained prior to establishment of the Use per Section 5.7. The standard conditional use permit application procedures and requirements shall be met along with additional requirements contained herein.

4. The applicant shall provide the name and location of the Medical Marijuana Dispensary. For an Off-Site Cultivation and/or Infusion Facility, the applicant shall provide the name and location of the dispensary with which it is associated.

5. The applicant shall provide a copy of their dispensary registration certificate issued by ADHS pursuant to ARS §36-2804(B) and a copy of the operating procedures adopted pursuant to ARS §36-2804(B)(1)(c) along with a Site plan, floor plan, and security plan.

6. If the dispensary and/or cultivation/infusion facility is proposed to be located in an existing Building, the applicant shall obtain a Building Permit for change of occupancy with plans prepared by a professional architect registered in the State of Arizona.

7. A Medical Marijuana Dispensary or Infusion Facility that incorporates Medical Marijuana by means of cooking, blending, or incorporation into consumable/edible goods shall obtain applicable food service permits from the County Health Department.

8. If the measured distance is within 25 feet of the required limits identified in Sections 3.13.C.3 a and b above, a survey sealed by a registered land surveyor may be required, at the discretion of the Director of Community Development and at the applicant’s expense, to verify the required separation.

9. Permits may be denied if the applicant, in the reasonable opinion of the Director of Community Development, is failing to comply with any applicable state or local law or regulation.

Section 3.13: Historic and Nonconforming Uses

Section 3.13.A: Purposes

This Section is intended to limit the number and extent of Nonconforming Situations by prohibiting or limiting their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction. The overall purpose is the gradual elimination of Nonconforming Uses or conversion to conforming Uses in order to further the goals of the Coconino County Comprehensive Plan, special Area plans, and this Ordinance.
Section 3.13.B: Applicability

1. Continuation of Nonconforming Situations

   a. Nonconforming Situations that were lawful when created or established may be continued.

   b. Whenever a Nonconforming Situation has been discontinued for a consecutive period of 180 days, or changed to a conforming Use, Use of the Structure or Site thereafter shall be in conformity with the regulations for the zone in which the property is located.

2. Completion of Nonconforming Projects

   a. Nonconforming Projects which have been approved or permitted before the effective date of this Ordinance or any amendment thereto or of any zoning map change may be completed in accordance with the terms of their permits, so long as these approvals or permits were validly issued and remain unrevoked and unexpired.

   b. Nonconforming Projects approved by conditional use permit shall be allowed to be completed so long as the Use is commenced or a Building Permit is obtained within one (1) year of approval as per Section 3.13.B to 3.13.D.

   c. Applicable zoning regulations for a Nonconforming Project are those in place at the time of a Building Permit application or at the time of application for a zone change or conditional use permit.

   d. For projects designed to be completed in stages, construction may be completed according to regulations in effect on the date of approval pursuant to schedules of development approved by the Planning and Zoning Commission or Board of Supervisors.

Section 3.13.C: Performance Standards

1. Nonconforming Lots

   a. Lots that were legally established and in conformance with the Zoning Ordinance when created shall be considered usable.

   b. When the Use proposed for a Nonconforming Lot is one that conforms in all other respects but the applicable Setback requirements cannot be reasonably complied with, the Board of Adjustment may grant Variances from the applicable Setback requirements if it finds that:

      1. The property cannot reasonably be developed for the use proposed without such Variance,

      2. The Variance is necessitated by the size and shape of the Nonconforming Lot, and
3. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

c. For the purpose of Section b above, compliance with applicable Building Setback requirements is not reasonably possible if a Building that serves the minimal needs of the Use proposed for the Nonconforming Lot cannot practicably be constructed and located on the Lot in conformity with such Setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

d. This Section only applies to undeveloped Nonconforming Lots. A Lot is undeveloped if it has no substantial Structures on it. A change in Use of a developed Nonconforming Lot may be accomplished in accordance with Section 3.13.D.1 below.

2. Nonconforming Signs

a. Subject to the remainder of this Section, Nonconforming Signs that were lawful when established may be continued.

b. No Nonconforming Sign may be enlarged or altered in such a manner as to increase the extent of the nonconformity nor may illumination be added to any Nonconforming Sign.

c. A Nonconforming Sign may not be moved or replaced except to bring the Sign into complete conformity with this Ordinance.

d. Restoration of a damaged Sign may be accomplished in accordance with Section 3.13.C.5 below.

e. The message of a Nonconforming Sign may be changed so long as this does not create any new nonconformities (for example, by creating an Off-Premise Sign where such Sign would not be allowed).

f. Routine maintenance and repairs may be done so long as the cost of such work does not exceed 50 percent of the value of such Sign within any 12-month period.

g. If a Nonconforming Sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that has not been offered or conducted for a period of 180 days, that Sign shall be considered abandoned and shall be removed within 30 days after such abandonment. If the business is resumed following the abandonment, all Signs shall conform to this Ordinance.

h. If a nonconforming Billboard remains blank for a continuous period of 180 days, that Billboard shall be deemed abandoned and shall be removed within 30 days after such abandonment. For the purpose of this Section, a sign is blank if:

1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
2. The advertising message it displays becomes illegible in whole or substantial part; or

3. The advertising copy paid for by a party other than the Sign owner or promoting an interest other than the rental of the Sign has been removed.

3. Nonconforming Mobile Homes and Mobile Home Parks

   a. Within nonconforming Mobile Home Parks, Mobile Homes may be replaced subject to the following:

      1. The total number of spaces in the Mobile Home Park shall not be increased over the number existing at the time the park became nonconforming;
      2. There shall be a minimum 10’ Front Setback; and
      3. There shall be a minimum 10’ spacing between Mobile Homes.

   b. Expansions of nonconforming Mobile Home Parks may only be accomplished through rezoning to the Mobile Home Park Zone for the proposed expansion area.

   c. Individual nonconforming Mobile Homes on discrete parcels may only be replaced with the granting of a conditional use permit as described in Section 3.143.D.1 below. Minor additions or improvements, such as decks, porches, and cabanas with a cost up to 25 percent of the appraised value of the nonconforming Mobile Home, are permitted.

4. Extension or Enlargement of Nonconforming Situations

   a. Except as otherwise specifically allowed in this Section, no increase in the extent of nonconformity of a Nonconforming Situation is permitted. In particular, no Nonconforming Use shall be enlarged or extended in such a way as to occupy any part of the Structure or site or another Structure or site which it did not occupy at the time it became a Nonconforming Use, or in such a way as to displace any conforming Use occupying a Structure or site, except as permitted in this Section.

   b. No Nonconforming Use or Structure shall be enlarged or extended so as to increase the nonconformity with respect to Setbacks, height, density or number of units, distance between Structures, parking or other requirements such as performance standards.

   c. Extension of hours or seasons of use, addition of new Uses, and changes in character of the Nonconforming Use are considered to be extensions and are not permitted.

   d. Pursuant to Arizona Revised Statutes § 11-830, within any zoning district, subject to the granting of a conditional use permit, a nonconforming business Use may expand if such expansion does not exceed one hundred percent of the area of the original business. Such
expansions shall be limited to Uses of the same basic nature and character. Expansion shall be limited to the original parcel on which the Use was located at the time it became nonconforming. For Uses within a Structure, the expansion shall be measured by floor area. For business Uses not involving a Structure, for example junk yards, truck yards, or contractors’ yards, area shall be strictly construed to mean the square footage or acreage of the Use at the time it became nonconforming.

5. Repair, Maintenance, and Reconstruction

a. Minor repairs and routine maintenance of property where Nonconforming Situations exist are permitted and encouraged. Major renovation, i.e. work estimated to cost more than 25% of the appraised value of the Structure to be renovated, may only be done with the granting of a conditional use permit. Cost shall mean the fair market value of the materials and services necessary to accomplish the repair or maintenance.

b. If a Structure located on a parcel where a Nonconforming Situation exists is damaged to an extent of 50% or less of the appraised value of the damaged Structure, then it may be repaired and replaced and the Nonconforming Use may be resumed, provided that restoration is started within one year and diligently pursued to completion. For damaged Nonconforming Signs, restoration must be initiated within three (3) months and completed within six (6) months. If the damage exceeds 50% or the Structure is voluntarily razed or is required by law to be razed, the Structure shall not be restored except in full conformity with the regulations for the zone in which it is located, and the Nonconforming Use shall not be resumed. Structure as used in this paragraph includes on-premise Signs and Billboards. Nonconforming Structures used for single family residential purposes, if damaged to an extent exceeding 50% may be reconstructed and restored subject to the granting of a conditional use permit.

c. For the purpose of paragraph B above, the extent of damage shall be based on the ratio of the estimated cost of restoring the Structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire Structure as it existed prior to the damage. Estimates for this purpose shall be reviewed and approved by the Director of Community Development or the Chief Building Official and shall be based on the minimum cost of construction in compliance with adopted building codes.

Section 3.13.D: Permits and Administration

1. Change in Use of Property Where a Nonconforming Situation Exists

a. A change in Use of property where a Nonconforming Situation exists to a principal Use that is permissible in the zone in which the property is located shall be accomplished in the same manner as establishing the Use on a vacant Lot. Once conformity with this Ordinance is achieved, the property may not revert to its nonconforming status.

b. If the change is to a permissible Use, but all requirements of this Ordinance, for example property development and performance standards, cannot be met then the change may be
allowed subject to the Board of Adjustment granting a Variance for the waivers. In addition to other findings required for a Variance, the Board must find that:

1. The change will not result in a Violation of Section 3.14.C.4; and

2. All of the requirements that can reasonably be met will be met. Compliance is not reasonably possible if compliance cannot be achieved without the addition of land or without moving a substantial Structure that is on a permanent foundation. Mere financial hardship related to such requirements as paving a parking lot may not constitute grounds for granting a Variance.

c. A change from one Nonconforming Use to another principal Use that is also nonconforming may be permissible with the granting of a conditional use permit. The permit may be granted if the findings in Section b above are met and if the proposed development will have less of an impact on the area and will be more compatible with the surrounding neighborhood than the Use in operation at the time the permit is applied for. Applications for a change shall be restricted to the property, i.e. the specific parcel, on which the Nonconforming Use is located.

2. Nonconforming Uses Authorized by Conditional Use Permits

a. Uses approved by conditional use permit which have become nonconforming because of a Zoning Ordinance text amendment or a zoning map change may continue until the expiration date of the permit. At that time the Planning and Zoning Commission may grant a use permit for renewal if all of the original conditions of approval have been met, even if the Use is no longer a permitted or conditional use in the zoning district in which the property is located. The Commission may impose reasonable improvements to bring the property into closer conformity or to mitigate the Use.

b. Whenever a Nonconforming Use has been discontinued, or changed to a conforming Use, for a consecutive period of 180 days, Use of the Structure or Site thereafter shall be in conformity with the regulations for the zone in which the property is located.

**Section 3.14: Walls and Fencing**

**Section 3.14.A: Purpose**

**Section 3.14.B: Applicability**

1. The provisions of this Section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any agency thereof.
Section 3.14.C: Performance Standards

1. In any required Front or Street Side Setback, an opaque or solid wall or fence shall not exceed three (3) feet in height. Non-opaque fences, which are at least 50% transparent, may be established in any required Front or Street Side Setback to a maximum height of six (6) feet.

2. A wall or solid fence not more than six (6) feet in height, as measured from the highest adjacent Grade, may be maintained along the interior side or rear lot lines provided that such wall or solid fence does not extend into a required Front or Street Side Setback. Stacking firewood along a property line shall be considered a wall or fence and must meet height limits.

3. A wall or fence adjacent to a driveway providing vehicular Access to an Abutting Lot shall not exceed three feet in height within fifteen (15) feet of the intersection of said driveway and the Street Right of Way so as not to obstruct visibility.

4. Tires may not be used to construct walls, unless they are fully encapsulated so as to prevent the accumulation of water inside the tires, and subject to the granting of a Building Permit.

5. Industrial Zones allowances:

   Barbed wire, electrical fences, broken glass or other similar hazardous on top of walls and fences in Industrial Zone may be permitted subject to the approval of the Director of Community Development.

Section 3.14.D: Permits and Administration:

1. Applicable Building, Environmental Quality and Engineering Permits apply. Planning and Zoning review shall be conducted through the issuance of such permits.

2. Walls or fences exceeding six (6) feet in height may be permitted only through the Variance or Administrative Adjustment procedure set forth in Chapter 5 and subject to the granting of a Building Permit.

Section 3.15: Storage and Screening

Section 3.15.A: Purpose

Section 3.15.B: Applicability

Section 3.15.C: Performance Standards

1. Residential
In all Residential Zones, outdoor storage of unlicensed or inoperable vehicles, vehicle parts, auto parts, tires, secondhand building material, pipe, drums, appliances, household furniture, household refuse, unlicensed Travel Trailers or utility trailers, etc., shall be permitted subject to the following conditions:

1. For any Lot or parcel of land, the area permitted for the above described outdoor storage shall be 200 square feet. An additional 100 square feet of outdoor storage per acre for properties larger than one acre, shall be permitted up to a maximum of 2000 square feet.

2. On any Lot or parcel of land, all outdoor storage shall be located to the rear of the property and screened from neighboring properties and roadways by a wall; opaque, rigid fencing; Landscaping; or other Structure. Second-hand materials may not be used for the construction of such screening unless otherwise approved by the Community Development Director. Any wall or fencing shall not exceed six (6) feet in height and shall be subject to the provisions of Section 3.13. Stored secondhand materials, vehicles, vehicle parts, etc., shall not be stacked so as to be visible above the required screening, or more than six (6) feet high. The provisions of this paragraph shall not be construed to restrict the storage of firewood maintained for personal use by the occupant of the premises.

3. All permitted screened outdoor storage areas shall meet the minimum required Building Setbacks as prescribed by this Section.

4. Outdoor storage shall not be permitted on any parcel unless there is a Dwelling on the parcel.

5. Temporary storage of construction materials shall be permitted on any Lot or parcel of land provided such materials are being used in conjunction with a valid construction project on that Lot or parcel.

6. In the MHP Zone, outdoor storage of unlicensed or inoperable vehicles, vehicle parts, auto parts, tires, second-hand Building materials, pipe, drums, appliances, household furniture, household refuse, unlicensed Travel Trailers or utility trailers, etc., shall be subject to the following conditions:

   i. A maximum area of 200 square feet may be used on any one Lot or Manufactured Home Space for outdoor storage.

   ii. Such outdoor storage shall be located to the rear of the main Dwelling.

2. Commercial

The outdoor storage of any items, including but not limited to items for sale, unlicensed and/or inoperable vehicles, Travel Trailers, boats, Recreational Vehicles, or secondhand materials is prohibited, unless a Conditional Use permit is approved by the Planning and Zoning Commission for said outdoor storage.
3. Industrial

The outdoor storage of any items, including but not limited to items for sale, unlicensed and/or inoperable vehicles, Travel Trailers, boats, Recreational Vehicles, or secondhand materials is prohibited, unless a Conditional Use permit is approved by the Planning and Zoning Commission for said outdoor storage.

4. Special Purpose

Screening and landscaping requirements for a Conditional Use shall be specified in the use permit.

Section 3.15.D: Permits and Administration:

1. Applicable Building, Environmental Quality and Engineering Permits apply. Planning and Zoning review shall be conducted through the issuance of such permits.

2. Establishment of Storage and Screening requirements through the issuance of a Conditional Use Permit shall be in compliance with the provisions of Section 5.7.

Section 3.1614: Amateur (HAM) Radio Towers

Section 3.1614.A: Purpose

Amateur Radio Towers provide freestanding or building mounted antenna that are used for airway communication by a person holding a valid amateur radio license issued by the Federal Communications Commission.

Section 3.1614.B: Applicability

Amateur (HAM) Radio Towers shall be permitted for the personal use of the property owner/resident in Residential Zones and subject to the following Performance Standards:

Section 3.1614.C: Performance Standards

1. Towers shall not project more than 65 feet above Grade; establishment of towers above this limit but less than 100 feet in height may be permitted only through the Variance procedure set forth in Section 5.8. The height of extension antennas shall be determined in their cranked-down position and shall remain in said position except during use.

2. Towers shall meet the minimum Setback requirements for the zone in which they are located; no portion of any antenna array shall extend beyond the property lines.
Section 3.16.D: Permits and Administration

It shall be the responsibility of the property owner to demonstrate that the site is adequate in size to contain debris resulting from tower failure and that such failure will not present a safety hazard to adjoining properties.

Section 3.XX: Recreational Facilities, Outdoor

Section 3.XX.A: Purpose

Recreational Facilities, Outdoor, provide for the recreational enjoyment and needs of residents and visitors throughout the County in a facility that is planned and dedicated to specialized events, sports, entertainment and other activities that are located in an outdoor facility.

Section 3.XX.B: Applicability

Recreational Facilities, Outdoor, require the granting of a Conditional Use permit by the Planning and Zoning Commission in all residential and commercial zones, and are permitted uses in the Industrial Park zone (IP), subject to the following performance standards.

Section 3.XX.C: Performance Standards

1. Property for which a Conditional Use permit for a Recreational Facility, Outdoor, is approved shall front on and have direct Access on a Road accepted for maintenance by the County or other governmental agency. The Access requirement may be waived by the Planning and Zoning Commission or Board of Supervisors if the additional Findings of Fact below are made:

   a. The granting of the waiver will not diminish the ability for emergency service providers to access the property and carry out their services.

   b. The granting of the waiver will not put an undue maintenance burden or impact on others that legally use the access.

   c. The granting of the waiver is consistent with applicable engineering standards set by the Public Works Department or Engineering Division of the Community Development Department.

   d. The granting of the waiver will not have a negative impact on neighboring properties or improvements, especially as related to dust and traffic safety.

2. All Recreation Facilities shall provide an Emergency Response Plan to ensure that emergency services are available during and may have access to all events.
3. Facilities that provide arenas or fields for activities that generate dust shall provide a dust control and mitigation plan for each activity and area. The dust mitigation plan shall include a schedule and method for controlling dust, including water conservation methods of dust mitigation, such as the use of reclaimed water, and applying water during the morning or evening hours, when feasible.

4. Lighting shall be permitted in compliance with Section 4.3 for the appropriate lighting zone. All event lighting shall conclude with the end of the event, or as determined by the Planning and Zoning Commission.

5. Use of public address systems shall conclude with the end of the event, or as determined by the Planning and Zoning Commission.

6. Invasive and noxious weeds shall be monitored and controlled throughout the facility, in compliance with Section 4.4.E, Landscaping Performance Standards.

7. A written sanitation plan to address drinking water, waste water, trash concerns, and manure management (where appropriate) for the entire facility. This plan shall include the number of permanent or portable toilets to be provided on-site, based on size of the event and subject to the requirements of the County Environmental Quality, Health Department and/or any other applicable agency; a description of how trash will be collected, disposed of and contained from blowing wind; and if events include animals, a plan for manure management.

**Section 3.XX.D: Permits and Administration**

1. Where Recreation Facilities, Outdoor, are classified as a permitted Use, all building, grading and other required permits must comply with the requirements of this Section.

2. Where Recreation Facilities, Outdoor are classified as a Conditional Use, a Conditional Use Permit shall be obtained prior to establishment of the Use per Section 5.7. The standard conditional use permit application procedures and requirements shall be met along with additional requirements contained herein.

**Section 3.XX: Animal Shelters and Kennels, Commercial**

**Section 3.XX.A: Purpose**

Animal Shelters provide opportunities for public or semi-public facilities that offer rescue, shelter, humane care and adoption services for domestic animals and/or other animals not under the jurisdiction of the Arizona Game and Fish Department. Kennels, Commercial provide opportunities for privately-owned facilities to offer boarding, grooming, breeding and raising of dogs and cats.
Section 3.XX.B: Applicability

1. Kennels, Commercial, require the granting of a Conditional Use permit by the Planning and Zoning Commission in the General (G) and Agricultural Residential (AR) residential zones, in commercial General (CG-10,000), Commercial Heavy (CH-10,000) commercial zones, and in the Industrial Park (IP-20,000) and Light Industrial (LI-10,000) industrial zones. Kennels, Commercial are permitted uses in the Heavy Industrial (HI-6,000) zone.

2. Animal Shelters require the granting of a Conditional Use permit by the Planning and Zoning Commission in the General (G), Agricultural Residential (AR), and Rural Residential (RR) residential zones, and in Neighborhood Commercial (CN-0.5/A), Commercial General (CG-10,000), and Industrial Park (IP-20,000) and Public and Quasi-Public zones. Animal Shelters are permitted uses in the Heavy Commercial (CH-10,000), Light Industrial (LI-10,000) and Heavy Industrial (HI-6,000) zones.

3. Kennels, Commercial and Animal Shelters are subject to the following performance standards.

Section 3.XX.C: Performance Standards

1. Animal Shelters and Kennels, Commercial shall be designed and operated so that noise generated from resident animals shall not exceed fifty decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal or masonry walls, is permitted to achieve the required decibel level.

2. Outdoor dog runs shall be designed to reduce barking provocation. Dogs may be allowed in outdoor kennels between sunrise and sunset each day.

3. Animal waste and/or livestock manure shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan. See Section 3.X.X below for livestock manure management requirements.

4. Keeping of livestock sheltered in an Animal Shelter shall comply with Section 3.X of this Ordinance for manure management, shelter and quantity of animals, except that the number of livestock may be exceeded with approval of the Planning and Zoning Commission. Keeping of animals over the approved number limits during a local disaster event shall require notification of the numbers to the Community Development Department.

5. The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.

6. Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.

7. A lighting permit in conformance with Section 4.X of the Zoning Ordinance shall be obtained prior to installation or replacement of any outdoor lighting.
8. All requirements of the County Health Department, County Environmental Quality and/or other regulatory agency shall be met, and all necessary permits shall be obtained.

Section 3.XX.D: Permits and Administration

1. All Animal Shelters and Kennels, Commercial shall be subject to the issuance of a permit. Issuance may be through the action of the Planning and Zoning Commission or the Community Development Director.

   a. Where Animal Shelters and Kennels, Commercial are classified as a Conditional Use, a Conditional Use Permit shall be obtained prior to establishment of the Use in compliance with the provisions of Section 5.7. The standard conditional use permit application procedures and requirements shall be met along with additional requirements contained herein.

   b. Where Animal Shelters and Kennels, Commercial are classified as a permitted Use, all building, grading and other required permits must comply with the requirements of this Section.

Section 3.XX: Recreational Vehicles as a Permanent Residence

Section 3.XX.A: Purpose

The purpose of this Section is to provide additional residential living options for dwelling within large residential zoning districts.

Section 3.XX.B: Applicability

Recreational Vehicles and Travel Trailers used as a permanent residence require the granting of a Conditional Use permit by the Planning and Zoning Commission in the Agricultural Residential (AR) and on non-conforming parcels in the General (G) residential zones. Recreational Vehicles and Travel Trailers used as a permanent residence are permitted with an Administrative Permit on conforming parcels in the General (G) residential zone, and are permitted Uses in the Manufactured Home Park (MHP) zone. Recreational Vehicles and Travel Trailers used as a permanent residence are subject to the following performance standards:

Section 3.XX.C: Performance Standards

1. One Recreational Vehicle or Travel Trailer may be used as a permanent residence, and must comply with all development standards of the applicable zoning district.

2. A permit or other method that demonstrates appropriate wastewater disposal shall be required prior to establishing the use on site.
3. Building permits are required for solid fuel-burning appliances, such as wood and pellet stoves, installed as a heating source within the vehicle.

4. Equipment, machinery and building materials stored on site must be screened with fencing.

5. Impact to neighbors from noise shall be minimal. Noise from generators must be mitigated with sound buffering materials such as rigid insulation or other solid materials, and shall not exceed 55 decibels at the property line.

Section 3.XX.D: Permits and Administration

1. All Recreational Vehicles utilized as a permanent residence shall be subject to the issuance of a permit. Issuance may be through the action of the Planning and Zoning Commission or the Community Development Director.

   a. Where Recreational Vehicles utilized as a permanent residence are classified as a Conditional Use, a Conditional Use Permit shall be obtained prior to establishment of the Use in compliance with the provisions of Section 5.7. The standard conditional use permit application procedures and requirements shall be met along with additional requirements contained herein.

   b. Where Recreational Vehicles utilized as a permanent residence are classified as a permitted Use, an Administrative Permit in compliance with the provisions of Section 5.1, along with additional requirements contained herein, is required.

Section 3.XX: Campgrounds and Recreational Vehicle Parks

Section 3.XX.A: Purpose

To permit recreational camping areas and Recreational Vehicle Parks with short term or seasonal occupancy to support tourism, provide for enjoyment of the County’s vast natural resources, and compliment the surrounding National Parks, National Forest, and National Monuments, while ensuring compatibility with nearby Single Family residential areas, and to protect scenic viewsheds, Environmentally Sensitive Features, important wildlife habitat and movement corridors, and forest health.

Section 3.XX.B: Applicability

This Section is applicable to all Campgrounds and Recreational Vehicle Parks in the CG-10,000 Zone, CH-10,000 Zone, Open Space and Conservation Zone, and for Campgrounds on parcels of at least ten (10) acres in the G Zone. Campgrounds and Recreational Vehicle Parks in Commercial Zones in which they abut or are adjacent to residential zoning, and campgrounds in the G zone on 10 acres or more may be permitted subject to the granting of a Conditional Use
Permit per Section 5.7 by the Planning and Zoning Commission, and if approved shall comply with the following restrictions.

Section 3.XX.C: Performance Standards - Campgrounds

1. The maximum number of Campsites permitted per parcel are two (2) per acre in the General and Open Space and Conservation Zones, ten (10) per acre in the CG-10,000 and CH-10,000 Zones, or at a density approved by the Board of Supervisors in the required Master Plan in the RC Zone or PC Zone. A maximum of one (1) primary dwelling unit and one (1) accessory dwelling unit, or two (2) Cabins may be allowed per ten (10) acres in the General (G) zone and must meet standards of section 3.4 Accessory Dwellings.

2. All internal driveways and vehicle maneuvering areas shall be improved with compacted aggregate base, at a minimum, and meet all Engineering standards and standards of the local emergency response agency.

3. Campgrounds shall front on and have direct Access on a Road accepted for maintenance by the County or other jurisdiction. The Access requirement may be waived by the Planning and Zoning Commission or Board of Supervisors if the additional Findings of Fact below are made:
   a. The granting of the waiver will not diminish the ability for emergency service providers to access the property and carry out their services.
   b. The granting of the waiver will not put an undue maintenance burden or impact on others that legally use the access.
   c. The granting of the waiver is consistent with applicable engineering standards set by the Public Works Department or Engineering Division of the Community Development Department.
   d. The granting of the waiver will not have a negative impact on neighboring properties or improvement, especially as related to dust and traffic safety.

4. Campsites, Cabins, Structures, common areas, and sanitation facilities shall meet underlying zone setback requirements. Campgrounds directly adjacent to any Single Family residential zone shall have a minimum fifty (50) foot setback from the property line abutting the residential zone, except for structures that were legally built and meeting the performance standards for the zone in which they were located prior to application for a Campground. The setback shall be measured from the property line to the nearest Campsite, RV Space, Cabin, Structure, common area, or sanitation facility. The Planning and Zoning Commission may require solid walls or fencing, retention of existing vegetation, landscaping or a combination of screening methods within the setback as stated above in order to mitigate impacts of the use.
5. Recreational Vehicle or Travel Trailer spaces shall be limited to 20% of the total number of Campsites located in a residential zone and shall remain on the subject property only on a seasonal basis. Additional density may be approved by the Planning and Zoning Commission through the Conditional Use Permit.

6. Campgrounds shall maintain a valid service agreement with a recognized fire safety and emergency services organization. A Firewise Plan and Emergency Response Plan to be approved by a local fire responder and/or the Director of Community Development is required. Such a plan may be required to address issues including but not limited to: forest health/selective tree thinning, details of construction for any fire pits, requirements for construction of additional facilities to aid the fire responder in case of a fire event, defensible space between fuels and structures, two ingress/egress points and methods for maintaining them, and/or information to be disseminated to the applicant’s clientele or employees in regard to fire safety. Additional items to be addressed in the Firewise Plan and Emergency Response Plan may be required by the Community Development Director and/or emergency response responder.

7. Signs shall conform to Section 4.2, Signs.

8. Outdoor lighting shall conform to Section 4.3, Lighting.

9. Parking shall be provided according to Section 4.1, Parking. Parking shall not be allowed in the required setback from Single Family residential zones.

10. Trash receptacles shall be provided and screened from neighboring properties by a six foot screening enclosure made of masonry walls and wood gates. The Director of Community Development, Planning and Zoning Commission, or Board of Supervisors may approve other materials for the enclosures as desired for screening. Trash receptacles must have secure lids to prevent debris from spreading to neighboring properties and to prevent animals from compromising them. The Planning and Zoning Commission or Board of Supervisors may require that trash receptacles be bear-proofed in conformance with current industry standard.

11. For campgrounds in, adjacent to or abutting any residential zone the following additional requirements apply:

   a. A narrative shall be prepared that outlines how the campground will be designed to limit impacts to neighbors. The narrative will describe camp hours of operation, quiet hours, such as between 8 pm and 8 am, where music, loud group gatherings, and other disturbances are limited, and how dust, smoke and lights drifting onto neighboring properties will controlled. The location of outdoor recreation amenities such as horseshoe pits and fire rings shall be identified and located so as not to disturb neighboring residential properties. Noise from generators shall not exceed 55 decibels at the property line.

12. All standards and requirements of the County Health Services District shall be met and all permits or licenses shall be obtained prior to operation.
13. All standards and requirements of the County Building Division, Engineering Division, and Environmental Quality Division shall be met prior to the establishment of any Campsites.

Section 3.XX.D: Performance Standards – Recreational Vehicle Parks

Recreational Vehicle Parks shall comply with all Performance Standards listed in Section 3.XX.C for Campgrounds, with the exception of 3.XX.C.1 and 3.XX.C.5. The following additional Performance Standards apply to Campgrounds:

1. The maximum Density of Recreational Vehicle Spaces shall be twelve (12) per acre, except as otherwise approved by the Board of Supervisors in a masterplan in the RC and PC Zones.

2. All Recreational Vehicle Spaces shall meet underlying zone setbacks. Additionally, each Recreational Vehicle shall have at least a ten (10) foot separation from another Recreational Vehicle and be located at least ten (10) feet from any property line. When adjacent to residential zones, see Section 3.XX.C.4

3. Structures such as attached decks and covered porches shall not occupy a Recreational Vehicle Space or be attached to any Recreational Vehicle. Park Model Recreational Vehicles may be permitted structures such as attached decks and covered porches with a building permit.

Section 3.XX.E: Permits and Administration

1. Campgrounds require the granting of an Administrative Permit per Section 5.1.B in the CG-10,000 Zone, CH-10,000 Zone. Where Campgrounds are classified as a Conditional Use, a Conditional Use Permit shall be obtained prior to establishment of the Use in compliance with the provisions of Section 5.7. The standard conditional use permit application procedures and requirements shall be met along with additional requirements contained herein. In the RC and PC zones, Campgrounds must be part of an approved masterplan, following the Zone Change process per Section 5.XX.

2. Recreational Vehicle Parks require an Administrative Permit per Section 5.XX in the CG-10,000 Zone, CH-10,000 Zone. In the RC and PC Zones, Recreational Vehicle Parks must be part of an approved masterplan, following the Zone Change process per Section 5.XX.