



CITY OF SIERRA VISTA  
PLANNING AND ZONING COMMISSION  
NOVEMBER 15, 2022  
CITY COUNCIL CHAMBERS  
1011 N. CORONADO DRIVE

**WORK SESSION**.....5:00 PM

**CALL TO ORDER**

**ROLL CALL**

**ACCEPTANCE OF AGENDA**

**ACCEPTANCE OF MINUTES**

- 1. June 28, 2022

**CHAIR COMMENTS**

**CALL TO THE PUBLIC**

**OLD BUSINESS**

**NEW BUSINESS**

**Discussion Items**

- 2. Proposed Code Amendments

**Administration and Enforcement-**

Article 151.04

**Unattended Donation Boxes-**

Section 151.02.004,

Section 151.06.012

Section 151.22.006

**Site Plan Review Processes-**

Article 151.18

**Lot Coverage and Setbacks-**

Section 151.22.009

Section 151.22.010

Section 151.22.011

**FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS**

**INFORMATION**

Update on Projects

**CITY COUNCIL LIAISON COMMENTS**

Update on City Council Items

**ADJOURNMENT**

## SIERRA VISTA PLANNING AND ZONING COMMISSION

June 28, 2022

CITY COUNCIL CHAMBERS

Meeting Minutes

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The regular meeting of the Sierra Vista Planning and Zoning Commission was called to order at 5:00 p.m. in the City Council Chambers.

Members Present: Bradley Snyder, Chair  
Daniel Coxworth, Vice-Chair  
Leslie Thomas

Members Absent: Daman Malone  
George Fisher

Staff Present: Matt McLachlan, Director, Department of Community Development  
Jeff Pregler, Senior Planner

Council Present: Councilmember Umphrey

Others Present: None

### **ACCEPTANCE OF THE AGENDA:**

Ms. Thomas made the motion to accept the agenda. The motion was seconded by Mr. Coxworth.

VOTE: Approved by a vote of 3-0.

### **ACCEPTANCE OF THE MINUTES:**

1. Mr. Coxworth made the motion to accept the March 1, 2022 minutes. Ms. Thomas seconded the motion.

VOTE: Approved by a vote of 3-0.

### **CHAIR COMMENTS**

Mr. Snyder had no comments.

### **CALL TO THE PUBLIC**

No public - None.

### **OLD BUSINESS:**

None.

**NEW BUSINESS**

2. Discussion Items Only

Proposed Development Code Amendments:

**Section 151.04.015 Properties Adjacent to Dedicated Drainageways/Unimproved Open Space  
Various Sections: Lot Coverage Area.**

Staff Presentation by Jeff Pregler. He presented the following:

***Properties Adjacent to Dedicated Drainageways and Permanent Unimproved Open Space***

*The first amendment staff is proposing would create Section 151.04.015, which relates to Properties Adjacent to Dedicated Floodplains and Permanent Unimproved Open Space. The Development Code requires building setbacks for all structures located on a piece of property. There are building setbacks for both the principal structures and accessory structures. The amendments tonight will only affect building setbacks for principal structures.*

*The purpose of setbacks is to provide for air, space, light, and privacy between properties. However, there are certain situations where these setback provisions are not affected. One example are properties that adjoin dedicated drainageways or permanent unimproved open space. These areas are City owned properties that are used specifically for conveying stormwater or preserving lands and natural habitats. As such, no development will be occurring in these areas. Therefore, staff is recommending a code amendment that would reduce the minimum rear yard setback by up to 50 percent on parcels that adjoin a tract of land no less than 20 feet in width dedicated for drainage purposes or permanent unimproved open space. The reason why the drainageway or unimproved open space is required to be a minimum 20-feet in width is because this would provide for slightly greater protections than the building setback area. The amendment would provide for additional flexibility and be consistent with another code provision that reduce setbacks for accessory structures adjacent to alleyways.*

Mr. Coxworth stated that the current rear yard building setbacks, as stated in the Development Code may be excessive. His recommendation is to have a uniform 20-foot rear yard building setback for all single-family residential zoning districts. Mr. McLachlan indicated that a uniform front yard setback could also be considered. Mr. Snyder asked if other jurisdictions included uniform setbacks in their zoning ordinances. Mr. Pregler stated that staff could research and provide this information at the next meeting.

***Maximum Lot Coverage Area***

*The second proposed amendment pertains to lot coverage. Currently, the district regulations establish a uniform maximum yard coverage based on a percentage (35%) of the required rear yard. Rear yard area is defined as, “the open space extending the full width of the lot between the rear lot line and rear setback line.” This is essentially the rear building setback area. Now the yard coverage area only considers accessory structures. Most jurisdictions measure lot coverage on an overall basis to include principal and accessory structures. Staff recommends that the standard be changed from “yard coverage” to the more commonly used “lot coverage” as the unit of measurement.*

*The amendment will provide additional latitude for the placement of structures and make the lot coverage area easier to calculate and enforce because the percentage is based on the entirety of the lot and not just the rear yard area. The maximum lot coverage areas recommended in the Exhibit are the product of research from other communities and GIS analysis that includes principal structure lot coverage areas.*

Mr. Coxworth asked for clarification regarding which structures would be calculated under the lot coverage calculation. Mr. Pregler stated all above ground structures would be calculated. Driveways and concrete slabs would be excluded.

Mr. Coxworth asked if there were any accessory structures that did not require a permit. Mr. Pregler said that every structure requires a permit. Mr. McLachlan stated that the level of information needed for the permit varies by the size of the structure.

3. Discussion on General Plan. Mr. McLachlan stated that part of the public engagement strategy for the General Plan update would be to leverage the City's digital capabilities such as using videos, engaged platforms, and social media, to provide information about the Elements in the General Plan and increase citizen participation.

### **FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS**

None

### **INFORMATION**

Mr. Pregler and Mr. McLachlan provided an update on the following projects:

South Sierra Vista Annexation- The City Council approved a Request to Proceed for this annexation on June 23. The annexation area will encompass numerous commercial properties extending from the Cal-Gas property to Auto Zone.

Roadrunner Park-This is a proposed City Park located on the northeast corner of St. Andrew's Drive and Canyon De Flores. The City held two public engagement meetings in June to elicit ideas about future amenities.

CDBG Funding for 2023 will be used to finish the upper portion of Soldier's Creek Park which will include landscaping, lighting along the pathway, and an embankment slide. The cost will be approximately \$250,000.

West Fry Boulevard/North Garden Avenue Improvements-Phase 1 has been completed. The City has applied for a RAISE grant to fund Phase 2 of the project.

Connectivity Grant-The City applied for RAISE grant fund to construct a multi-path on SR 90 extending from 7<sup>th</sup> Street to Campus Drive, and on SR 92 from Buffalo Soldier Trail to Kachina Trail.

Tohono O'Odham Grant-The City applied for \$65,000 in grant money for the transportation of sculptures designed by Robert Wick. The statues will be placed in locations throughout the City and will include decorative landscaping. The City will be notified by mid-September regarding the grant request.

Crazy Bato-a new Mexican restaurant that has opened in the Safeway Shopping Center.

Urban Axe-is now open for business and located in the shopping center with Ace Hardware.

Dunkin Donuts-will be located in Walmart. The delay of the opening is related to the delay in the shipment of appliances and supplies.

Marijuana Dispensary-the tenant improvement plans have been approved and the building permit is ready to be obtained. The business will be located next to Hana Tokyo.

Popeyes: Have not picked up their building permit. Last time they were contacted, it was indicated to the City that Popeye's was about a year out before construction can begin due to supply shortages and cost of materials. A question was asked regarding the traffic control on the property. Staff stated that they have

contacted Dutch Bros. and requested that they paint a stripe on the access aisle to ensure the cones are consistently placed in a location that allows for two-way traffic (24 feet).

Taco Bell-Submitted a site plan for a new restaurant in the Canyon De Flores commercial subdivision. This will be a drive-thru or pick-up only restaurant. The site plan is currently under review.

### **CITY COUNCIL LIASION COMMENTS**

Council member Umphrey provided an update on the following items:

N. Garden Avenue improvements are currently under design and should be completed at the end of the year.

Avenida Escuela extension-will be completed by August.

Animal Control expansion has commenced and is expected to be completed in the spring.

Cyr Center Park-improvements have been completed.

Schneider Phase 2 projects-bond was approved for \$24 million. Projects include the EV charging stations in the parks and reurfing the football field.

### **ADJOURNMENT**

The meeting was adjourned at approximately 6:00 pm.

## STAFF MEMORANDUM

<b>TO:</b>	Planning and Zoning Commission
<b>FROM:</b>	Jeff Pregler AICP, Senior Planner
<b>THRU:</b>	Matt McLachlan, AICP, Community Development Director
<b>MEETING DATE:</b>	November 15, 2022
<b>SUBJECT:</b>	Work Session Development Code Amendments <b>Administration and Enforcement-</b> Article 151.04 <b>Unattended Donation Boxes-</b> Section 151.02.004, Section 151.06.012 Section 151.22.006 <b>Site Plan Review Processes-</b> Article 151.18 <b>Lot Coverage and Setbacks-</b> Section 151.22.009 Section 151.22.010 Section 151.22.011

### **BACKGROUND:**

The Community Development Department regularly reviews current code provisions and procedures to identify ways in which the staff and the City can improve efficiencies, clarify requirements and help residents and business owners move through the system more easily. This practice is consistent with previous City Council Strategic Plan initiatives which have mandated the reduction of obsolete or unnecessary code provisions in expectation of making city government accountable, collaborative and efficient. The proposed text amendments will be providing flexibility and clarifying existing code language which is consistent with the City Council initiatives.

#### **Administration and Enforcement-Article 151.04**

This section of the Code provides standards for processing Building Permits, Zoning Compliance Forms, Certificates of Occupancy and Occupancy Permits. Much of this language has not been amended since the late 1970's. Therefore, an update to the current language which reflects the current day-to-day review and approval practices is needed. The first amendment in this Section establishes two separate Zoning Compliance Certificate issuance processes, *Zoning Compliance Certificate for Existing Premises Established Pursuant to an Approved Site Plan* and *Zoning Compliance Certificates for Existing Premises with no Record of Prior Site Plan Approval*. Per a request from a property owner, the City will issue a Zoning Compliance Certificate after ensuring conformity with either an existing site plan or compliance with current Building and Development Code requirements.

The next amendment relates to Building Permits. Most of the language in this Section has been stricken and recommended for removal because it either does not follow current review practice or is obsolete or duplicative.

The final amendment addresses Certificates of Occupancy and Occupancy Permits. The existing language only requires the issuance of Occupancy Permits. However, current practice requires a Certificate of Occupancy, not an Occupancy Permit, to be issued to new commercial buildings after passing a final inspection which then allows the building to be opened to the public. The proposed language, therefore, delineates between a Certificate of Occupancy and Occupancy Permit, which will now be issued for existing buildings which may not have a Certificate of Occupancy but are legally occupied and are considered safe and suitable for the authorized use.

#### **Unattended Donation Boxes**

The amendment would create a new Section in the Development Code that would regulate Unattended Donation Boxes. According to the proposed definition, Unattended Donation Boxes are any unattended receptacles or containers located outside an enclosed building and designed, intended, or used for collection and temporary storage of donated items and materials. The amendments would not apply to donation boxes that are utilized as part of the normal operations of a business or non-profit. The purpose for the regulation is to minimize the unsightly conditions associated with the Unattended Donation Boxes. One of the proposed amendments is the requirement of a separate Container Permit that can be issued or revoked if there are at least

three violations to the code regulations. The Unattended Donation Boxes would be allowed as accessory uses in all commercial and industrial zoning districts.

### **Site Plan Review Processes**

The next amendments relate to site plan review processes. The Development Code includes review processes for both administrative site plans and site plans. As currently written, administrative site plans are approved by staff while site plans are approved by the Development Review Committee. Back in 2018, the City Council approved code amendments to this Section to clarify which developments were eligible for the administrative site plan or site plan process. Since adoption of the amendments, staff has noticed that there is still some ambiguity in the language. The latest proposal would clearly identify the appropriate review process for each new project. The proposed amendment creates a tiered review process with three different levels of review. The Level 1 process (Subthreshold Review) is an expedited review for minor changes to the site that have minimal impact on public facilities and adjacent properties. The Level 2 process (Small Scale Review) is intended to provide an expedited process for evaluating relatively minor changes proposed on previously developed properties that do not warrant a full-scale interdepartmental review based on anticipated minimal degree of impact to public facilities and adjacent properties. The Level 3 process (Full Scale Review) is a full interdepartmental review because of the scale and increased complexity of the project.

The final amendment relates to the calculation of future building alterations. Each review level has maximum thresholds to delineate the scope of the projects. Following the review and approval of the project, the developer can pursue additional alterations to the gross floor of the building provided the alternations do not exceed these thresholds. Staff is recommending that the cumulative total alterations after five years comprise the new base gross square footage of the building. As a result, the maximum thresholds will be based on the new square footage and any new alterations will be reset to zero.

### **Lot Coverage and Reduced Setbacks**

These amendments will be included in the dimensional standards section of the Single Family Residence (SFR), Multi-Family Residence (MFR), and Manufactured Home Residence (MHR) district regulations. The first amendment relates to Lot Coverage area. Currently, the district regulations establish a uniform maximum yard coverage, which calculates the percentage of rear yard that is occupied by accessory structures. Rear yard area is defined as, “the open space



extending the full width of the lot between the rear lot line and rear setback line.” This is essentially the rear building setback area. Most jurisdictions measure lot coverage on an overall basis to include principal and accessory structures. Staff recommends that the standard be changed from “yard coverage” to the more commonly used “lot coverage” as the unit of measurement. The amendment will provide additional latitude for the placement of structures and make the lot coverage area easier to calculate and enforce because the percentage is based on the entirety of the lot and not just the rear yard area. The maximum lot coverage areas recommended in the are the product of research from other communities and GIS analysis that includes principal structure lot coverage areas.

A second amendment proposed in this section is a reduction of residential setbacks. The Planning & Zoning Commission at their work session on June 28, recommended both a reduced and uniform rear yard setback for single family homes. The proposal therefore, is to reduce the rear yard setback in the SFR zoning districts to 20 feet. In addition, the local homebuilders have requested that there be a reduction in side yard setbacks to accommodate three-car garages. Staff is proposing a reduction to the side yard setbacks in response to this housing trend. Relating to multi-family housing, specifically lots with five or more units, two separate setbacks have been created. Developments within the Infill Incentive District will have reduced setbacks compared to those located outside of the Infill Incentive District. The purpose is to provide development flexibility as an incentive to developers.

# EXHIBIT A

DEVELOPMENT CODE  
AMENDMENTS

ADMINISTRATION AND  
ENFORCEMENT

## ARTICLE 151.03 ADMINISTRATION AND ENFORCEMENT

### Sections:

- 151.03.001 Administrative Officials
- 151.03.002 Limitations on the Administrative Officials
- 151.03.003 Zoning Compliance Certificate Required
- 151.03.004 Building Permits
- 151.03.005 [Certificate of Occupancy](#)
- 151.03.0056 [Occupancy Permits](#)
- 151.03.0067 [Development Review Committee](#)
- 151.03.0078 [Appeals of Dedications or Exactions](#)
- 151.03.0089 [Appeals from the Hearing Officer](#)
- 151.03.00910 [Fees](#)

### Section 151.03.001 Administrative Officials

The provisions of this Code shall be administered and enforced by the Director of Community Development, the City Engineer, and the Director of Public Works, or their designees, and such other officers or employees of the City as the Council or City Manager may approve or direct.

### Section 151.03.002 Limitations on the Administrative Officials

Under no circumstances shall any Administrative Official:

1. Grant exceptions to the actual meaning of any clause, order, or regulation contained in this Code.
2. Make changes in or vary the terms of this Code.
3. Refuse to issue a Zoning Compliance Certificate, Building Permit, or Occupancy Permit when the applicant has complied with all provisions of this and other applicable ordinances or codes, despite any violations of contracts, covenants or private agreements which may result therefrom.

### Section 151.03.003 Zoning Compliance Certificate Required

A. Zoning Compliance Certificate Required. No land or building shall be occupied or used and no building shall be constructed, reconstructed, altered, repaired, used, or changed in use, except as provided herein, until the City issues a Zoning Compliance Certificate. The City shall not issue a building permit for excavation for a foundation, nor construction of any sort, before a Zoning Compliance Certificate is issued. The issuance of an approved site plan constitutes zoning compliance for the structure and uses described and stated on the plan.

B. Exceptions. A Zoning Compliance Certificate shall not be required for the following:

1. The renewal of a business license by the original holder of the license for the same use at the same location.

2. The issuance of a new business license for a use permitted within a commercial building or shopping center developed and constructed in conformance with a site plan approved by the City.

3. Residential uses consisting of four or fewer units on a lot in a platted subdivision.

C. Request for Zoning Compliance Certificate for Existing Premises Established Pursuant to an Approved Site Plan. Upon written request from the owner or tenant, the City shall issue a Zoning Compliance Certificate for any building or premises ~~existing at the time of enactment of this Code~~, certifying after inspection the extent and kind of use of the building or premises and whether such use of the buildings or premises conforms to the ~~provisions of this Code~~ approved site plan and uses authorized under the applicable zoning district.

D. ~~Applications for~~ Request for a Zoning Compliance Certificates for Existing Premises with no Record of Prior Site Plan approval. ~~All applications~~ A request for a Zoning Compliance Certificate ~~s on a property with no record of prior site plan approval by the City shall be filed on standard forms provided for that purpose and~~ shall be accompanied by such information as the City may require to ensure conformity of the proposed building, structure, or use with the provisions of this Code. If the City determines that a plan is required, such plan shall be provided ~~in duplicate electronically~~, drawn to a ~~readable~~ 1:20 or 1:30 scale, showing the following:

1. Dimensions, area, and shape of the property to be built upon and the boundaries of all lots or parcels under separate ownership contained therein;

2. Dimensions, size, height, and use of any buildings or structures already existing on the property and their exact location thereon;

3. Width and alignment of all streets, alleys, and easements for public access in or abutting the property;

4. Size and height of all proposed buildings and structures to be erected or altered and their exact position on the property;

5. Proposed uses of buildings, structures, and land, including the number of families or dwelling units, if any, the building is designed to accommodate. If the applicant is not owner of the property, written permission from the owner must be supplied.

E. Issuance of Zoning Compliance Certificate. Within 10 calendar days after the filing of ~~an application a request~~ for a Zoning Compliance Certificate, ~~according to the provisions of this Code~~, the City shall either issue ~~the certificate~~ or deny the ~~certificate request~~. When such ~~certificate request~~ is denied, the City shall state in writing to the applicant the reasons for the denial and also retain a file copy of the action. ~~One copy of the application and plans shall be returned to the applicant marked applicant marked either "APPROVED" or "DISAPPROVED" by the City and attested by signature. The second copy of the application and plans, similarly marked and signed, shall be retained in the City's files.~~

F. Revocation of Zoning Compliance Certificate. The City may revoke a Zoning Compliance Certificate for any use if the use is found:

1. to generate excessive noise, or
2. generate excessive traffic, or
3. create a nuisance in the area immediately surrounding the use, or
4. create a situation which endangers public health or safety.

Revocation is appealable to the Hearing Officer as provided in Article 151.30 of this Code.

#### Section 151.03.004 Building Permits

A. Improvements and Repairs to Property. All owners of property falling within the purview of this Code are required to obtain a building permit from the City prior to commencing any improvement upon, or repair to, to the property unless ~~specifically excluded below~~ the work is exempt from a building permit under the building codes adopted under Section 150.01 of Chapter 150. ~~Any person renting, leasing, or holding an option on property within City will be required to submit the owner's approval for any improvements upon, or repairs to, such property when applying for a building permit. Applications for building permits shall be made on the forms provided by the City.~~

~~B. Building Permits Not Required. Building permits are not required where the total material cost of the improvement or repair of an existing conforming structure does not exceed \$600.00 and such improvement or repair does not involve any installation, movement, extension, or curtailment of any electric, plumbing, or gas work and does not violate other provisions of this Code.~~

**CB.** Permit Required for Repair of Non-Conforming Use. In no case will any improvements be placed upon property that is in violation of any section of this Code nor will any repairs be made to property held to be in non-conformance with this Code unless a building permit is obtained from the City.

~~D. Permit Required for Temporary Contractor's Construction Yard. A temporary contractor's construction yard in the immediate vicinity of the construction will be permitted, provided that it is enclosed on all sides by a fence or wall not less than 6 feet in height above grade. The yard and fence must be removed following the completion of the contractor's construction of the subdivision in which it is located. The permit is revocable if the yard or fence is maintained in an unsanitary, unsightly, or dangerous manner.~~

~~E.C.~~ Fees. Before any certificate or permit will be issued, all applicable fees must be paid to the City. All fees are established by separate City resolutions that will be periodically re-evaluated by the Council.

#### Section 151.03.005 Certificate of Occupancy

- A. A building or structure shall not be used or occupied until the Building Official has issued a Certificate of Occupancy after a building passes final inspection pursuant to the requirements of the building codes adopted under Section 150.01 of Chapter 150, Provided, however, the Building Official may issue a temporary Certificate of Occupancy before the completion of the entire work covered by the permit if such portion or portions can be occupied safely. A temporary Certificate of Occupancy shall indicate the time period during which the temporary Certificate of Occupancy is valid.
- B. The Certificate of Occupancy is regarded as a permanent record for retention purposes and will stay with the property indefinitely, even if there is a change in ownership or tenant change.
- C. A new Certificate of Occupancy is required for a change to the existing approved use or occupancy classification of a building or structure or portion thereof.

#### Section 151.03.005~~6~~ Occupancy Permits for Buildings with no Certificate of Occupancy on File in the City's Permanent Records.

~~It shall be unlawful to use or occupy, or permit the use or occupancy of, any building or structure, or any change or extension of a use of land when the City has not issued an occupancy permit.~~

~~A.—Issuance of Occupancy Permits. Within 10 days after having received notice that the building, structure or premises, or part thereof, has been completed and is ready for use or occupancy, the City shall make a final inspection to determine whether construction has been completed in conformity with the provisions of this Code. If the City finds construction in conformity, the occupancy permit may be issued.~~

~~B.—Temporary Occupancy Permits. The City may issue a Temporary Occupancy Permit for a part of a building, structure, or use prior to completion of the entire building, structure or use, provided that such part has been completed in conformity with all provisions of this Code and is considered safe and suitable for use or occupancy. A Temporary Occupancy Permit shall remain in force until the entire building, structure, or use and off-site improvements have been completed and inspected and an occupancy permit has been issued.~~

The Building Official may issue an Occupancy Permit for a building or structure or portion thereof that has been legally occupied without a Certificate of Occupancy upon finding the subject property is considered to be safe and suitable for the authorized use and occupancy of the building.

DEVELOPMENT CODE  
AMENDMENTS

UNATTENDED DONATION  
BOXES



ARTICLE 151.02  
DEFINITIONS

Section 151.02.004  
Definitions

Unattended Donation Containers-any unattended receptacle or container located outside an enclosed building and designed, intended, or used for collection and temporary storage of donated items and materials.

ARTICLE 1511.06  
SPECIAL REGULATIONS FOR PARTICULAR USES

Sections:

- 151.06.001 Purpose
- 151.06.002 Adult Uses
- 151.06.003 Alternative Energy Systems
- 151.06.004 Home Based Businesses
- 151.06.005 Marijuana Facilities
- 151.06.006 Medical Marijuana Cultivation or Infusion Facility
- 151.06.007 Temporary Uses
- 151.06.008 Communications Facilities
- 151.06.009 Mobile Food Vendors
- 151.06.010 Accessory Dwelling Units
- 151.06.011 Reasonable Modification
- 151.06.012 [Unattended Donation Containers](#)

## Section 151.06.012

### Unattended Donation Containers

- A. Unattended Donation Containers are subject to the issuance of a business license and approval of a Donation Container Permit and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence that they have the authority to approve and locate a drop-off container on the lot or parcel.
- B. Unattended Donation Containers are subject to the following conditions:
  1. Shall be located on a paved surface.
  2. Shall not be located within setbacks, required landscape areas, or within required parking spaces, as required in Article 151.09.
  3. Shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
  4. There shall be no more than one (1) per lot and not more than two per shopping center or industrial park. The containers shall not be clustered together in any one direction.
  5. Shall include functioning video cameras on the containers or located within a lighted area.
  6. Shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials to be collected for donation. The name and telephone number of the entity obtaining the Donation Container Permit shall be affixed to the container in a conspicuous and legible manner.
  7. All donated items must be collected and stored in the containers and all contents cleared no less than once a week. Any items or materials left outside of the container or any debris and litter around the container shall be removed within 24 hours of discovery or notification, whichever comes first.
  8. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification, whichever comes first.
- C. Submittal Requirements
  1. The applicant shall submit a completed Donation Container Permit along with the following information:
    - a. Plot plan showing property dimensions, existing buildings, and site or building lighting;
    - b. Cutsheets or a detail of the donation containers to include the type of locking mechanism and security cameras;
    - c. The location and number of donation containers on the site.

#### D. Responsibility and Enforcement

1. Containers not in compliance with this Section and receiving at least three valid complaints, shall be subject to revocation of the Business License, the Donation Container Permit, and removal of the container from the property.
2. Any containers (including its contents) which are determined to be unauthorized, unpermitted, or is otherwise in violation of this Section, shall be deemed a public nuisance as defined in Chapter 150 of the Sierra Vista City Code and may be removed pursuant to those provisions.
3. The property owner or authorized agent may rescind their authorization for the Unattended Donation Container at any time. Following such action, the Donation Container Permit may be revoked. Nothing in this Section prohibits the property owners from removing an Unattended Donation Container regardless of whether the Container is permitted or not permitted. A property owner retains the right to remove and dispose of unwanted containers at any time.

# DEVELOPMENT CODE

## ARTICLE 151.22 DISTRICT REGULATIONS

### Section 151.22.006

#### Matrix of Use Permissions by Zoning District

- A. Use Permissions by Zoning District. No building, structure or land shall be used, nor shall any use be established unless it complies with the requirements of this Code.
1. *Principal Uses (P)* are those principal uses that are allowable on a property within each zoning district as provided in this Section.
  2. *Accessory Uses (A)* are those uses which are customarily subordinate to, integrated with, and clearly incidental to a principal use on the same property as provided under this Section. The Matrix of Use Permissions identifies certain accessory uses that are allowable within certain zoning districts. Accessory uses not specifically listed, but are otherwise deemed to be compatible with the principal use of the property by the Community Development Director may be authorized in connection with a building permit.
  3. *Conditional Uses (C)* are uses that may be appropriate in the zoning district and require individual review as to their particular characteristics, impacts, and location to determine if they require special conditions to their establishment in order to protect the health, safety and general welfare of the community in accordance with Article 151.26 of this Code.
  4. *Non-Conforming Uses (NC)* are uses of land or of a structure which do not meet the use regulations of this Code but which lawfully existed at the time of adoption of this Code as specified under Article 151.24 of this Code.
- (Ord. 2016-002, passed 2-25-16 Am. Ord. 2018-002, passed 2-8-18)

# DEVELOPMENT CODE

USE CLASSIFICATIONS	ZONING DISTRICT												
	UR, Urban Ranch	SFR, Single Family Residence	MFR, Multiple Family Residence	MHR, Manufactured Home Residence	RVP, Recreational Vehicle Park	NC, Neighborhood Convenience	LC, Limited Commercial	OP, Office Professional	GC, General Commercial	LI, Light Industrial	IP, Industrial Park	HI, Heavy Industrial	OS, Open Space
<b>PUBLIC/SEMI-PUBLIC</b>													
Accessory Telecommunications Antenna/Ancillary Structure	A <sup>(7)</sup>	A <sup>(7)</sup>	A <sup>(7)</sup>	A <sup>(7)</sup>	A <sup>(7)</sup>	A	A	A	A	A	A	A	A
Airport	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	P
Alternative Energy Systems	P	A	A	A	A	A	A	A	P	P	P	P	P
Cemeteries	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	P
Columbarium	C	C	C	C	C	C	C	C	C	C	C	C	C
Community gardens	P	P	P	P	P	P	P	P	P	P	P	NC	P
Community Service Uses	NC	NC	NC	NC	NC	P	P	P	P	P	P	NC	P
Funeral Home/Mortuary	NC	NC	NC	NC	NC	P	P	P	P	NC	NC	NC	NC
Golf Courses, Public or Private	P	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	P
Heavy Utility Service	NC	NC	NC	NC	NC	NC	NC	NC	C	P	P	P	C
Light Utility Service	C	C	C	C	C	P	P	P	P	P	P	P	P
Museums, Cultural Centers & Similar Uses	P	P	P	P	P	P	P	P	P	NC	NC	NC	P
Parks and Recreation Facilities	A	A	A	A	A	A	A	A	A	NC	NC	NC	P
Place of Worship	C	C	C	C	C	C	C	C	C	C	C	NC	C
Private clubs	C	C	C	NC	NC	P	P	P	P	C	C	NC	NC
Public education facilities & charter schools	P	P	P	P	P	P	P	P	P	P	P	P	P
School of general education, private	C	NC	NC	NC	NC	C	C	C	C	NC	NC	NC	NC
School of special education, private	C	NC	NC	NC	NC	P	P	P	P	NC	NC	NC	NC
Social service agency/non-profit	C	C	C	NC	NC	P	P	P	P	C	C	NC	P
Telecommunications Tower													
When Located on Non-Residentially Used Property													
60 feet in height or less and not located within 150 feet of a property zoned or used for residential purposes	A	A	A	A	A	A	A	A	P	P	P	P	P <sup>(6)</sup>
60 feet in height or more and/or located within 150 feet of a property zoned or used for residential purposes	C	C	C	C	C	C	C	C	C	C	C	C	C <sup>(6)</sup>
When Located on Residentially Used Property	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC
<b>Unattended Donation Centers</b>	<b>NC</b>	<b>NC</b>	<b>NC</b>	<b>NC</b>	<b>NC</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>NC</b>

<sup>(6)</sup>Stand alone telecommunications towers on City-owned property with an active recreational use are not permitted.

<sup>(7)</sup>Not permitted when attached to any single story building or residential building containing fewer than five dwelling units.

DEVELOPMENT CODE  
AMENDMENTS

SITE PLAN REVIEW  
PROCESSES

## ARTICLE 151.18 SITE PLAN

### Sections:

151.18.001	Purpose
<del>151.18.002</del>	<del>Site Plan Required</del>
151.18.002 <del>3</del>	Exemptions
151.18.003 <del>4</del>	Presubmittal Meeting
151.18.004	Tiered Development Review Process
151.18.005	Level 1, Subthreshold Review
151.18.006 <del>5</del>	Level 2, Small Scale Review <del>Administrative Site Plan Review Process</del>
151.18.007 <del>6</del>	Level 3, Full Scale Review <del>Site Plan Process</del>
151.18.008 <del>7</del>	Significance of Approval
151.18.009 <del>8</del>	Completion of Project Documents
151.18.010 <del>9</del>	Fees

### Section 151.18.001 Purpose

The purpose of this Article is to ~~establish~~ ~~address~~ the ~~submittal~~ levels of review and approval ~~process~~ for ~~commercial, industrial, and multi-family residential developments.~~ site improvements or alterations to non-residential and multi-family property types for purposes of determining compliance with this Code.

(Ord. 2008-010, passed 5-8-08)

### ~~Section 151.18.002 Site Plan Required~~

~~Site plans or administrative site plans are required, except when exempted per Section 151.18.003, for any building construction, use, or new parking lots. All site plan forms and checklists can be found on the City website or in the Department of Community Development.~~

(’76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2003-008, passed 4-24-03; Am. Ord. 2008-010, passed 5-8-08; Am. Ord. 2018-002, passed 2-8-18)

### Section 151.18.003 Exemptions

Developments meeting the following criteria shall be exempt from the requirements of ~~this Article.~~ ~~to submit a site plan.~~

- A. Single-family residences and accessory buildings constructed in an approved subdivision in a Single-Family Residence (SFR) or Multi-Family Residence, (MFR) district.
- B. Manufactured home residences and accessory buildings placed on lots in established manufactured home parks or approved subdivisions in a Manufactured Home Residence (MHR) and Recreational Vehicle Park (RV) districts.
- C. Multi-family residences consisting of four or fewer units per lot.

~~D. When determined by the City, modifications to an existing structure.~~

(’76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2003-008, passed 4-24-03; Am. Ord. 2008-010, passed 5-8-08; Am. Ord. 2018-002, passed 2-8-18)



Section 151.18.004 Presubmittal Meeting

- A. A presubmittal meeting is required prior to submitting ~~the formal site plan~~ an application for Small Scale (Level 2) or Full Scale (Level 3) review and approval.
- B. ~~A presubmittal application is required to request the presubmittal meeting.~~ A presubmittal meeting may be requested in writing. Such request shall include the location of the property, a general description of the uses(s) being contemplated, and conceptual material to illustrate the desired layout and other relevant information to describe the proposal.
- C. ~~The City will provide the applicant with general written information regarding the proposed development at or after the meeting.~~ The City will provide general guidance on the regulatory aspects of the proposal based on the nature of the request. This may include available utilities, permitted land uses, height and bulk limitations, roadway classifications, etc.

(Ord. 2008-010, passed 5-8-08)

Section 151.18.004 Tiered Development Review Process

The tiered development review process is designed to calibrate the levels of review and approval to be proportionate to the nature and scope of the development and degree of impact on the community. Permit applications for new construction shall be reviewed in accordance with the levels of review as set forth in this section.

Levels of Review			
	Level 1 Subthreshold Review  Plot Plan – Administrative	Level 2 Small Scale Review  Site Plan – Administrative	Level 3 Full Scale Review  Site Plan - Development Review Committee
New Principal Buildings	Not Applicable	New principal buildings or expansions which conform to a previously approved site plan.	New principal buildings not associated with a previously approved site plan.
Existing Buildings	Alterations of buildings or structures which result in a cumulative addition of 2,500 square feet or less and which comply with all applicable requirements, including,	Alterations of buildings or structures which result in a cumulative addition of between 2,501 and 5,000 square feet.*	Alterations of buildings or structures which result in a cumulative addition of more than 5,000 square feet.*

	but not limited to, setback, parking, and Building Code standards.*		
Accessory Buildings and Structures	Gross floor area is 2,500 square feet or less	Gross floor area is between 2,501 and 5,000 square feet.	Gross floor area is more than 5,000 square feet
Site improvements (including, but not limited to, parking lots, lighting, walkways, patios, and decks)	The proposed increase to the impervious surface resulting from site improvements shall not exceed ten (10) percent unless a previously approved drainage master plan accommodates the increase.	The proposed increase to the impervious surface resulting from site improvements above the Level 1 threshold shall not exceed 20 percent unless a previously approved drainage master plan accommodates the increase.	The proposed increase to the impervious surface resulting from site improvements is greater than 20 percent unless a previously approved drainage master plan accommodates the increase.
Other improvements	Determined by the Community Development Director to meet the intent of Level 1 Review.	Determined by the Community Development Director to meet the intent of Level 2 Review.	Determined by the Community Development Director to meet the intent of Level 3 Review.

\*The total amount of allowable alterations of total gross floor area conducted/permitted on a particular property in accordance with subsections (b) and (c) of this section will be computed on a cumulative bases for five (5) year periods of time. The initial five (5) year period shall start on February 1, 2023. At the end of each five (5) year period occurring thereafter, the cumulative total of allowable alterations that may be made to the gross square footage of buildings or structures located on a particular site shall reset to zero. The new cumulative total gross square footage at the end of a five (5) year period shall comprise the base gross square footage applicable to any site improvements conducted within the subsequent five (5) year period.

**Section 151.18.005, Level 1, Subthreshold Review**

The intent of the Level 1, Subthreshold Review is to provide an expedited review for minor changes to a site that are predetermined to have a de minimis impact on required public facilities and adjacent properties. An application that qualifies for Level 1 review under Section 151.18.005 of this Code shall be processed in accordance with the requirements of this section.

**Submission Requirements**

As part of the building permit submittal, a scaled plot plan showing the location and extent of the proposed changes. The plot plan is not required to be prepared or signed and sealed by a design professional but must provide the following information in a clearly legible form:

Property lines.

Minimum required and proposed setbacks.

Applicable zoning designation for the site and adjacent properties.

Dimensions of proposed buildings or structures.

Existing and any proposed access points.

Minimum required and any proposed additional on-site parking.

Other information deemed necessary by the City to determine compliance.

A letter or other written document, signed by the property owner or the owner's legal agent or representative, describing the proposed changes.

#### Staff Review

The information required in subsection A of this section shall be submitted to the Community Development Department with the building permit application. The impacts of the proposed development shall be administratively reviewed for compliance with this Code concurrent with the building permit plans. Any site related review comments will be provided with building plan review comments until such comments are resolved.

The Community Development Director or his or her designee shall review the application for compliance with this Code, the General Plan, and all other applicable building codes and shall approve, approve with stipulations, or deny the application. The City's decision shall be issued in writing to the Applicant.

#### Section 151.18.006~~5~~ ~~Administrative Site Plan Review Process~~ Level 2, Small Scale Review, Administrative Site Plan

The intent of the Level 2, Small Scale Review, is to provide an expedited process for evaluating relatively minor changes proposed on previously developed properties that do not warrant a full-scale interdepartmental review based on anticipated minimal degree of impact to public facilities and adjacent properties. ~~The Administrative Site Plan review process provides for administrative review and approval of developments. To determine if a project meets the requirements of the administrative site plan review process that meet the following criteria:~~

~~A.—Construction of a building addition that does not to exceed 2,500 square feet and limited to a one time increase.~~

~~B.—The construction of new accessory buildings.~~

~~C.—Construction of new impervious surface does not exceed 10 percent of existing impervious surface or 5,000 square feet, whichever is less, and limited to a one-time increase.~~

~~D.—When the existing site meets the minimum parking requirements as stated in Development Code Article 151.09, Off-Street Parking & Loading.~~

A. ~~Submittal Process~~ Application Requirements:

~~The Administrative Site Plan submittals~~ An application that qualifies for Level 2 review under Section 151.18.005 of this Code shall consist of the following information, as applicable:

1. A ~~The~~ completed copy of the Administrative Site Plan application form.
2. A site drawing, scaled at an appropriate size, (~~generally,~~ 20 or 30 scale is appropriate), providing the following information:
  - a. All property lines.
  - b. Building setbacks as required by Development Code Article 151.22, Establishment of Zoning Districts.
  - c. Current zoning of the site and all adjacent zoning.
  - d. Dimensions of all buildings.
  - e. Parking and circulation as required by Development Code Article 151.09, Off- Street Parking and Loading.
  - f. Buffering and landscaping as required by Development Code Article 151.15, Landscaping, Walls, Screening and Buffering, or as determined by the City.
  - g. Utility tie-ins including existing utilities adjacent to the site.
  - h. Americans with Disabilities Act accessibility as required by ADAAG.
  - i. Locations of all existing and proposed access points as required by Development Code Article 151.17, Access Standards.
  - j. Site visibility as required by Development Code Section 151.04.009, Clear Vision Area, if applicable.
  - k. Locations, dimensions, and descriptions of all existing or proposed easements.
  - l. Drainage patterns on the site indicated with flow arrows.
  - m. Location of all adjacent right-of-ways and existing public improvements.
  - n. Public improvements, if any proposed.
  - o. Any other information the City may deem necessary.
3. Clearly readable catalog cutsheets and a luminaire schedule for any new proposed exterior lighting, as required by Development Code Article 151.11 Outdoor Lighting.
4. Proof of Ownership and/or Proof of Agency as required by this Article.
5. Any other information the City may deem necessary.

B. ~~Application Process~~ Staff Review

1. The ~~application and supplemental~~ information required in subsection A of this section shall be submitted to ~~the City for distribution to all applicable City departments and utility companies for their reviews-~~ the Community Development Department.
2. After the appropriate staff and any affected outside utility companies completes their review, comments will be sent to the applicant. The applicant will then be required to revise and resubmit the plans to address the comments.
3. ~~City staff grants the final approval. Conditions may be applied.~~ The Community Development Director or his or her designee shall review the application for compliance with this Code, the General Plan, and all other applicable building codes and shall approve, approved with stipulations, or deny the application. The City's decision shall be issued in writing to the Applicant.

4. After final approval, the applicant shall ~~submit two plan sets of documents for stamped approval and an electronic copy of the stamped approved plans.~~ provide an electronic copy of the approved site plan. The City will stamp the plan approved or approved with conditions and return the plans to the applicant.

(Ord. 2003-008, passed 4-24-03; Am. Ord. 2008-010, passed 5-8-08; Am. Ord. 2018-002, passed 2-8-18)

### Section 151.18.007 ~~6~~ Level 3, Full Scale Review Site Plan ~~Process~~

~~Developments or uses proposed on vacant or unimproved sites or developments on sites where proposed improvements would not be classified as a modified site plan, as determined by the City, are required to submit a site plans. Site plans must meet the minimum site criteria, as applicable, identified in Section 151.18.0086.A and B. The number of copies of the site plan documents submitted shall be indicated on the application form.~~ A full interdepartmental review is necessary to determine compliance with this Code because of the scale and increased complexity of the project.

#### A. ~~Submittal Process~~ Application Requirements

~~Site plan submittals~~ An application that qualifies for a Level 3 review under Section 151.18.005 of this Code shall consist of the following information, as applicable:

1. A site plan application form.
2. A site drawing, scaled at an appropriate size, (~~generally~~, 20 or 30 scale is appropriate) providing the following information (multiple sheets may be required to provide information):
  - a. A vicinity map showing lot location and major cross streets.
  - b. A legend.
  - c. A north arrow.
  - d. Current zoning of the site and all adjacent zoning.
  - e. Grading on the site, as required by Development Code Section 151.04.013, Grading Requirements, that includes:
    - (1) Topography.
    - (2) Contour lines for existing and proposed elevations at 1-foot intervals.
    - (3) Drainage and proposed drainage flows (indicated with flow arrows).
    - (4) Finished floor elevations.
    - (5) All slopes identified using percentages.
    - (6) All depressed and mounded areas identified with general contour lines and/or proposed elevations.
    - (7) Any areas to be used for stormwater detention.
  - f. A legal description of the site.
  - g. All property lines.

- h. Building setbacks as required by Development Code Article 151.22, Establishment of Zoning Districts.
- i. Buffering and screening as required by Development Code Article 151.15, Landscaping, Walls, Screening, and Buffering.
- j. The location of all existing and proposed structures, including distances from all structures to all lot lines.
- k. Dimensions of all buildings.
- l. Percentage breakdown of the site covered by structures, concrete, asphalt, and landscaping/pervious surfaces.
- m. Right-of-ways dimensions of all abutting streets, whether public or private, and access to the site.
- n. Parking and circulation as required by Development Code Article 151.09, Off- Street Parking and Loading.
- o. Americans with Disabilities Act accessibility as required by ADAAG.
- p. Locations of all existing and proposed access points as required by Development Code Article 151.17, Access Standards.
- q. Locations, dimensions, and descriptions of all existing or proposed easements.
- r. Location of the pedestrian route as required by Development Code Article 151.09, Off-Street Parking and Loading.
- s. Outdoor recreation and amenity areas.
- t. Service areas such as mail, delivery, and loading zones.
- u. Trash disposal method and location. Include the dumpster enclosure detail if appropriate. Show trash compactor(s) if proposed.
- v. Utility tie-ins including existing utilities adjacent to the site.
- w. The location of the nearest existing and future fire hydrant(s).
- x. Street or alley right-of-ways to be dedicated and/or improved pursuant to the requirements of Development Code Section 151.08.002.I, Dedication and Improvement.
- y. Sidewalks, building entrances, open spaces, and plazas.
- z. Site Visibility as required by Development Code Section 151.04.009, Clear-Vision Area, if applicable.
- aa. Landscaping and irrigation design as required by Development Code Article 151.15, Landscaping, Walls, Screening, and Buffering and Article 151.16, Water Conservation.
- bb. Traffic Control Devices as required by Development Code Article 151.08, Public Facilities Standards.
- cc. Oil and grease separator locations as required by Development Code Article 151.09, Off-Street Parking and Loading.
- dd. Bike racks as required by Development Code Article 151.09, Off-Street Parking and Loading.
- ee. Proposed free-standing sign locations as required by Development Code Article 151.10, Sign Regulations.
- ff. Street light locations as required by Development Code Section 151.08.010, Streetlight Design and Construction.

gg. Any other information the City may deem necessary.

3. Building Elevations Drawings. Provide color elevations of all principal and accessory buildings. The drawings need to reflect the standards described in the Architectural and Design Guidelines and include indications as to how rooftop mechanical equipment is screened.

4. Clearly readable catalog cutsheets and a luminaire schedule for any proposed exterior lighting as required by Development Code Article 151.11, Outdoor Light Control.

5. A Geotechnical Report is required, when determined by the City, for all new buildings. The Developer can submit a Geotechnical Report for the entire site with appropriate information for each building pad or submit a report for each individual development on the site. An Arizona registered civil engineer is required to prepare the Report. The report shall meet the requirements of Development Code Section 151.04.013, Grading Requirements.

6. A Site Hydrology Report. A site hydrology report shall be prepared by an Arizona registered civil engineer. The Site Hydrology Report should conform to the requirements criteria in Development Code Section 151.08.008, Surface Drainage and Storm Sewer Systems. The City will review the report for accuracy.

7. A Traffic Impact Report. The City may request that the Developer and/or other responsible parties submit a transportation impact report as per Development Code Section 151.19.003, Subdivision Procedures and Requirements, Preliminary Plat Stage.

8. Community Development and Engineering Site Plan Checklists.

9. Proof of Ownership and/or Proof of Agency.

a. A title report issued not more than 30 days prior to the date of the Site Plan submittal.

(1) If the land is owned by a corporation, a corporate resolution is required designating the individual to act as the agent. The Corporate Resolution must be certified with the Corporate seal.

(2) If the land is owned by a partnership, a written document, signed by all partners, designating the individual to act as the agent is required.

(3) If the land is owned by an individual, a written document, signed by the owner designating the individual to act as the agent is required.

10. Development Phasing. For any development proposed to be constructed in phases, the Developer must first submit a master plan for the entire site for approval by the Committee and then submit a site plan for the individual pads.

11. Any other information that the City may deem necessary.

#### B. ~~Application Process~~ Development Review Committee Process

1. The ~~application and supplemental~~ information required in subsection A of this Section shall be submitted to the City Community Development Department for distribution to all applicable City departments, ~~and~~ utility companies, and Fort Huachuca for their reviews. The Developer is encouraged to contact applicable utility companies either prior or during the review process.

2. After staff completes the review, comments will be sent to the applicant. The applicant will be required to revise and resubmit the plans.

3. All final site plans are presented to the **Development Review** Committee for final approval, **approval with stipulations, or denial**. The Committee shall determine approval based on ~~consideration of all applicable code requirements-~~ **the applicant's consistency with this Code, the General Plan, and all other applicable building codes**. Any aggrieved person can appeal the Committee's decision per Development Code Section 151.03.006, Administration and Enforcement.

4. After final approval, the applicant shall **provide an electronic copy of the approved plans**. The City will stamp the plans approved or approved with stipulations, or denied and return the plans to the applicant. ~~submit two plan sets of documents for stamped approval and an electronic copy of the stamped approved plans.~~

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 804, passed 3-24-88; Am. Ord. 834, passed 3-9-89; Am. Ord. 875, passed 1-10-91; Am. Ord. 947, passed 3-10-94; Am. Ord. 966, passed 2-23-95; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2003-008, passed 4-24-03; Am. Ord. 2008-010, passed 5-8-08; Am. Ord. 2018-002, passed 2-8-18)

#### Section 151.18.008~~7~~ Significance of Approval

~~The approved site plan is~~ Applications approved under this Article are valid for two years from the date of approval **unless an alternative phasing plan with alternate commencement and completion dates has been approved by the Development Review Committee or an extension of time pursuant to subsection A below has been granted.**

A. One (1) extension for up to one (1) additional year may be granted by the original approving authority for good cause. The review of extension requests shall include an evaluation of the effect of new or current regulations on the project. Requests for an extension shall be submitted a minimum of thirty (30) days prior to the expiration date in writing. ~~A project that has not started construction and has not been issued a building permit two years after final approval, shall be required to revise the site plan to meet any new Development Code requirements.~~

B. A **site plan project** that has started construction, and is making substantial progress, as determined by the City, within the two-year validity period, shall be considered vested and not required to meet new Development Code requirements.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2003-008, passed 4-24-03; Am. Ord. 2008-010, passed 5-8-08; Am. Ord. 2018-002, passed 2-8-18)

#### Section 151.18.008~~9~~ Completion of Project Documents

A. As-built drawings will be required for storm detention basin input and output structures as determined by the City.

B. Site work that is not completed to the City's satisfaction, will require, prior to the issuance of a final certificate of occupancy, **a security either a cashier's check or bond** totaling 110 percent of the estimated cost to complete the improvement. An estimate of the remaining work shall be provided to and approved by the City.



C. Upon completion of the improvement, the City shall return the security to the Developer.

(Ord. 2008-010, passed 5-8-08; Am. Ord. 2018-002, passed 2-8-18)

**Section 151.18.0910 Fees**

Development review fees for site plans **and administrative site plans** shall be determined according to a schedule established by Resolution of the Council and posted in the Office of the City Clerk.

(Ord. 743, passed 4-10-86; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2008-010, passed 5-8-08; Am. Ord. 2018-002, passed 2-8-18)

DEVELOPMENT CODE  
AMENDMENTS

LOT COVERAGE AND  
SETBACKS

## Section 151.22.009 SFR - Single Family Residence

- A. Purpose. This district is comprised of single-family residential areas and certain open land areas. Regulations are designed to stabilize and protect the single-family character of the district, to promote and encourage creation of a desirable environment for family life, and to prohibit all incompatible activities. The principal use is, therefore, restricted to single-family detached dwellings on individual lots. Certain essential and complementary uses are also permitted under conditions and standards which ensure protection of the character of the district.
- B. Approvals Required. No structure or building shall be built or remodeled upon land in a Single Family Residence (SFR) district until all required subdivision or site plan approvals have been obtained.
- C. Location. The following criteria shall be considered in establishing and maintaining a SFR district:
1. Correspond to appropriate designation in the General Plan.
  2. Corresponds to an existing district or development in an area annexed into the City.
- D. Divisions of SFR District. The SFR district shall be further divided into the following density districts, as hereinafter described and regulated and to be so designated on the Official Zoning Map: SFR36; SFR 18; SFR12; SFR10; SFR8; SFR6.
- E. Permitted Uses
1. Principal and accessory uses in this district shall be allowed as provided under Section [151.22.006](#), Matrix of Use Permissions by Zoning District.

F. Property Development Standards-Principal Structures

DISTRICT						
<u>Requirement</u>	<u>SFR-36</u>	<u>SFR-18</u>	<u>SFR-12</u>	<u>SFR-10</u>	<u>SFR-8</u>	<u>SFR-6</u>
Minimum Site Area in square feet	36,000	18,000	12,000	10,000	8,000	6,000
Maximum Building Height in feet	28	28	28	28	28	28
Maximum Lot Coverage Area (Percent)	30	40	40	50	60	60
Minimum Required Yards (in feet)						
Front <del>Setback in feet</del>	40	35	25	25	25	20
Rear <del>Setback* in feet</del>	<del>20</del> 30	<del>20</del> 30	<del>20</del> 25	<del>20</del> 25	<del>20</del> 25	20
Interior Side <del>Setback* in feet</del>	20	<del>10</del> 15	<del>10</del> 15	<del>7</del> 10	<del>5</del> 7	5
Street Side <del>Setback in feet</del>	20	20	15	15	10	10

~~Except non-residential uses, see K below.~~

G. Corner Lot, Corner Lot Abutting Key Lot. On any corner lot that abuts a key lot or is separated by an alley, any structure, other than a fence, exceeding 3 feet in height shall be setback from the side lot line not less than the minimum front setback required for the key lot. See Section [151.04.010](#) for fence regulations.

H. On cul-de-sac and eyebrow lots that are concave, the minimum front yard depth may be measured from a straight line drawn between the front lot corners. In no case, however, shall the minimum required front yard be reduced in excess of 50 percent by this alternative measurement.

I. Non-Residential Accessory Buildings or Structures. A non-residential building or structure may be erected on a parcel if it meets the following requirements:

1. Maximum Height. 15 feet above finished grade.

~~2. Maximum Yard Coverage. 35 percent of required rear yard.~~

~~23. Location Restrictions. No accessory building or structure shall be erected in any minimum required front yard or in front of any principal building.~~

34. Setback Requirements. If, in the required rear or side yard, accessory buildings or structures shall be setback from the side and rear lot line a distance not less than 3 feet, except:

a. For a lot having its rear or side lot line contiguous with an alley line, street, dedicated drainageway or wash, no rear setback shall be required for the accessory building or structure.

~~b. No livestock stable, corral, barn, shed, or shelter shall be erected or maintained closer than 75 feet to any property line.~~

~~b.e.~~ Except for those situations addressed in this section paragraph 3 or in subparagraphs a and b above, accessory buildings or structures may be erected within 3 feet of the side and

rear lot lines where the wall(s) closest to or on the property line have a fire resistive rating of one hour, or greater. Such buildings or structures may be subject to additional ~~restricted by the building code~~ requirements as adopted under Section 150.01 of Chapter 150. ~~of the most recently approved International Residential Code.~~

- J. Off-Street Parking and Loading. In accordance with the provisions of [Article 151.09](#).
- K. Sign Regulations. In accordance with the provisions of [Article 151.10](#).
- L. Landscaping, Screening and Buffering. In accordance with the provisions of [Article 151.15](#).
- M. Access. In accordance with the provisions of [Article 151.17](#).

(Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 789, passed 9-24-87; Am. Ord. 804, passed 3-24-88; Am. Ord. 834, passed 3-9-89; Am. Ord. 875, passed 1-10-91; Am. Ord. 934, passed 10-28-93; Am. Ord. 982, passed 5-25-95; Am. Ord. 2003-014, passed 8-14-03; Am. Ord. 2004-002, passed 2-26-04; Am. Ord. 2016-002, passed 2-25-16)

# DEVELOPMENT CODE

## Section 151.22.010

### **MFR - Multi-Family Residence**

- A. Purpose. This district is comprised of high density residential areas representing a compatible mixture of single-family, two-family and multi-family dwellings. Regulations are designed to stabilize and protect the character of the district, to promote and encourage creation of a favorable environment for family life, and to prohibit all incompatible activities. To this end, principal uses are limited to single-family dwellings, multi-family dwellings, and apartments, which conform to the residential character of the district. Certain essential and complementary uses are also permitted under conditions and standards, which ensure protection of the character of the district.
- B. Approvals Required. No structure or building shall be built or remodeled upon land in a MFR district until all necessary site plan and/or subdivision plat approvals have been obtained.
- C. Location. The following criteria shall be considered in establishing and maintaining a MFR district:
1. Corresponds to appropriate designation in the General Plan.
  2. Corresponds to an existing district or development in an area annexed into the City.
- D. Permitted Uses
1. Principal and accessory uses in this district shall be allowed as provided under Section 151.22.006, Matrix of Use Permissions by Zoning District.
- E. Property Development Standards.
- All development in this district shall comply with the minimum area and dimensional standards as set forth in this Section except as may be permitted under Article 151.24, Non-Conforming Uses. Special Requirement: Any multiple family project which exceeds 25 dwelling units per acre must be processed as a planned area development under the provisions of *Article 151.23*.

# DEVELOPMENT CODE

AREA AND DIMENSIONAL STANDARDS	
<b>MINIMUM LOT AREA (SQ FT/UNIT)</b>	
Detached single-family	4,500
Two-family	1,740
Semi-detached single-family	2,400
Attached single-family	2,400
Multiple family	1,740
Mixed Use Building	N/A
<b>MAXIMUM LOT COVERAGE AREA (IN PERCENT)</b>	
One to four residential dwellings on the same lot	80
More than four residential dwellings on the same lot	N/A
<b>MINIMUM REQUIRED YARDS (IN FEET)</b>	
<b>Detached Single-Family and Two-Family</b>	
<del>Minimum</del> <b>f</b> Front	20
<del>Minimum</del> <b>s</b> Side	
Interior <b>Side Lot Line</b>	5
Corner <b>Side Yard</b>	10
<del>Minimum</del> <b>r</b> Rear	15
<b>Semi-Detached Single-Family, Attached Single-Family</b>	
<del>Minimum</del> <b>f</b> Front	20*
<del>Minimum</del> <b>s</b> Side	
Common interior building walls(s)	0
Outside building wall(s)	8
<del>Minimum</del> <b>r</b> Rear	15
<b>Multiple Family</b>	
<del>Minimum</del> <b>f</b> Front	
3 or 4 units	20
5 or more units	<del>40</del>
<b>Inside Urban Infill Overlay District</b>	20
<b>Outside of Urban Infill Overlay District</b>	40
<del>Minimum</del> <b>s</b> Side	
3 or 4 units	
Interior Lot Line	5
Corner Side Yard	10
5 or more units	<del>20</del>
<b>Inside Urban Infill Overlay District</b>	10
<b>Outside of Urban Infill Overlay District</b>	20
<del>Minimum</del> <b>r</b> Rear	
3 or 4 units	15
5 or more units	<del>15</del>

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Inside Urban Infill Overlay District	10
Outside of urban Infill Overlay District	15
<b>Mixed Use Building</b>	
<b>Minimum</b> Front	
Local Street	10
Collector or Arterial Street	20
<b>Minimum</b> Side	10
<b>Minimum</b> Rear	20

MINIMUM STREET FRONTAGE OF LOT (IN FEET)	
Multi-Family or Mixed Use Building	100
MINIMUM BUILDING SEPARATION (IN FEET)	
Multi-Family or Mixed Use Building	20
One or Two Stories	20
Three Stories	30
MAXIMUM NUMBER OF DWELLING UNITS/ BUILDING	
Multi-Family or Mixed Use Building	48
MAXIMUM BUILDING HEIGHT (IN FEET)	
Single and Two Family Dwellings	28
Multi-Family or Mixed Use Building	
One or Two Stories	30
Three Stories	40

\* May be reduced to 10 feet for buildings with rear loading garages with alley access.



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- F. Non-Residential Accessory Buildings. A non-residential structure may be erected on a parcel if it meets the following requirements:
1. Maximum Height: 15 feet above finished grade.
  - ~~2. Maximum Yard Coverage: 35 percent of the required rear and side yards.~~
  - ~~2.3. Location Restrictions~~: No accessory building shall be erected in any minimum required front yard, or in front of any principal building. Detached garages and carports may be located in front of a principal building provided they meet the minimum front and side yard setbacks.
  - ~~3.4. Setback Requirements~~: If, in the required rear or side yard, accessory buildings shall be set back from the side and the rear lot lines a distance not less than 3 feet, except;
    - a.—For a lot having its rear or side lot line contiguous with an alley line, street, dedicated drainageway or wash, no rear setback shall be required for the accessory building(s).
    - b. Except for those situations addressed in this section paragraph 3 or in subparagraph a, accessory buildings may be erected within three feet of the side and rear lot lines where the wall(s) closest to or on the property line have a fire resistance rating of one hour. Such buildings may be subject to restricted by additional the building code requirements of the IBC, Section 504(b) as adopted under Section 150.01 of Chapter 150.
- G. Corner Lot, Corner Lot Abutting Key Lot. On a corner lot that abuts a key lot or is separated by an alley, any structure, other than a fence, exceeding 3 feet in height shall be setback from the side lot line not less than the minimum front yard setback required for the key lot. A 6-foot fence or wall for a corner lot may be constructed 5 feet from the property line.
- H. Cul-de-Sac and Eyebrow Lots. On cul-de-sac and eyebrow lots that are concave, the minimum front yard depth may be measured from a straight line drawn between the front lot corners. In no case, however, shall the minimum required front yard be reduced in excess of 50 percent by this alternative measurement.
- I. Off-Street Parking and Loading. In accordance with the provisions of Article 151.09.
- J. Sign Regulations. In accordance with the provisions of Article 151.10.
- K. Landscaping, Screening and Buffering. In accordance with the provisions of Article 151.15.
- L. Access. In accordance with the provisions of Article 151.17.

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(Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 789, passed 9-24-87; Am. Ord. 834, passed 3-9-89; Am. Ord. 854, passed 1-25-90; Am. Ord. 875, passed 1-10-91; Am. Ord. 934, passed 10-28-93; Am. Ord. 2003-001, passed 1-9-03; Am. Ord. 2003-014, passed 8-14-03; 2004-002, passed 2-26-04; Am. Ord. 2005-011, passed 6-23-05; Am. Ord. 2011-012, passed 9-22-11; Am. Ord. 2016-002, passed 2-25-16)

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## Section 151.22.011

### MHR - Manufactured Home Residence

- A. Purpose: The MHR district allows single-family dwelling units, whether manufactured homes or site built homes. The MHR district allows both subdivision and park designations. The regulations encourage the provision of open space and density comparable to multiple-family residential (MFR) zoning districts. Further, the regulations are designed to stabilize and protect the residential character of the district, to promote and encourage the family environment, and prohibit all incompatible activities.
- B. Approvals Required: No structure or use shall be built or remodeled in a MHR district until all necessary site plans and/or subdivision plat approvals have been obtained.
- C. Location: The following criteria shall be considered in establishing and maintaining a Manufactured Home Residence zoning district:
1. Corresponds to appropriate designation in the General Plan, or,
  2. Corresponds to an existing district or development in an area annexed into the City.
- D. Permitted Uses:
1. Principal and accessory uses in this district shall be allowed as provided under Section 151.22.006, Matrix of Use Permissions by Zoning District.
- E. Property Development Standards
1. **Manufactured Home Subdivision**
    - (a) Minimum Area: 4,500 square feet per lot.
    - (b) Maximum Density: One dwelling unit per lot.
    - (c) Maximum Lot Coverage Area: 80 percent.
    - (d) Required Yards:
      - (1) Minimum front yard - 15 feet.
      - (2) Minimum rear yard - 15 feet
      - (3) Minimum side yard - 5 feet

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(4) Minimum street side yard -10 feet

(ed) Maximum Building Height -28 feet

(fe) Skirting: All manufactured homes shall install skirting in accordance with the Arizona Department of Housing, Manufactured Home Division, and the most recently adopted building codes. Skirting shall be maintained to its original installed condition.

### 2. **Manufactured Home Park**

(a) Minimum Area: Two Acres

(b) Maximum Site Density: Ten dwellings per acre.

(c) Number: No more than one manufactured home or recreational vehicle shall be placed on each space.

(d) Maximum Building Height: 28 feet

(e) Required Yards:

(1) Minimum front yard - 10 feet from the space line.

(2) Minimum rear yard - Ten feet from space line.

(3) Minimum side yard - Five feet from space line

(f) Minimum Private Street Standards: See Section 151.08.004.

(g) Skirting: All manufactured homes shall install skirting in accordance with the Arizona Department of Housing, Manufactured Home Division, and the most recently adopted building codes. Skirting shall be maintained to its original installed condition.

(h) Identification: Each space shall be identified with a permanent and clearly marked identifying marker indicating the space number.

### F. Non-Residential Accessory Buildings

1. Maximum Height: 15 feet above finished grade.

~~2. Maximum Yard Coverage: 35 percent of rear yard.~~

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23. Location Restrictions: No accessory building shall be erected in any minimum required front or side yard, or in front of any principal building. Detached garages and carports may be located in front of a principal building provided they meet the minimum front and side yard setbacks.
34. Setback Requirements: Accessory buildings shall be setback from the side lot line and the rear lot line a distance not less than 3 feet, except:
- (a) For a lot having its rear or side lot line contiguous with an alley line, street, dedicated drainageway, or wash, no rear setback shall be required for the accessory building(s).
  - (b) Except for those situations addressed in this section paragraph 3 or in subparagraph a, accessory buildings may be erected within three feet of the side and rear lot lines where the wall(s) closest to or on the property line have a fire resistance rating of one hour. Such buildings may be subject to restricted by additional the building code requirements as adopted under Section 151.01 of Chapter 150. ~~of the IBC, Section 504(b).~~
- G. Corner Lot, Corner Lot Abutting Key Lot. On a corner lot that abuts a key lot or is separated by an alley, any structure, other than a fence, exceeding 3 feet in height shall be setback from the side lot line not less than the minimum front yard setback required for the key lot. A 6-foot fence or wall for a corner lot may be constructed 5 feet from the property line.
- H. Cul-de-sac and Eyebrow Lots. On cul-de-sac and eyebrow lots that are concave, the minimum front yard depth may be measured from a straight line drawn between the front lot corners. In no case, however, shall the minimum required front yard be reduced in excess of 50 percent by this alternative measure.
- I. Off-Street Parking and Loading: In accordance with the provisions of *Article 151.09*.
- J. Sign Regulations: In accordance with the provisions of *Article 151.10*.
- K. Landscaping, Screening and Buffering: In accordance with the provisions of *Article 151.15*.
- L. Access: In accordance with the provisions of *Article 151.17*.  
(Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 789, passed 9-24-87; Am. Ord. 804, passed 3-24-88; Am. Ord. 834, passed 3-9-89; Am. Ord. 896, 1-23-92; Am. Ord. 934, passed 10-28-93; Am. Ord. 2007-006, passed 4-26-07; Am. Ord. 2018-002, passed 2-8-18)