

TITLE 12

ZONING

CHAPTER 1 – TITLE, AUTHORITY, PURPOSE, JURISDICTION, REPEALER, SEVERABILITY, CONFLICTS WITH OTHER REGULATIONS, AND RELATIONSHIP TO GENERAL PLAN

- Article 1.01 - Title
- Article 1.02 - Authority
- Article 1.03 - Purpose
- Article 1.04 - Jurisdiction
- Article 1.05 - Severability
- Article 1.06 - Conflict With Other Rules or Regulations
- Article 1.07 - Relationship to General Plan

CHAPTER 2 – COMPLIANCE, ENFORCEMENT AND PENALTIES

- Article 2.01 - Compliance
- Article 2.02 - Enforcement
- Article 2.03 - Penalties

CHAPTER 3 – RULES OF CONSTRUCTION AND DEFINITIONS

- Article 3.01 - Rules of Construction
- Article 3.02 - Definitions

CHAPTER 4 – ESTABLISHMENT OF ZONING DISTRICTS, ZONING MAP, AND INTERPRETATION OF DISTRICT BOUNDARIES

- Article 4.01 - Zoning Districts
- Article 4.02 - Zoning Map
- Article 4.03 - Interpretation of District Boundaries
- Article 4.04 - Annexation

CHAPTER 5 – USES PERMITTED IN EACH ZONING DISTRICT AND ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES PERMITTED IN EACH ZONING DISTRICT

- Article 5.01 - Uses Permitted in Each Zoning District
- Article 5.02 - Additional Requirements and Clarifications for Uses Permitted in Each Zoning District

CHAPTER 6 – DENSITY SCHEDULE AND ADDITIONAL REQUIREMENTS

Article 6.01 - Density Schedule

Article 6.02 - Additional Requirements and Clarifications for Density Schedule

CHAPTER 7 – GENERAL PROVISIONS

Article 7.01 - Interpretation

Article 7.02 - Building Permit and Plot Plan Required

Article 7.03 - Uses Allowed in the Various Zoning Districts

Article 7.04 - Principal Uses and Buildings Limited to One per Lot Without City Approved Site Plan

Article 7.05 - Accessory Uses and Buildings

Article 7.06 - Temporary Construction Buildings

Article 7.07 - Dumping or Disposal

Article 7.08 - Joint Use Prohibited

Article 7.09 - Exterior Lighting

Article 7.10 - Structures Near Airplane Runway or Landing Strip

Article 7.11 - Street and Utility Requirements

Article 7.12 - Site Unsuitability

Article 7.13 - Moving of Buildings

Article 7.14 - Projections Into Required Yards

Article 7.15 - Mobile Homes

Article 7.16 - Trash Enclosures

Article 7.17 - Grading and Stripping

Article 7.18 - Automobile Service Station Pump

Article 7.19 - Storing an Unoccupied Mobile Home

Article 7.20 - Storing a Recreation Trailer

Article 7.21 - Yard Sales, Swap Meets and Rummage Sales

CHAPTER 8 – MOBILE HOME PARK

Article 8.01 - Procedure for Approval

Article 8.02 - Standards

Article 8.03 - Parking

Article 8.04 - Screening

Article 8.05 - Recreation Area

Article 8.06 - Private Streets

Article 8.07 - Mobile Home Space

Article 8.08 - Accessory Uses

CHAPTER 9 – BOARD OF ADJUSTMENT

Article 9.01 - Mayor and City Council Members Shall Serve as the Board of Adjustment

Article 9.02 - Compensation

Article 9.03 - Organization, Meetings, Rules and Regulations

Article 9.04 - Assistance From City Departments

Article 9.05 - Appeals, Notices and Hearings

- Article 9.06 - Powers, Duties and Limitations of the Board
- Article 9.07 - Prohibited Actions of Board
- Article 9.08 - Conditions of Approval
- Article 9.09 - Appeals From the Board
- Article 9.10 - Fees

CHAPTER 10 – ZONE CHANGES OR AMENDMENTS

- Article 10.01 - General
- Article 10.02 - Petitions for Amendments
- Article 10.03 - Procedure
- Article 10.04 - Public Notice Required
- Article 10.05 - Written Protest

CHAPTER 11 – CONDITIONAL USE PERMITS

- Article 11.01 - General Purpose and Intent
- Article 11.02 - General Regulations
- Article 11.03 - Conditional Use Permit Application
- Article 11.04 - Action, Procedure and Fees

CHAPTER 12 – RECREATIONAL VEHICLE PARKS

- Article 12.01 - Procedure or Approval
- Article 12.02 - Standards

CHAPTER 13 – SIGNS PERMITTED IN EACH ZONING DISTRICT, ADDITIONAL REQUIREMENTS, GENERAL PROVISIONS, EXEMPT SIGNS, PROHIBITED SIGNS AND NONCONFORMING SIGNS

- Article 13.01 - Signs Permitted in Each Zoning District
- Article 13.02 - Additional Requirements and Clarifications
- Article 13.03 - General Provisions
- Article 13.04 - Exempt Signs
- Article 13.05 - Prohibited Signs
- Article 13.06 - Nonconforming Signs

CHAPTER 14 – PARKING REQUIREMENTS

- Article 14.01 - Parking Requirements by Use
- Article 14.02 - Purpose
- Article 14.03 - General Regulations
- Article 14.04 - Screen Wall Required
- Article 14.05 - Landscaping Required

CHAPTER 15 – NONCONFORMING BUILDINGS, STRUCTURES, USES AND LOTS

- Article 15.01 - General

- Article 15.02 - Nonconforming Buildings, Structures and Uses
- Article 15.03 - Nonconforming Lots
- Article 15.04 - Development Standards

CHAPTER 16 – LANDSCAPING AND BUFFERING

- Article 16.01 - Minimum On-Site Landscaping Required
- Article 16.02 - Location of Required Landscaping
- Article 16.03 - Landscape Buffer Required
- Article 16.04 - Required Landscape Materials

CHAPTER 17 – HISTORIC PRESERVATION ZONE

- Article 17.01 - Purpose
- Article 17.02 - Definitions
- Article 17.03 - Historic Preservation Commission
- Article 17.04 - Initiation or Amendment of Historic Preservation Zoning Districts
- Article 17.05 - Criteria for Establishing a Historic Preservation Zoning District
- Article 17.06 - Permitted Uses
- Article 17.07 - Signs Within a Historic Preservation Zoning District
- Article 17.08 - Historic District Development Review
- Article 17.09 - Development Plan Requirements
- Article 17.10 - Compliance
- Article 17.11 - Appeal
- Article 17.12 - Criteria for the Alteration of Existing Structures or the Construction of New Structures Within a Historic Preservation Zoning District
- Article 17.13 - Demolition of Structures or Landmarks Within a Historic Preservation Zoning District
- Article 17.14 - Post-Demolition Requirements
- Article 17.15 - Maintenance
- Article 17.16 - Applicability

CHAPTER 18 – MURAL REGULATIONS

- Article 18.01 - Purpose
- Article 18.02 - General Regulations and Guidelines
- Article 18.03 - Regulation of Murals
- Article 18.04 - Additional Regulation for the Historic Preservation District

ZONING

CHAPTER 12-1 - TITLE, AUTHORITY, PURPOSE, JURISDICTION, REPEALER, SEVERABILITY, CONFLICTS WITH OTHER REGULATIONS, AND RELATIONSHIP TO GENERAL PLAN

Article 12-1.01 - Title This title shall be known and may be cited as "The Zoning Ordinance of the City of Williams, Arizona." (Ord. 747 §1(part) , 1995)

Article 12-1.02 - Authority This title is adopted pursuant to the authority contained in Section 9-462.01, et seq., of the Arizona Revised Statutes in order to conserve and promote the public health, safety and general welfare. (Ord. 747 §1(part), 1995)

Article 12-1.03 - Purpose

- (a) To conserve and promote the public health, safety and general welfare by regulating the use of buildings, structures and land and the intensity of land use for agriculture, residence, business, industry and other purposes.
- (b) To support and implement the adopted general plan. (Ord. 747 §1(part), 1995)

Article 12-1.04 - Jurisdiction This title shall be effective within the incorporated boundaries of the City of Williams, Arizona. (Ord. 747 §1(part), 1995)

Article 12-1.05 - Severability

- (a) If any part of "The Zoning Ordinance of the City of Williams, Arizona," is found to be invalid or unconstitutional by any court, such action shall not apply to the ordinance as a whole and it is intended and declared that all parts of said "Zoning Ordinance of the City of Williams, Arizona," not expressly declared to be invalid or unconstitutional shall continue in full force and effect. (Ord. 747 §1(part), 1995)

Article 12-1.06 - Conflict With Other Rules or Regulations

- (a) The provisions of this title are minimum requirements except when stated otherwise.
- (b) This title is not intended to interfere with any existing ordinance of the City of Williams except when this title imposes greater restrictions or regulations than are imposed or required by an existing ordinance, deed restriction, covenant, easement or agreement between parties, this title shall control. (Ord. 747 §1(part), 1995)

Article 12-1.07 - Relationship to General Plan

- (a) This title is intended to implement the planning policies adopted by the Planning and Zoning Commission and City Council as reflected in the general plan.
- (b) This title and any amendments thereto will be in conformity with the adopted general plan. (Ord. 747 §1(part), 1995)

CHAPTER 12-2 – COMPLIANCE, ENFORCEMENT AND PENALTIES

Article 12-2.01 - Compliance

- (a) Any existing or future building or structure that is erected, constructed, reconstructed, altered, repaired, converted or maintained; and any existing or future use of land shall be in compliance to this title.
- (b) No building permit may be lawfully issued until all requirements of this title have been met.
- (c) A certificate of zoning compliance is required with the issuance of any building permit or use of any land. (Ord. 747 §1(part), 1995)

Article 12-2.02 - Enforcement

- (a) A Zoning Administrator shall be appointed by the City Manager.
- (b) The Zoning Administrator shall be responsible for the enforcement of this title. (Ord. 747 §1(part), 1995)

Article 12-2.03 - Penalties

- (a) Anyone violating any provision of this title shall be guilty of a Class 1 misdemeanor punishable by a fine or imprisonment or both.
- (b) Conviction shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both fine and imprisonment.
- (c) It is a separate offense for each and every day the violation is committed, continued or permitted.
- (d) The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of this title.
- (e) The owner, lessee, tenant, and/or other person in possession of the property or use in violation are all and equally responsible for the violations.
- (f) In addition, the City may bring civil proceeding in a court of competent jurisdiction to enforce compliance with this title including the prevention, restraining and/or abatement of the violations.

(g) In addition, any violation is declared to be a public nuisance and the city may enjoin or restrain said violation like any other nuisance under authority of any applicable City and State law. (Ord. 747 §1(part), 1995)

CHAPTER 12-3 - RULES OF CONSTRUCTION, AND DEFINITIONS

Article 12-3.01 - Rules of Construction Words in this ordinance shall be interpreted as follows:

- (a) Words used in the present tense include the future tense; words used in the futures tense include the present tense; the singular includes the plural; the plural includes the singular.
- (b) The word “may” is permissive, the words “shall” and “will” are mandatory.
- (c) The word "person" includes an individual, or any other group of individuals acting as an entity.
- (d) The following words can be used interchangeably:
 - (1) Lot, plot, parcel or premises.
 - (2) "Uses" or "occupied"
 - (3) "Dwelling", "residence"; "building" or "structure."
- (e) The term "city" shall mean the City of Williams;
- (f) "Council" shall mean the City Council;
- (g) "Commission" shall mean the Planning and Zoning Commission;
- (h) "Board" shall mean the Board of Adjustment. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-3.02 - Definitions As used in this chapter:

“Accessory” means a use, building, structure, part of a building, or part of a structure that is subordinate to, and the use of which is customarily incidental to, that of the main building, structure, or use on the same lot and that does not alter the character of the principal use or adversely affect other properties within the district. (Ord. 747 §1(part), 1995)

“Accessory dwelling unit” or “ADU” means a subordinate living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for independent living, sleeping, eating, cooking and sanitation.

“Act, The” means the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 (P.L. 93-383, as amended by P.L. 95-128, 95-557, 96-153 and 96-339). Effective date 6/15/76. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Amendment” means a change in the wording, context, or substance of this ordinance, or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map. (Ord. 747 §1(part), 1995)

“Area median income” means a number set by the United States Department of Housing and Urban Development based on a variety of factors and representing wages and earnings in the community. Area Median Income is relative to family size and community dynamics.

“ARS” means the Arizona Revised Statutes. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Automobile repair garage” means a structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

“Automobile service station” means a facility for the servicing of motor vehicles, including tire repairs, battery charging and changing, storage of merchandise, and supplies related to the servicing of motor vehicles, pumps and storage tanks for the sale and dispensing of gasoline into motor vehicles, sale of lubricants, automobile washing and grease racks, minor engine repair but excluding body and fender works, engine overhauling or other similar activities.

“Automobile, truck and trailer sales lot” means an open area used for the display, sales, and/or rental of new or used automobiles, and trailer coaches, but where no repair, repainting or remodeling is performed.

“Bed and Breakfast” means a dwelling in which three (3) or more sleeping rooms are provided for daily rental, usually including one or more meals, and not serving as a primary residence.

“Boarding house” means a dwelling in which three (3), four (4), or five (5) sleeping rooms are provided and that serves as the principal residence of the occupants. A common dining room may be provided for the residents.

“Building” means a permanent structure having a roof supported by columns or walls.

“Building, accessory” means a detached building the use of which is customarily accessory and incidental to the main use of the principal building or premises.

“Building code” means the currently adopted building code as amended by the City of Williams.

“Building, factory-built” means a residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined in this section (ARS 41-2142).

“Building height” means the vertical distance measured from the finished grade level to the highest level of the building.

“Building permit” means a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the City of Williams.

“Building, principal” means a building that houses the principal use of the lot.

“Building setback” means the distance required between a property line and the closest point of any building or structure.

“Cabana” means a structure that is constructed as an independent building adjacent to and not supported by a mobile home for the purpose of additional living or storage space to the permitted use.

“Campground” means a lot developed or used for occupancy by tents and/or recreational vehicles for transient dwelling purposes.

“Carport” means a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

“Cemetery” means the land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

“Church” means a permanently located building together with its accessory buildings and uses commonly used for religious worship fully enclosed with walls (including windows and doors) and having a structurally solid roof. A church is not a "public building."

“Clinic” means a building or part thereof in which ambulatory patients are provided diagnostic, therapeutic, or preventative medical, surgical, dental or optical treatment by a group of doctors acting conjointly, but not providing for overnight residence of patients.

“Club” means an association of persons (whether or not incorporated), religious or otherwise, for social purpose, but not including groups that are organized primarily to render a service carried on as a business for profit.

“Clubhouse” means a structure and related facilities for conducting or continuing the social purposes for which the club was organized.

“Common property” means one or more parcels of land, together with the improvements thereon, the maintenance, use and enjoyment of which are shared by the owners and occupants of the development.

“Conditional use” means a use that requires a special degree of control to make such uses consistent and compatible with other existing or permissible uses in the same district (Ord. 747 §1(part), 1995)

“Condominium” means an individual ownership of a dwelling unit in a multi-unit structure and/or development, including an undivided interest in the common areas associated therewith. A condominium may include separately owned single-story and/or multi-story dwelling units. (Ord. 892, 2008; Ord. 833, 2006; Ord. 747 §1(part), 1995)

“Condominium conversion” means an existing apartment building, apartment complex, motel or hotel that is converted to condominium ownership, provided that such building shall have been constructed in accordance with or shall have been upgraded to conform to all applicable Building Code regulations and zoning requirements. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Congregate care facility” means a long-term residential facility for elderly persons within which are provided living and sleeping rooms, a common dining room, laundry services, and room cleaning. Such facilities may also provide other services such as transportation for routine social and medical appointments.

“Contractor's yard” means an operation where building materials and construction equipment are stocked while waiting to be used for various projects.

“Covenants, Conditions and Restrictions” or “CC&Rs” means a legal declaration recorded for a platted subdivision or other property and imposing certain covenants, conditions and restrictions, as well as easements and/or other requirements, upon said property.

“Day care center” means a facility in which child care is regularly provided for 5 or more children under the age of 16, not related to the provider or his/her employees for all or any part of a 24 hour day.

- (a) Facility must meet all Federal and State licensing requirements. This definition shall not include public or private schools operating in accordance with the laws of this State.

“Drive-in establishment” means an enterprise, activity or use of land consisting primarily of sales or services rendered to patrons who normally receive the products or utilize the services while in motor vehicles upon the premises, including but not limited to gas service stations, drive-in laundry and dry cleaning pick-up stations.

“Dwelling” means a building or portion thereof designated for or occupied exclusively for residential purposes, including one-family and multiple dwellings, but not including hotels or motels.

- (a) Single-family dwelling: a detached building containing only one (1) dwelling unit;

- (b) Two-family dwelling: a detached building containing two (2) dwelling units (duplex.);
- (c) Multiple-family dwelling: a building, or portion thereof, containing three (3) or more dwelling units.
- (d) Single-family attached dwelling: an attached building containing multiple dwelling units; such as townhouses or condominiums (Ord. 833, 2006; Ord. 747 §1(part), 1995)

"Easement" means the right-to-use that a person or public entity may have on the land of another.

"Floodplain" means any land area susceptible to being inundated by flood waters from any source. (Ord. 906, 2008; Ord. 747 §1(part), 1995)

"Floodplain administrator" means the Williams City Manager or designee.

"Floodplain board" means the City of Williams governing body as regulated by the Arizona Department of Water Resources and by the Federal Emergency Management Agency. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

"Floodplain regulations" means codes, ordinances and other regulations relating to the use of land and construction within the channel, floodway and floodplain areas, including zoning ordinance, subdivision regulations, building codes, housing codes, setback requirements, open area regulations and similar methods of control affecting the use and development of the areas.

"General plan" means the plan developed and adopted by the Planning and Zoning Commission and City Council as a guide for future growth and development within the City of Williams.

"Grade" means the highest elevation of the finished ground surface adjacent to the exterior walls of a building or base of a structure, except that in the case of fences or freestanding walls, the grade shall be the finished ground surface along the base of the fence or wall and nearest the point of measurement.

"Gross floor area" means the area contained inside the building or structure as measured along the exterior walls of the building or structure.

"Group home" means a long term residential care service functioning as a single housekeeping unit providing meals, supervision, and other support services for six (6) to ten (10) elderly, physically, emotionally, and/or mentally disabled individuals not related to the owner/manager of the group home. Typical uses include adult care homes, homes for the developmentally disabled, group foster homes, and homes for the chronically mentally ill. A group home does not include nursing homes, shelter facilities or community correctional facilities.

“Hospital” means a building, or portion thereof or group of buildings, in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, outpatient department, and similar facilities that are an integral part of the principal use, e.g., alcoholic sanitariums, institutions for the care of chronic drug addicts, and residential treatment facilities for mental patients.

“Hotel” means a building other than a boarding house as defined herein, in which there are five (5) or more rooms where lodging with or without meals is provided for compensation, usually on a transient basis.

“Industry, light” means uses that do not result in extensive open yard area, storage of extensive raw materials, nor otherwise result in noise, odors, dust, lights, vibration, waste products or adversely affect the surrounding properties.

“Junk yard” means an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, processed or handled; including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles.

“Kennel” means an establishment housing more than five (5) dogs, cats, or other household pets and where grooming, breeding, training, raising, caring for or selling of animals is conducted as a business or pleasure and whether or not for profit. (Ord. 747 §1(part), 1995)

“Laundry, self-help” means a building in which washing machines and/or dryers are provided on a rental basis for use by individuals doing their laundry. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Lodge” means an order or society of persons organized for some common non-profit purpose, but not including groups organized primarily to render a service that is customarily carried on as a business. (Ord. 747 §1(part), 1995)

“Lot” means a parcel or unit of land with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder of Coconino County and held or intended to be held in a separate lease or ownership, and having frontage on at least one street unless otherwise allowed by the Zoning Code. (Ord. 906, 2008; Ord. 747 §1(part), 1995)

“Lot area” means the total area of a lot within the lot lines as measured on a horizontal plane.

“Lot coverage” means the part or percentage of a lot that is occupied by principal and/or accessory buildings.

“Lot depth” means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. (Ord. 747 §1(part), 1995).

“Lot line, front” means that lot boundary line which abuts a street, or in the case of a corner lot, that boundary line which abuts the narrowest street frontage of a lot and which the front of the building faces or will face. (Ord. 906, 2008; Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Lot line, interior” means a lot line separating two (2) adjacent lots.

“Lot line, rear” means the lot line that is opposite and most distant from the front lot line and in the case of an irregular shaped lot, the line within the lot parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

“Lot line, side” means a lot boundary line not a front lot line or a rear lot line.

“Lot width” means the width of a lot as measured at the minimum required front setback line. (Ord. 747 §1(part), 1995)

“Manufactured home” means a structure built in accordance with the Act. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Meaningful open space” means space that can be enjoyed by people.

“Mixed use” means the development of a single building containing more than one type of land use or a single development of more than one building and use including, but not limited to, residential, office, retail, recreation, public or entertainment, where the different land use types are in close proximity, are planned as a unified complementary whole, and have shared pedestrian and vehicular access and parking areas that are functionally integrated. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Mobile home” or “mobile housing” means a movable or portable dwelling over forty (40) feet in length or over eight feet wide, constructed to be towed on its own chassis and designed so as to be installed with or without a permanent foundation for human occupancy as a residence and that may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit, but not including mobile homes that were constructed prior to June 15, 1976 which are prohibited from being placed within the City limits after the effective date of this ordinance.

“Mobile home park” means a lot, parcel, or tract of land having as its principal use the rental of space for occupancy by two (2) or more mobile homes, including any accessory buildings, structures or uses customarily incidental thereto and comprising five (5) or more acres.

“Modular home” means a prefabricated or factory built dwelling intended to be assembled at and permanently affixed to a site and used for human occupancy as a residence (see also Building, Factory Built).

“Motel” means a building or group of buildings containing guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of automobile travelers, and providing automobile parking space on the premises.

“Net lot area” means the area of a lot, not including any area in a public right of way.

“Nonconforming building” means a building or portion thereof lawfully existing at the time the ordinance codified in this title became effective and which was designed, erected or structurally altered for a use that does not conform to the use of the zone in which it is located, or that does not comply with all the height and area regulations of the district in which it is located.

“Nonconforming use” means a use of a building or land, existing at the time of the adoption of the ordinance codified in this title, which does not conform to the regulations for the zone in which it is located, as set forth in this title.

“Nurseries” means commercial operations for the growth and sale of plants.

“Nursery school” means an institution for the care of children.

“Nursing home” means a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided.

“Office” means one or more rooms and accessory facilities for managing or conducting a business.

“Off-street loading facility” means a site or portion of a site provided for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, situated on the same lot with a building and entirely outside the right-of-way of any public street or alley, including loading berth, aisles, access drives and landscaped areas.

“Off-street parking facility” means a site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

“Outdoor advertising” means a sign of any type or character whatsoever and of any material whatsoever, placed for outdoor advertising purposes on the ground or on any structure or thing whatsoever.

- (a) The term “placed” as used herein shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner.

“Park” means a public or private parcel of land developed and used for passive or active recreation.

“Parking area, public” means an open area other than a street or alley that is used for the temporary parking of more than four (4) automobiles and that is available for public use whether free, for compensation or as an accommodation for clients or customers.

“Parking space” means a fully accessible space adequate for the temporary parking of vehicles, situated entirely outside the right-of-way of any public street or alley.

“Public building” means a facility for conducting public business.

(a) Includes all federal, State, County, and City offices and buildings.

“Public utility” means any person, firm corporation, municipality, or municipal board duly authorized under state or municipal regulations, to furnish to the public electricity, gas, steam, communications, water, drainage, flood control, irrigation, garbage, or trash disposal, or sewage disposal.

“Recreational vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, that either has its own motive power or is mounted on or drawn by another vehicle.

“Recreational vehicle park” means facilities for the temporary storage, parking and maneuvering of recreational vehicles (motorhomes, travel trailer, campers etc.) with roads and sites, including sanitary and water facilities. (Ord. 747 §1(part), 1995)

“Repair garage” means an establishment where the following services, in addition to the normal activities of a gas service station, may be provided: general repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; general painting and under-coating of automobiles; high-speed washing; auto, boat or trailer rental; and general sales of auto parts or accessories. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Restaurant” means an establishment that serves food or beverages.

“Rest home” means “nursing home”.

“Retail store” means a commercial business for selling goods, services, wares or merchandise directly to customers. (Ord. 747 §1(part), 1995)

“Right-of-way” means a right of road and/or utility access across or through one property to reach another property. (Ord. 906, 2008; Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Rooming house” means a building with not more than five (5) guest rooms where, for compensation and by prearrangement for definite periods of time, lodging is provided.

“Rummage sale” means a residential use in which donated personal property of one or more individuals or organizations is offered for sale by a church, civic, fraternal, or other association for charitable or non-profit purposes.

“School public or private” means a building, or a group of buildings, used for purposes of primary or secondary education, meeting all requirements of the compulsory education laws of the State of Arizona.

“School, trade” means a school offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians schools and similar commercial establishments operated by a non-governmental organization.

“Screen wall” means a masonry wall so constructed as to obscure the view of enclosed activities or uses from outside the wall.

“Setback” means the minimum horizontal distance between a lot line and the nearest point of a building, structure, or use, as the context indicates, located on a lot.

“Shelter care” means a short-term residential care service that provides temporary lodging, meals, and counseling to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children and runaways. Short-term residential care is typically less than thirty (30) days.

“Shopping center” means a cluster or grouping of stores organized in a balanced arrangement for retail trade with adequate provisions for on-site parking.

Sign. See “Outdoor Advertising.” (Ord. 747 §1(part), 1995)

“Storage container” means any storage box, portable warehouse, or similar moveable roofed enclosure placed on a lot for the purpose of storing equipment or other goods and having a gross coverage exceeding 50 square feet.

“Storage trailer” means the trailer portion of any tractor-trailer or any similar towable roofed enclosure placed on a lot for the purpose of storing equipment or other goods and having a gross coverage exceeding 50 square feet. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Street” means a public thoroughfare or right-of-way other than an alley, dedicated, deeded or condemned for use as such, that affords the principal access to abutting property, including those designated as avenue, place, way, drive, lane, boulevard, highway, road or by any other suffix.

“Street line” means a right-of-way line of a street that abuts a lot line.

“Structure” means any constructed or erected material or combination of materials the use of which requires location on the ground or attachment to something located on the ground, including buildings, stadiums, radio towers, sheds, storage bins, fences and signs.

“Swap meet” means a commercial use in which personal property of two or more individuals is offered for sale to the public.

“Swimming pool” means a constructed pool, used for swimming, bathing or wading, whether above or below the ground surface and regardless of depth or water surface area. (Ord. 747 §1(part), 1995)

“Townhouse” means a single-family attached residence in which the owner owns their unit and the ground it sits on. The community association maintains the building’s exterior and common areas. (Ord. 833, 2006; Ord. 747 §1(part), 1995)

“Trailer, travel” means a vehicle without motive power, or other portable structure with wheels built on a chassis, designed as a temporary dwelling for travel recreation and vacation purposes, having a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet.

“Trailer, utility” means a vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used only for carrying property. (Ord. 747 §1(part), 1995)

“Truck stop” or “Travel center” means a business establishment providing goods and services to travelers, especially long-haul truck drivers, including but not limited to accessories, fueling, overnight accommodations, parts, repair, rest rooms, restaurant, self-help laundry, showers, etc. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Use” means the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.

“Variance” means a modification of the literal provisions of the Zoning Ordinance granted by the Board of Adjustment upon a finding that strict enforcement of the Ordinance would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted. (Ord. 747 §1(part), 1995)

“Waterway” or “Watercourse” means a defined landform that carries water. (Ord. 906, 2008; Ord. 747 §1(part), 1995)

“Workforce housing” means housing that is affordable to residents, or potential residents, who earn up to one-hundred and fifty (150) percent of the Area Median Income for their family size, when they are spending no more than thirty-five (35) percent of their gross income on housing. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

“Wrecking yard” means a “junk yard”.

“Yard” means a required space unobstructed from the ground upward and measured as the minimum horizontal distance from a building or structure to the property line.

- (a) Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front line of the main building.
- (b) Rear: A yard extending across the full width of the lot between the main building and the rear lot line; the depth of the rear yard shall be the minimum horizontal distance from the nearest part of the rear lot line to the main building.
- (c) Side: A yard between the main building and the side lot line; the width of the side yard shall be the minimum horizontal distance from the nearest part of the side lot line to the main building.

“Yard sale/garage sale” means a sale of personal property (commonly household goods), of one (1) family, held on the premises, said sale lasting no longer than forty eight (48) hours at a time and held no more frequently than four (4) times in any twelve (12) month period.

“Zone” means any area shown on the Zoning Map of the City of Williams for which there are uniform regulations governing the use of buildings and land and the height and area of buildings.

“Zoning map” means the map entitled “The Zoning Map of the City of Williams, Arizona” and maintained in the office of the City Clerk. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

CHAPTER 12-4 - ESTABLISHMENT OF ZONING DISTRICTS, ZONING MAP,
AND INTERPRETATION OF DISTRICT BOUNDARIES

Article 12-4.01 - Zoning Districts

- (a) RR -- Rural Residential (Minimum Five (5) Acre Lot Area).
 - (1) This district is intended for very low density residential development and limited agricultural usage.
 - (2) Regulations are designed to preserve the open space characteristic of the district and to ensure the compatibility of limited agricultural uses with residential uses. Ord. 820, 2001; Ord. 747 §1(part), 1995)
- (b) AR -- Agricultural Residential (Minimum Two (2) Acre Lot Area).
 - (1) This district is intended for low density residential development and limited agricultural usage.
 - (2) Regulations are designed to preserve the open space characteristic of the district and to ensure the compatibility of limited agricultural uses with residential uses.
- (c) RI-43 -- Low Density Residential (Minimum One (1) Acre Lot Area).
 - (1) This district is intended for low density residential development on parcels of at least one acre. Land use is composed chiefly of individual homes, together with required recreation, religious and educational facilities as the basic elements of a balanced neighborhood.
- (d) ER -- Estate Residential (Minimum Fifteen Thousand (15,000) Square Feet Lot Area).
 - (1) This district is intended for master planned, large lot, estate-type, residential development. Regulations are designed to stabilize and protect the single-family residential character of the district, to promote and encourage creation of a favorable environment for family life, and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreation, religious and educational facilities as the basic elements of a balanced neighborhood. Certain essential and complementary uses are permitted under conditions and standards that ensure their compatibility with the character of the district.
- (e) R1-7 -- Single-Family Residential (Minimum 7,000 Square Feet Lot Area)
 - (1) This district is intended to promote and preserve residential development. Regulations are designed to stabilize and protect the single-family residential character of the district, to promote and encourage creation of a favorable environment for family life, and to prohibit all incompatible activities. Land use is composed chiefly of individual homes, together with required recreation, religious

and educational facilities as the basic elements of a balanced neighborhood. Certain essential and complementary uses are permitted under conditions and standards that ensure their compatibility with the character of the district.

(f) RMH-1 - Single-Family Residential Including Mobile Homes (Minimum 5,000 Square Feet Lot Area)

- (1) This district is intended to promote and preserve residential development. Regulations are designed to stabilize and protect the single-family residential character of the district, to promote and encourage creation of a favorable environment for family life, and to prohibit all incompatible activities. Land use is composed chiefly of individual homes and/or mobile homes, together with required recreation, religious and educational facilities as the basic elements of a balanced neighborhood. Certain essential and complementary uses are permitted under conditions and standards that ensure their compatibility with the character of the district. Ord. 747 §1(part), 1995)

(g) R-2 – Low-Density Multiple-Family Residential

- (1) This district is intended to promote and preserve residential development consisting of single-family (attached and detached) and two-family homes. Regulations are designed to stabilize and protect the residential character of the district, to promote and encourage creation of a favorable environment for family life, and to prohibit all incompatible activities. Land use is composed chiefly of individual attached and/or detached homes and/or two-family homes, together with required recreation, religious and educational facilities as the basic elements of a balanced neighborhood. Certain essential and complementary uses are permitted under conditions and standards that ensure their compatibility with the character of the district (Ord. 833, 2006; Ord. 747 §1(part), 1995)

(h) R-3 – Medium-Density Multiple-Family Residential

- (1) This district is intended to promote and preserve residential development consisting of single family (attached and detached), two-family and multi-family dwelling units including apartments, town homes and condominiums. Regulations are designed to stabilize and protect the residential character of the district, to promote and encourage creation of a favorable environment for family life, and to prohibit all incompatible activities. Land use is also composed of recreation, religious and educational facilities as the basic elements of a balanced neighborhood. Certain essential and complementary uses are permitted under conditions and standards that ensure their compatibility with the character of the district (Ord. 833, 2006; Ord. 747 §1(part), 1995)

(i) CBD - Central Business District

- (1) This district is intended to promote and preserve a full range of business, commercial, government, financial and other compatible business and commercial uses all located in or in close proximity to the existing and historical central business area of the

community. In addition, the district is intended to allow for mixed-use development and high density residential uses in the form of multi-family housing, including apartments, town homes and condominiums.

- (2) The allowed uses are intended to serve the needs of the entire community and the larger service area surrounding the community.

(j) CR - Commercial Residential District

- (1) This district is intended to promote and preserve a full range of business, commercial, government, financial and other compatible business and commercial uses and all residential uses in close proximity to the existing historical central business area of the community. In addition, the district is intended to allow for mixed-use development and high density residential uses in the form of multi-family housing, including apartments, town homes and condominiums.

- (2) The allowed uses are intended to serve the needs of the entire community and the larger service area surrounding the community.

- (3) The allowed residential uses are included to promote the viability of these uses for as long as possible.

(k) HC- Highway Commercial

- (1) This district is intended to promote, preserve and be limited to highway and tourist related business and commercial uses located at or close to the Interstate 40 interchanges. In addition, the district is intended to allow for mixed-use development and high density residential uses in the form of multi-family housing, including apartments, town homes and condominiums. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

(l) I-1 - Light Industrial

- (1) This district is intended to promote light industrial uses that are compatible with all surrounding districts.

(m)I-2 - Heavy Industrial

- (1) This district is intended to promote heavy industrial uses that are compatible with all surrounding districts.

(n) HP - Historical Preservation Overlay Zone

- (1) The purpose of this zone is to promote the educational, cultural, economic and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation and rehabilitation of historic districts therein. The historic zone designation is to be superimposed over existing zones where there are surviving properties in their original setting or that give a historic dimension to the City. This zone is intended to encourage the retention

of historic properties and archaeological sites and to preserve, and keep them in active use and in their original appearance, setting and placement rather than to modify uses in the underlying zones. It is also intended that new or remodeled buildings, located within historic districts, be designed and constructed to harmonize with buildings located within the immediate vicinity in order to preserve property values, to provide for future development and to promote an awareness of the heritage of Williams, Arizona among residents of and visitors to the community. (Ord. 747 §1(part), 1995)

(o) BP – Business Park

- (1) This district is intended to provide for the development of a mix of office, research and production, and quality light industrial uses with the emphasis on office and research uses. The uses are to be grouped in a campus or park like setting and shall be performed or carried out entirely within completely enclosed buildings. The district is further intended to promote the provision of ample off street parking and loading areas, open space, and landscape buffers in areas adjacent to non-business development or other incompatible land uses. In addition, the district is intended to allow for mixed-use development and high density residential uses in the form of multi-family housing, including apartments, town homes and condominiums. (Ord. 892, 2008)

Article 12-4.02 - Zoning Map

The zoning districts are shown on a map entitled "The Zoning Map of the City of Williams, Arizona" which is maintained in the office of the City Clerk of the City of Williams and which is hereby incorporated into this ordinance by reference. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-4.03 - Interpretation of District Boundaries

- (a) Where the locations of any zoning district boundaries are unclear, the following rules shall apply:
 - (1) District boundaries follow street, highway or railroad dedicated right of way lines and lot lines;
 - (2) Dimensions are either shown on the zoning map or shall be determined by the use of the scale shown on the zoning map.
 - (3) Where the application of the above rules does not clarify the zoning district boundary location, the Zoning Administrator shall determine the location. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-4.04 – Annexation Territory annexed to the city shall be zoned as RR - RURAL RESIDENTIAL unless and until such time the City Council approves a change of zone request. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

**CHAPTER 12-5 - USES PERMITTED IN EACH ZONING DISTRICT AND
ADDITIONAL REQUIREMENTS AND CLARIFICATIONS FOR USES
PERMITTED IN EACH ZONING DISTRICT**

Article 12-5.01 - Uses Permitted In Each Zoning District

Uses	RR	AR	R1-43 & ER	R1-7	RMH-1	R-2	R-3	CBD	CR	HC	I-1	I-2	BP	HP
Residential														
Accessory dwelling unit (ADU)	X(hh)	X(hh)	X(hh)	X(hh)	X(hh)	X(hh)	X(hh)	X(hh)	X(hh)				X(hh)	X(z)
Bed and breakfast	X(aa)	X(aa)	X(aa)	X(aa)	X(aa)	X(aa)	X(aa)	X(aa)	X(aa)	X(aa)				X(z)
Boarding house							X		X					X(z)
Dwelling unit								X(y)	X(y)	X(y)				X(z)
Manufactured home	X(cc)	X(cc)			X(cc)									X(z)
Mobile home					C(w)									X(z)
Mobile home park					C(w)									X(z)
Modular home	X(x)	X(x)	X(x)	X(x)	X(x)	X(x)	X(x)	X(x)	X(x)	X(x)				X(z)
Multi-family dwelling							X		X					X(z)
One-family dwelling	X	X	X	X	X	X	X		X					X(z)
Two-family dwelling						X	X		X					X(z)
Agriculture														
General agriculture	X(a)	X(a)												X(z)
Roadside stands	X(b)	X(b)												X(z)
Stables	C(c)	C(c)												X(z)
Other														
Accessory uses	X(d)	X(d)	X(d)	X(d)	X(e)	X(e)	X(e)	X(f)	X (e)(f)	X(f)	X(f)	X(f)		X(z)
Airport											C	C		X(z)
Business park uses													X(gg)	X(z)
Cemetery	X(g)	X(g)	X(g)	X(g)	C(g)	C(g)	C(g)							X(z)
Church	X(h)	X(h)	X(h)	X(h)	X(h)	X(h)	X(h)	X(h)	X(h)					X(z)
Commercial, CBD								X(i)	X(i)					X(z)
Commercial, highway								X(j)		X(j)				X(z)
Congregate care						C	X	X	X					X(z)
Day care center	C	C	C	C	C	C	C	X	X					X(z)
Domestic animals	X(k)	X(k)	X(k)	X(k)	X(k)	X(k)	X(k)		X(k)					X(z)
Dude ranch	C	C	C											X(z)
Group home	X(l)	X(l)	X(l)	X(l)	X(l)	X(l)	X(l)	X(l)	X(l)	X(l)				X(z)
Home occupations	X(m)	X(m)	X(m)	X(m)	X(m)	X(m)	X(m)		X(m)					X(z)
Industrial, heavy												X(n)		X(z)
Industrial, light											X(o)	X(o)		X(z)
Kennel	C	C									C	C		X(z)
Laundry, self-help								X	X					X(z)
Metal building	X(dd)	X(dd)									X(dd)	X(dd)		X(z)
Mixed use								X	X	X			X	X(z)

Uses	RR	AR	R1-43 & ER	R1-7	RMH-1	R-2	R-3	CBD	CR	HC	I-1	I-2	BP	HP
Other (cont.)														
Public uses	X(p)	X(p)	X(p)	X(p)	X(p)	X(p)	X(p)	X(p)	X(p)	X(p)	X(p)	X(p)		X(z)
Public utility	X(q)	X(q)	X(q)	X(q)	X(q)	X(q)	X(q)	X(q)	X(q)	X(q)	X(q)	X(q)		X(z)
Recreational vehicle park	C(s)	C(s)								C(s)	C(s)			X(z)
Radio and TV studio								X(r)	X(r)		X(r)	X(r)		X(z)
Radio/TV towers								C	C		C	C		X(z)
Sales office, subdivision	C(t)	C(t)	C(t)	C(t)	C(t)	C(t)	C(t)							X(z)
Schools, private	X(u)	X(u)	X(u)	X(u)	X(u)	X(u)	X(u)							X(z)
Shelter care							C	X	X					X(z)
Signs	X(v)	X(v)	X(v)	X(v)	X(v)	X(v)	X(v)	X(v)	X(v)	X(v)	X(v)	X(v)		X(z)
Storage containers and trailers	X(ee)	X(ee)	X(ee)	X(ee)	X(ee)	X(ee)	X(ee)	X(ee)	X(ee)	X(ee)	X(ff)	X(ff)		X(z)

LEGEND

X means allowed use

C means conditional use (see conditional use Chapter 12-11 of this title)

Letters (a) -- (ii) refer to additional requirements or clarifications listed in Article 12-5.02, subsections (a) -- (ii) (Ord. 892, 2008; Ord. 844, 2004; Ord. 772 §1, 1997; Ord. 747 §1(part), 1995)

Article 12-5.02 - Additional Requirements and Clarifications for Uses Permitted in each Zoning District

(a) General agriculture includes:

(1) Nurseries, greenhouses, orchards, aviaries, apiaries, raising of field crops, tree crops, berry and bush crops, vegetable and herb gardening, and irrigation systems public and private;

(2) Farm animals provided:

(A) That all animals be maintained so as not to create or cause a nuisance,

(B) Notwithstanding any other provision, the maximum number of animals, excepting common house pets allowed to be kept on the premises shall be as follows:

(i) Three (3) animals may be kept on two acres plus two (2) animals for each additional acre,

(ii) All livestock and poultry kept shall be kept confined to the premises by erection and maintenance of a stock-tight fence and necessary cattle guards,

(iii) Notwithstanding any other provision only one (1) hog may be kept on the premises;

(3) All other agriculture uses, including a guest ranch, require a conditional use.

(b) Retail sales structures of less than one thousand (1,000) square feet that are located on the premise where the products are raised and offered for sale.

- (c) Horse riding, training, or boarding stables on a minimum lot size of ten (10) acres.
- (d) Limited to fences and walls (see the fences and walls section), garage, enclosed storage, barn, satellite earth station, swimming pool, amateur radio tower, game court (unlighted), home occupation (see home occupation in subsection (m) of this section) and household pets.
 - (1) Walls and Fences
 - (A) No higher than three (3) feet in the front yard;
 - (B) No higher than six feet six inches (6'-6") in the side or rear yard;
 - (C) Open wire fences exceeding the above heights are allowed around schools and other public or quasi-public uses when necessary for the safety or restraint of the occupants thereof;
 - (D) No fence may contain barbed wire, electrical current, broken glass, or other hazardous material, except storage areas in industrial zoning districts may use barbed wire provided the barbs are a minimum of six (6') feet above grade;
 - (E) In the commercial and industrial zones a six (6') foot high solid wall shall be constructed and maintained along the property lines adjoining a residential zone.
- (e) Limited to fences and walls (see fences and walls in subsection (d) of this section), garage, enclosed storage, satellite earth station, swimming pool, amateur radio tower, home occupation (see home occupation in subsection (m) of this section), yard sales limited to three (3) events each no longer than three (3) consecutive days per residence per each calendar year, and household pets.
- (f) Limited to uses customary and incidental to the principal use of the property, satellite earth station, amateur radio tower (see fences and walls in subsection (d) of this section).
- (g) Must contain a minimum of 40 acres, ten of which shall be subdivided and developed in the initial plat.
- (h) Churches and church schools (but not dormitories) provided that all buildings are located on a lot of at least ten thousand (10,000) square feet in size or the minimum lot size in the district whichever is larger and are located not less than fifty (50') from any lot line.
- (i) Commercial, CBD, includes indoor business uses serving the daily needs of the immediate neighborhood as well as community level needs including the following and similar uses:
 - (1) Appliance, furniture, and household equipment rentals;
 - (2) Places of assembly including: Assembly halls, Ballrooms, Theaters;
 - (3) Automotive services including automobile service station, commercial parking lot, automotive repair but not including body or radiator repair;

- (4) Banks and other financial institutions;
- (5) Business schools;
- (6) Business support services;
- (7) Charitable organizations;
- (8) Churches;
- (9) Day care center;
- (10) Eating and drinking establishments with. on premises alcoholic beverage sale provided it is not within one hundred (100) feet of any residential district, and limited to the serving of food or beverages inside a building or adjacent, secure enclosure, and live entertainment including music, or dancing but no adult entertainment;
- (11) Emergency medical care facility;
- (12) Governmental services, public utility offices and exchanges, excluding storage or repair services;
- (13) Hotels and motels;
- (14) Live entertainment including music, or dancing but no adult entertainment;
- (15) Lodges or fraternal associations;
- (16) Medical and dental office, including veterinarians;
- (17) Office uses;
- (18) Personal services and repair;
- (19) Plant nursery including wholesale and retail sales;
- (20) Private recreational and clubs;
- (21) Restaurant;
- (22) Retail stores;
- (23) Self storage warehouse;
- (24) Shelter care facilities;
- (25) Taxi stand, parking garages above or below ground;
- (26) Theaters, assembly halls, ballrooms and similar places of assembly;
- (27) Vehicle facilities for sales, leasing, rental and/or repair of automobiles, recreation vehicles, trucks and/or trailers, and where vehicles may be stored on site;

- (28) Vehicle services including automobile service station, commercial parking lot, vehicle repair, new or used automobile, motorcycle, boat, truck, and recreational vehicle sales and repair, vehicle repair garage, provided the storage or parking of wrecked motor vehicles shall be within an enclosed building or a compound yard enclosed by a six (6) foot high solid wall, except for driveway openings.
- (j) Commercial, highway includes indoor business uses serving the needs of travelers, visitors, and tourists including only the following:
- (1) Automotive services including automobile service station, automotive repair but not including body or radiator repair;
 - (2) Gift shop and convenience grocery store in conjunction with an automobile service station, motel or truck stop;
 - (3) Motel;
 - (4) Restaurant;
 - (5) Truck stop.
- (k) Provided that such animals are household pets and that kennels are not maintained.
- (l) Group homes and supervisory care facilities are permitted provided that:
- (1) No group home is located on a lot within one thousand three hundred twenty (1,320) feet, measured by a straight line in any direction, from the lot line of another group home;
 - (2) When required by state or federal regulation, the home is licensed by, certified by, approved by, registered with, or under contract with a federal, state or local government and evidence of such is provided to the Zoning Administrator;
 - (3) No change altering the property's residential character shall be made to the exterior of the buildings or the grounds;
 - (4) The location of the group home has been approved by the Zoning Administrator;
 - (5) An administrative record of each group home is maintained by the Zoning Administrator.
- (m) Home Occupations shall mean any occupation or profession customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein; and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes; and does not change the character thereof; and in connection with which there are no employees other than an immediate member of the family residing in the dwelling unit; and no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. Home Occupations shall require a valid City of Williams business license, and shall have students or clients on premises by appointment only subject to the following limitations:

- (1) Instructional Occupations, including but not limited to art, dance, exercise, martial arts and music, shall have no more than four (4) students on the premises at any one session;
 - (2) Service Occupations, including but not limited to accounting, automotive detailing, cabinet making, furniture making, hair dressing, sewing, tax preparation and taxidermy, shall have no more than one (1) client on the premises at any time.
- (n) Heavy industrial uses including any kind of scientific research, manufacturing, compounding, assembling, processing or treatment, provided that:
- (1) All uses shall be operated entirely within an enclosed building, except that a junk yard operation shall be completely enclosed with a solid masonry wall and no material or other storage items shall be stacked higher than the height of the wall.
 - (2) Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations shall be confined to the heavy industrial zone and controlled in accordance with city, county, state, and federal environmental laws.
- (o) Light industrial uses including any kind of scientific research, manufacturing, compounding, assembling, processing or treatment, provided that:
- (1) All uses shall be operated entirely within enclosed buildings;
 - (2) Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights, vibrations shall be confined to the interiors of the buildings and shall be controlled in accordance with all applicable city, county, state, and federal environmental laws;
 - (3) Travel and parking portions of the lot shall be dust proofed;
 - (4) Such uses include but are not limited to the following:
 - (A) Auction yard,
 - (B) Bakery,
 - (C) Printing and newspaper office,
 - (D) Blacksmith shop,
 - (E) Bottling works,
 - (F) Builders supply yards,
 - (G) Cabinet making shop,
 - (H) Carpenter shop,
 - (I) Commercial dairy,
 - (J) Commercial laundry,
 - (K) Concrete batch plant only if portable,
 - (L) Dairy processing and distribution plant,
 - (M) Dry cleaning plant,
 - (N) Electrical shop,

- (O) Frozen food locker (no slaughtering on the premises),
- (P) Furniture upholstery,
- (Q) Greenhouses, (plant nurseries) for wholesale/retail distribution of plants grown on the site,
- (R) Heavy equipment sales and service,
- (S) Ice and cold storage plants,
- (T) Lumber yards,
- (U) Machine shops,
- (V) Plumbing shop,
- (W) Public utility facilities,
- (X) Publishing plant,
- (Y) Roofing shops,
- (Z) Sheet metal shops,
- (AA) Tire vulcanizing,
- (BB) Transportation depots,
- (CC) Veterinary clinic including kennels and boarding,
- (DD) Veterinary hospitals,
- (EE) Warehouse.

(p) Limited to:

- (1) Public schools (limited to elementary, junior high and high school -- other public schools are a conditional use);
 - (2) Public parks, and playgrounds;
 - (3) Public golf courses including club houses, but not including miniature golf courses or practice driving tees;
 - (4) Other publicly owned and operated buildings or properties require a conditional use in all zoning districts other than the commercial and industrial zoning districts;
 - (5) All publicly owned and operated buildings or properties are allowed as a use by right in the commercial and in the industrial zoning districts provided that all outdoor storage or operations are screened from all residential zoning districts and public rights-of-way.
- (q) Public utility facilities required for local service, provided that there are no offices, no repair or storage facilities, no outdoor storage, or full time employees related to the site.
- (r) Radio and TV studios, provided that no masts or towers used for transmission or broadcasting purposes are erected on the premises except as a conditional use.
- (s) Recreational vehicle park subject to the requirements of the recreational vehicle park chapter (Chapter 12-12) of this ordinance.

- (t) Including model homes, temporary sales offices, and construction trailers.
- (u) Limited to elementary, junior high and high school but not dormitories. Other private schools are a conditional use.
- (v) Signs are subject to the sign chapter of this ordinance.
- (w) Mobile home park subject to the requirements of the mobile home park chapter (Chapter 12-8) of this ordinance.
- (x) Modular Homes
 - (1) Modular homes may be erected in any zone allowing residential use in lieu of site built dwellings if all other requirements of this section are met.
 - (A) The components bear manufacturer's certification indicating they meet all requirements of the Uniform Building Code for residential use.
 - (B) Any and all transporting gear is removed.
 - (C) The structure is placed on, and permanently affixed to a permanent foundation meeting all requirements of the Uniform Building Code which requirements shall include but are not limited to exterior foundation insulation to a value of R-11 or more.
 - (D) The structure must meet all City Building Codes.
 - (E) No title is issued or the title is surrendered.
 - (F) The modular home installation is approved by the Building Inspector.
 - (G) The dwelling unit is assessed as real property by the Coconino County Assessor.
- (y) A one-family dwelling unit is allowed on each floor above the first floor or in the rear yard.
- (z) The historic district zone is an overlay zone. Any use permitted by the existing zones over which historic district zoning is superimposed shall be allowed. The area zoned as a historic district shall be designated by its underlying zone name plus the preface "H".
- (aa) Bed and breakfast uses are allowed as follows:
 - (1) With four (4) guest sleeping rooms or less in all zoning districts except industrial, provided that, in residential districts, no bed and breakfast is located on a lot within one thousand three hundred twenty (1,320) feet, measured by a straight line in any direction, from the lot line of another bed and breakfast.
 - (2) With five (5) or more guest sleeping rooms in only the R3, CBD, CR, HC, and HP districts.

(bb) Additional uses in R1-7 zoning district. Notwithstanding anything else contained herein to the contrary, the following additional uses will be permitted in R1-7 zoning:

- (1) Modular home as an allowed use in the R1-7 Zoning District, subject to the provisions of subsection (x) of this Section.
- (2) One-family dwelling as an allowed use in the R1-7 Zoning District.
- (3) Accessory uses as an allowed use in R1-7 zoning district, subject to the provisions of subsection (d) of this Section.
- (4) Cemetery human/pet as a conditional use in R1-7 zoning district, subject to the provisions of subsection (g) of this Section.
- (5) Church as an allowed use in the R1-7 zoning district, subject to the provisions of subsection (b) of this Section. (Ord. 892, 2008; Ord. 844, 2004; Ord. 750 § 1 (part), 1995), Ord. 747 §1 (part), 1995.

(cc) Manufactured homes are allowed as follows:

- (1) Dwelling must be multi-sectional.
- (2) The unit must be installed on a foundation system in compliance with all applicable requirements of the Uniform Building Code.
- (3) The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
- (4) The roof must be constructed of shingles or other material customarily used for conventional dwellings.
- (5) All tow bars, wheels, axles and other towing equipment shall be removed when the dwelling is installed on a lot.
- (6) Unit must be permanently affixed to the property and its title surrendered.
- (7) When appropriate, permanent stairs/porch must be installed in lieu of temporary stairs/porch.
- (8) The unit must not exceed five (5) years of age on date of installation.
- (9) Roof must support snow load of at least forty (40) pounds.
- (10) Unit must possess a minimum 12-inch overhang for eaves.
- (11) Electric service must be mounted to structure of unit. (Ord. 892, 2008; Ord. 844, 2004; Ord. 750 §1, 1996; Ord. 747 §1(part), 1995)

(dd) Buildings constructed entirely or partially with metal siding, including the type of structure known as “Quonset Hut,” are allowed as principal and/or accessory buildings

in Zones I-1 and I-2. Such buildings are also allowed as principal and/or accessory buildings in Zones RR and AR subject to the following provisions:

- (1) Unpainted or gray metal or highly-reflective buildings are not acceptable.
 - (2) An accessory building shall have the same color siding as the principal building.
 - (3) An accessory building shall have the same color roof as the principal building.
 - (4) An accessory building shall have window and door types similar to the principal building.
 - (5) Landscaping shall be utilized to soften the impact of any such building and to shield it from view.
- (ee) No storage trailer or storage container shall be allowed in any Residential or Commercial zone except for temporary use during construction and on the site of said construction.
- (ff) A storage trailer or storage container shall be allowed in an Industrial Zone on a temporary or permanent basis. Any such storage trailer or container on the property more than 90 days shall be deemed permanent, and must then be affixed to a permanent (non-movable) foundation. The Commission may recommend and Council may require that such storage trailers or containers be screened from view of adjacent and/or nearby properties. (Ord. 892, 2008; Ord. 844, 2004; Ord. 750 §1, 1996; Ord. 747 §1(part), 1995)
- (gg) Business park uses serving the daily needs of the immediate neighborhood, the community and the surrounding area, as well as providing goods and services regionally, nationally and/or internationally, provided that:
- (1) All uses shall be operated entirely within enclosed buildings;
 - (2) Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights, vibrations shall be confined to the interiors of the buildings and shall be controlled in accordance with all applicable city, county, state, and federal environmental laws;
 - (3) Travel and parking portions of the lot shall be paved per city standards;
 - (4) Business park uses include but are not limited to the following:
 - (A) Assembly halls, Ballrooms, Theaters and other places of assembly;
 - (B) Automotive services including automobile service station, commercial parking lot, automotive repair but not including body or radiator repair;
 - (C) Banks and other financial institutions;
 - (D) Business offices, schools and support services;
 - (E) Business support services;
 - (F) Charitable organizations;
 - (G) Churches;
 - (H) Day care center;

- (I) Eating and drinking establishments with. on premises alcoholic beverage sale provided it is not within one hundred (100) feet of any residential district, and limited to the serving of food or beverages inside a building or adjacent, secure enclosure, and live entertainment including music, or dancing but no adult entertainment;
- (J) Emergency medical care facility;
- (K) Governmental services, public utility offices and exchanges, excluding storage or repair services;
- (L) Hotels;
- (M) Live entertainment including music, or dancing but no adult entertainment;
- (N) Lodges or fraternal associations;
- (O) Medical and dental office;
- (P) Parking garages-above or below ground;
- (Q) Restaurants;
- (R) Retail stores;
- (S) Taxi stands;
- (T) Vehicle facilities for sales, leasing, rental and/or repair of automobiles, recreation vehicles, trucks and/or trailers, and where vehicles may be stored on site.

(hh) Accessory dwelling units (ADUs) may be permitted as follows:

- (1) ADU's are allowed in certain designated residential zoning districts, either within, attached to or detached from existing or new residences, subject to all setbacks, open space and other density requirements of the district in which they are located, subject to all parking requirements of this zoning code and subject to any codes, covenants and restrictions in effect for the property on which they are located.
- (2) the principal residence must not be a mobile home.
- (3) the ADU must be conventionally framed
- (4) the ADU square footage must not exceed sixty percent (60%) of the principal residence square footage.
- (5) when platted with a new subdivision, ADUs may be located on the rear and interior side property lines provided that they are located above garages, and that:
 - (A) Two (2) such ADUs are designed and constructed together at the common intersection of the rear and interior lot lines of two (2) lots having alley access; or
 - (B) Four (4) such ADUs are designed and constructed together at the common intersection of the rear and interior side lot lines of four (4) lots.
- (6) ADUs may be permitted in new multiple dwelling condominium developments. (Ord. 892, 2008; Ord. 750 §1, 1996; Ord. 747 §1(part), 1995)

(PAGE LEFT BLANK INTENTIONALLY)

CHAPTER 12-6 - DENSITY SCHEDULE AND ADDITIONAL REQUIREMENTS

Article 12-6.01 - Density Schedule

	RR	AR	R1-43	ER	R1-7	RMH-1	R-2	R-3	CBD & CR	HC	I-1	I-2	HP
Minimum Lot Area	<u>5</u> acres (p)	<u>2</u> acres (p)	<u>1</u> acre (p)	<u>15,000</u> sq. ft. (p)	<u>7,000</u> sq. ft. (p)	<u>5,000</u> sq. ft. (p)	<u>4,500</u> sq. ft. (n)(p)	<u>4,500</u> sq. ft. (n)(p)	none	none	none	none	(m)
Minimum Lot Width	<u>295</u> feet	<u>295</u> feet	<u>100</u> feet	<u>100</u> feet	<u>50</u> feet	<u>50</u> feet	<u>50</u> feet (n)	<u>60</u> feet (n)	none	<u>50</u> feet	none	none	(m)
Minimum Front Yard													
Principal use	<u>60</u> feet	<u>60</u> feet	<u>25</u> feet	<u>30</u> feet	<u>20</u> feet	<u>20</u> feet	<u>20</u> feet	<u>25</u> feet (n)	<u>0</u> feet	<u>25</u> feet + (h)	<u>25</u> feet + (h)	<u>25</u> feet + (h)	(m)
Accessory use	<u>60</u> feet	<u>60</u> feet	<u>25</u> feet	<u>30</u> feet	<u>20</u> feet	<u>20</u> feet	<u>20</u> feet	<u>25</u> feet	<u>0</u> feet	<u>25</u> feet + (h)	<u>25</u> feet + (h)	<u>25</u> feet + (h)	(m)
Minimum Side Yard													
Principal use	<u>15</u> feet	<u>15</u> feet	<u>25</u> feet	<u>15</u> feet	<u>5</u> feet (a)	<u>5</u> feet (a)	<u>5</u> feet (b)	<u>5</u> feet (b)	<u>0</u> feet (f)	<u>10</u> feet + (i)	<u>10</u> feet + (i)	<u>10</u> feet + (i)	(m)
Accessory use	<u>15</u> feet	<u>15</u> feet	<u>25</u> feet	<u>15</u> feet	<u>5</u> feet (a)	<u>5</u> feet (a)	<u>5</u> feet (a)	<u>5</u> feet (b)	<u>0</u> feet (f)	<u>10</u> feet + (i)	<u>10</u> feet + (i)	<u>10</u> feet + (i)	(m)
Minimum Rear Yard													
Principal use	<u>30</u> feet	<u>30</u> feet	<u>25</u> feet	<u>40</u> feet	<u>15</u> feet	<u>15</u> feet	<u>15</u> feet (c)	<u>15</u> feet (g)	<u>0</u> feet (g)	<u>25</u> feet (g)	<u>10-50</u> feet (g)	<u>10-50</u> feet (g)	(m)
Accessory use	<u>30</u> feet	<u>30</u> feet	<u>25</u> feet	<u>40</u> feet	<u>15</u> feet	<u>15</u> feet	<u>15</u> feet (c)	<u>15</u> feet (g)	<u>0</u> feet (g)	<u>25</u> feet (g)	<u>10-50</u> feet (g)	<u>10-50</u> feet (g)	(m)
Maximum Building Height													
Principal use	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	(m)
Accessory use	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	<u>35</u> feet (d)	(m)

Article 12-6.01 - Density Schedule (Continued)

	RR	AR	R1-43	ER	R1-7	RMH-1	R-2	R-3	CBD & CR	HC	I1	I2	HP
Minimum Open Space	85%	75%	75%	65%	65%	60%	40%	30% (e)	0%	30%	30%	30%	(m)
Minimum Land Area per Dwelling Unit							1,500 sq. ft. (n)	1,500 sq. ft. (n)					(m)
Minimum Separation between Buildings	10 feet (j)	10 feet + (l)		20 feet (k)	20 feet (k)	20 feet (k)	(m)						

LEGEND

Letters (a) - - (p) refer to additional requirements or clarifications listed in Article 12-6.02, subsections (a) - - (p). (Ord. 892, 2008; Ord. 833, 2006; Ord. 750 §2(part), 1996; Ord. 747 §1(part), 1995)

Article 12-6.02 - Additional Requirements and Clarifications for Density Schedule

- (a) Provided the total of the two side yards is at least fifteen (15) feet.
- (b) Provided that for an apartment building on a single lot or parcel the total of the two side yards is at least fifteen (15) feet; for town homes on individual lots, no more than four town home units may be joined in a single structure, with setbacks of ten (10) feet for open side yards and zero (0) feet for interior lot lines between adjoining town home units.
- (c) When abutting a residential or mobile district.
- (d) Not to exceed three (3) stories.
 - (1) Building Height Exceptions
 - (A) In any district, to church spires, belfries, cupolas, and domes not for human occupancy; monuments; water towers; flagpoles; non-commercial radio or television antennas, provided that such a structure or antenna shall be so located and constructed that if it should collapse, its reclining length would be contained within the property on which it was constructed.
 - (B) In industrial districts, to chimneys, smokestacks, derricks, conveyors, grain elevators, or similar structures wherein the industrial process involved customarily require a height greater than otherwise permitted, provided that such a structure shall be so located and constructed that if it should collapse, its reclining length would still be contained within the property on which it was constructed.
 - (C) In any district to solar heating or cooling apparatus.
- (e) A minimum of 12% of the net lot area shall be provided as frontage open space to provide a setting for the building, visual continuity within the community, and a variety

of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one foot of public street frontage and shall not be less than twenty (20) square feet per one foot of public street frontage.

(f) The side yard setback shall be as follows:

- (1) Where a side lot line abuts a more restrictive zoning district, the setback for the more restrictive district shall apply;
- (2) Multi story buildings adjacent to a residential district shall observe a ten (10) foot side yard for each story of the building.
- (3) On interior lot lines abutting an adjacent commercial or industrial zone there shall be no required side yards.
- (4) On all exterior lot lines (adjacent to a public street) there shall be fifteen (15) foot side yard set back which shall not be used for parking.

(g) There shall be a rear yard of:

- (1) Not less than ten (10) feet if property is adjacent to any street, alley or other right-of-way or easement.
- (2) However, buildings adjacent to a residential district shall observe a twenty (20) foot rear yard.
- (3) Multi story buildings shall observe and additional ten (10) foot of rear yard for each additional story.

(h) Twenty five (25) feet minimum plus an additional one (1) foot for each one (1) foot that the structure exceeds twelve (12) feet in height.

(i) Provided the total of the two (2) side yards for interior lots is at least thirty (30) feet. Where a side yard abuts a residential zone or a public street, a minimum twenty five (25) foot side yard shall be required plus an additional one (1) foot for each one (1) foot that the structure exceeds twelve (12) feet in height.

(j) Minimum separation between any principal building and any other building or enclosure (corral, etc.) plus one (1) foot for every one (1) foot by which the height of any structure exceeds twenty (20) feet.

(k) Minimum separation between main buildings on adjacent lots.

(l) Minimum separation between opposing walls of buildings within a development shall be:

- (1) Two side or rear walls with no door or window - 10 feet.
- (2) One side or rear wall with no door or window and one side or rear wall with doors or windows - 18 feet.

- (3) Both walls side or rear with doors or windows - 24 feet.
- (4) One front wall and one side or rear wall - 24 feet.
- (5) Two front walls - 40 feet.

- (m) The historic district zone is an overlay zone. Any use permitted by the existing zones over which historic district zoning is superimposed shall be allowed. The density schedule is also the same as the underlying zone. The area zoned as a historic district shall be designated by its underlying zone name plus the preface "H".

- (n) For a town home subdivision, the minimum lot size is 2500 square feet, the minimum lot width is 30 feet and the minimum front yard setback is 20 feet. For a condominium development or conversion, the minimum land area per dwelling unit is 2000 square feet.

- (p) ADUs are permitted in designated districts, subject to applicable subdivision codes, covenants and restrictions (CC&Rs), and shall conform to all setbacks and other requirements of the Density Schedule (Article 12-6.01) except that:
 - (1) within any district, a detached ADU shall be allowed with a primary residence on a lot that is legal, non-conforming or that is at least the minimum size for its zoning district; but not less than 7,000 square feet in any case.
 - (2) an ADU within or attached to a primary residence may be located on any size lot provided that the combined structure meets all other applicable setback and density requirements for the district in which it is located;
 - (3) in the R1-7, R-2, R-3 and RMH-1 Zoning Districts, if an ADU is detached and twelve (12) feet or less in height, its rear and interior side yard setbacks may be reduced by 50%, but shall in no case be less than 5 feet. (Ord. 892, 2008; Ord. 750 §2(part), 1996; Ord. 747 §1(part), 1995).

CHAPTER 12-7 - GENERAL PROVISIONS

Article 12-7.01 – Interpretation The provisions of this title shall be minimum requirements and shall be liberally construed in favor of the City. (Ord. 747 §1(part), 1995)

Article 12-7.02 - Building Permit and Plot Plan Required

- (a) Prior to the construction, remodeling or placement of any building or accessory building, a building permit and an approved plot plan are required.
- (b) Application for a plot plan and building permit shall be made in accordance with the City's development procedures ordinance.
- (c) All buildings constructed or placed in the City shall meet the required Uniform Building Code except for mobile homes and modular homes when specifically allowed by this title. (Ord. 747 §1(part), 1995)

Article 12-7.03 - Uses Allowed in the Various Zoning Districts

- (a) Although it is intended that all possible uses are listed, it is possible that specific uses may not be listed that should be due to their similarity to other allowed uses.
- (b) The Zoning Administrator shall have the authority to administratively approve uses that are similar to other allowed uses in each of the approved zoning districts. Ord. 747 §1(part), 1995)

Article 12-7.04 - Principal Uses and Buildings Limited to One per Lot Without City Approved Site Plan

- (a) Principal uses: only those uses specifically designated as "permitted uses" in the zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses.
- (b) No more than one (1) principal building shall be permitted on a single lot unless a site plan designating the location of all principal buildings has been approved by the City Council and has been recorded with the Clerk and Recorder of the appropriate County. (Ord. 747 §1(part), 1995)

Article 12-7.05 - Accessory Uses and Buildings

- (a) Accessory uses: uses normally accessory to principal or conditional uses shall be permitted as specified. No accessory use or structure shall be permitted in any district until its principal use or structure is present or under construction.

- (b) Accessory buildings: no accessory building shall be used for living or sleeping purposes. (Ord. 747 §1(part), 1995)

Article 12-7.06 - Temporary Construction Buildings

- (a) Temporary buildings: temporary buildings for uses incidental to construction work are permitted. Such buildings shall be removed upon completion or abandonment of the construction work. Such temporary buildings shall not be used as residences except as follows:
 - (1) A travel trailer or mobile home may be used as a residence when the main building is being renovated or remodeled provided the maximum time limit allowed shall be ninety (90) days. Temporary buildings may be used for a night watchman's residence on a construction site.
 - (b) Portable-type structures may be allowed for use as temporary real estate sales offices when associated with a land or housing sales operation at a subdivision.
 - (1) Such structures may not be used for residences nor contain sleeping accommodations.
 - (2) Placement of such structures shall only be done after issuance of a conditional use. (Ord. 747 §1(part), 1995)

Article 12-7.07 - Dumping or Disposal The use of land for the dumping or disposal of scrap, debris, obsolete vehicles, iron, junk, garbage, rubbish, refuse, ashes, slag, industrial wastes or byproducts, shall be prohibited in every district. (Ord. 747 §1{part), 1995)

Article 12-7.08 - Joint Use Prohibited No lot, yard, parking, loading, building, or other space, required in connection with any building, shall be included as part of a yard, area or space required for any other building. (Ord. 747 §1 (part), 1995)

Article 12-7.09 - Exterior Lighting All lighting for off- street parking or loading areas or for the external illumination of buildings shall be directed away from and shielded from any adjacent residential district and shall not detract from visibility on adjacent streets. (Ord. 747 §1(part), 1995)

Article.12-7.10 - Structures Near Airplane Runway or Landing Strip

- (a) No building or structure or any portion thereof which exceeds a height of twenty (20) feet shall be erected or structurally altered within five hundred (500) feet of the projected center line of an existing or proposed runway or landing strip for a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip.
- (b) No building or structure or any portion thereof shall be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one (1) foot

vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended center line of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement; or, if runway pavement is not provided, one hundred (100) feet beyond and at the same elevation as the end of the landing strip. (Ord. 747 §1(part), 1995)

Article 12-7.11 - Street and Utility Requirements

(a) The following restrictions shall apply:

- (1) All lots, except in the RR and AR zoning districts, shall abut a public street connecting with the public street system. In the RR and AR zoning districts each lot or parcel must have access to an easement granting access to the property, which easement shall connect with the public street system.
- (2) A building permit shall not be issued for any lot, except in the R1-43, RR and AR zoning districts, for which public sewerage and water supply is not available and used. In the RR and AR zoning districts each lot or parcel may be served with an individual water and or sewer system if approved by the County Health Department. In the R1-43 zoning district each lot may be served with an individual sewer system if approved by the County Health Department. (Ord. 747 §1 (part), 1995)

Article 12-7.12 - Site Unsuitability

- (a) No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community.
- (b) The Commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based.
- (c) The applicant shall have the right to present evidence contesting such determination to the Council if he so desires, whereupon the Council may affirm, modify or withdraw the determination of the unsuitability. (Ord. 747 §1(part), 1995 }

Article 12-7.13 - Moving of Buildings

- (a) No building or structure, which has been wholly or partially erected on any premises located either within or outside the City of Williams, shall be moved to or be placed upon any other premises within the City until a permit for such removal and for such relocation shall have been issued by the Zoning Administrator.

- (b) Any such building or structure shall conform to all provisions of this title in the same manner as any new building or structure.
- (c) No such building or structure shall be used or occupied until a final inspection and notice of approval by the Building Inspector. (Ord. 747 §1(part), 1995)

Article 12-7.14 - Projections Into Required Yards

- (a) Residential Districts.
 - (1) A chimney may project into any required yard a distance of no more than two (2) feet.
 - (2) Open terraces, patios, steps or similar features not over three (3) feet in height above grade, may project into any required yard, provided that projections into required front yards shall not exceed ten (10) feet.
 - (3) Solar heating and cooling units, noncommercial solar greenhouses and associated apparatus may be located in a rear or side yard provided that such apparatus does not cover more than thirty (30) percent of rear yard and shall be no closer than five (5) feet to any lot line.
 - (4) All solar apparatus can only be installed with a special building permit and must be inspected and approved before operating.
 - (5) Every part of a required yard shall be open to the sky and unobstructed.
 - (6) Trees, shrubbery, and other landscape features shall not be considered obstructions. (Ord. 747 §1(part), 1995)

Article 12-7.15 - Mobile Homes

- (a) All mobile homes shall be equipped with tiedowns approved by the Building Inspector.
- (b) All mobile homes shall be skirted with fire-resistant material which is not susceptible to rapid weathering.
- (c) No material may be stored over or against a mobile home.
- (d) Mobile home lots or spaces shall be kept free from open stored materials.
- (e) No flammable materials shall be stored beneath a mobile home. (Ord. 747 §1(part), 1995)

Article 12-7.16 - Trash Enclosures

- (a) A container (acceptable to the City) for temporary storage of garbage, refuse and other waste materials shall be provided for every use in every zoning district.
- (b) In addition, trash enclosures shall be provided for nonresidential uses and shall be constructed that contents are not visible from a height of five (5) feet from above grade from any abutting street or property. Trash enclosures shall comply with the following regulations.
 - (1) Construction: trash enclosures shall be constructed of solid walls with solid concrete floor sloped for drainage and maintenance of sanitary conditions.
 - (2) Enclosures shall be of sufficient height to conceal contents, including containers. (Ord. 747 §1(part), 1995)

Article 12-7.17 - Grading and Stripping No person shall strip, excavate or otherwise remove top soil for sale or for use except in connection with a building permit. (Ord. 747 §1(part), 1995)

Article 12-7.18 - Automobile Service Station Pump No auto- mobile service station pump shall be located closer than twenty (20) feet to a street property line. (Ord. 747 §1(part), 1995)

Article 12-7.19 - Storing an Unoccupied Mobile Home An unoccupied mobile home may not be stored in a residential zone. (Ord. 747 §1(part), 1995)

Article 12-7.20 - Storing a Recreation Trailer A recreation trailer may be stored in a rear yard. (Ord. 747 §1(part), 1995)

Article 12-7.21 - Yard Sales, Swap Meets and Rummage Sales

- (a) Yard sales are permitted in all residential neighborhoods provided that such sales are held for not more than forty-eight (48) hours at a time nor more than four (4) times in any twelve (12)-month period and provided that only the personal property of the family is sold.
- (b) Yard sales held longer than forty-eight (48) hours at a time or held more often than four (4) times in any year, at any single address, are considered to be a commercial use and shall be restricted to commercially zoned areas. (Ord. 747 §1(part), 1995)

(PAGE LEFT BLANK INTENTIONALLY)

CHAPTER 12-8 - MOBILE HOME PARK

Article 12-8.01 - Procedure for Approval

- (a) Pursuant to Chapter 12-5, mobile home parks can be approved by the City as a conditional use permit (see the conditional use permit chapter).
- (b) The application shall meet the specifications of this chapter and shall be processed in accordance with the provisions of the development procedures ordinance. (Ord. 747 §1(part), 1995)

Article 12-8.02 - Standards

- (a) The minimum size shall be five (5) acres.
- (b) The location including the maximum length and width of any mobile home shall be shown on the approved plan for each site.
- (c) No mobile home or accessory building may be located in any area not indicated on the approved plan.
- (d) No mobile home may be located any closer than sixteen (16) feet from another mobile home.
- (e) No mobile home may be closer than eight (8) feet to any property boundary.
- (f) There shall be a minimum distance of twenty (20) feet between the front of the mobile home and any private street.
- (g) There shall be a minimum distance of twelve (12) feet between the side of a mobile home and a private street.
- (h) A minimum distance of twenty-five (25) feet shall exist between any mobile home and a public street.
- (i) There shall be no access from any mobile home site onto a public street. (Ord. 747 §1(part), 1995)

Article 12-8.03 - Parking

- (a) Two (2) parking spaces nine (9) feet by eighteen (18) feet are required on each site for each unit. Parking spaces may not be closer than eight (8) feet to any private street.

- (b) One (1) guest parking space for each three (3) mobile home sites shall be provided in a common parking area. (Ord. 747 §1(part), 1995)

Article 12-8.04 - Screening

- (a) All mobile home parks shall be screened from any adjacent non-mobile home development or street, with a masonry wall or adequate planting or solid material fence of six (6) feet in height.
- (b) If adjacent to a public street, the fence must be ten (.10) feet from the street curb. (Ord. 747 §1(part), 1995)

Article 12-8.05 - Recreation Area

- (a) No less than ten percent (10%) of the gross site area shall be devoted to recreational facilities and common area.
- (b) Recreation areas shall be provided in a central location.
- (c) Recreation areas may include space for community buildings and community use facilities, such as indoor recreation areas, swimming pools, hobby and repair shops and service buildings.
- (d) All recreation areas shall be landscaped and maintained. (Ord. 747 §1(part), 1995)

Article 12-8.06 - Private Streets

- (a) All private streets shall be improved with a minimum paved width of thirty-two (32) feet.
- (b) No parking is allowed on thirty-two (32)-foot streets.
- (c) Street construction standards shall be the same as those for public streets and approved by the City.
- (d) All mobile home parks shall be provided with safe, convenient, paved vehicular access from abutting public streets.
- (e) Access to each site shall be provided by private streets.
- (f) Each mobile home park shall have two direct connections to public streets as approved by the City.
- (g) No mobile home site shall have direct frontage on or direct access to a public street.

- (h) A mobile home park shall have a minimum of two hundred (200) feet frontage on a public street.
- (i) All private streets shall be properly lighted in accordance with a park lighting plan approved by the City.
- (j) Each private street curb cut or access point shall be at least one hundred (100) feet from any intersection.
- (k) All mobile home parks shall provide safe, convenient, hard-surfaced, all-season, pedestrian walkways of adequate width (not less than four (4) feet) and allow access from each mobile home site to the recreation area, facilities as well as walkways outside of the park. (Ord. 747 § 1 (part), 1995)

Article 12-8.07 - Mobile Home Space

- (a) The approved dimensions of each mobile home site shall be marked on the ground by permanent metal stakes.
- (b) Each mobile home site shall be improved to provide adequate support for the placement and tiedowns of the mobile home.
- (c) Every mobile home shall be equipped with tiedowns approved by the Building Inspector.
- (d) Each mobile home site shall be provided with an all weather outdoor living and service area exclusive of parking and/or storage areas.
 - (1) Such area shall be improved as necessary to assure reasonable privacy and comfort.
 - (2) The minimum area may not be less than three hundred (300) square feet with the least dimension a minimum of fifteen (15) feet.
- (e) Each mobile home site which shall include the mobile home, off-street parking spaces, yards and outdoor living spaces, shall not be less than five thousand (5,000) square feet in area.
- (f) A common storage area/s shall be provided for the storage of boats, campers, recreation vehicles, utility trailers and extra vehicles at the following ratio:
 - (1) Three hundred (300) square feet for each mobile home space with a minimum storage area of four thousand five hundred (4,500) square feet.
 - (2) Each storage area shall be enclosed with a solid wall fence six (6) feet in height.
- (g) All mobile homes shall be skirted with fire resistant material which is not susceptible to rapid weathering.

- (h) No material may be stored over or against a mobile home.
- (i) Mobile home lots shall be kept free from open stored materials.
- (j) No flammable materials shall be stored beneath mobile homes.
- (k) The maximum height for accessory buildings shall be fifteen (15) feet.
- (l) No accessory building shall be used for sleeping, living or commercial purposes.
- (m) Expandable sections of mobile homes shall be considered a part of the mobile home.
- (n) Every mobile home shall be connected to electric power, City water supply, City sewage disposal, gas and telephone service lines in compliance with applicable City codes, and all utility distribution and service lines shall be installed underground. (Ord. 747 §1(part), 1995)

Article 12-8.08 - Accessory Uses A maximum of one (1) attached carport or enclosed garage, one (1) attached cabana, ramada, or covered patio, and one (1) detached storage room per mobile home. (Ord. 747 §1(part), 1995)

CHAPTER 12-9 - BOARD OF ADJUSTMENT

Article 12-9.01 - Mayor and City Council Members Shall Serve as the Board of Adjustment A Board of Adjustment is established which shall consist of the Mayor and City Council members of the City of Williams. (Ord. 747 §1(part), 1995)

Article 12-9.02 - Compensation All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of such expenditures by the Council. (Ord. 747 §1(part), 1995)

Article 12-9.03 – Organization, Meetings, Rules and Regulations

- (a) The Board shall elect the Mayor and Vice-Mayor as Chairman and Vice-Chairman respectfully.
- (b) The Vice-Chairman shall perform the duties of the Chairman in the absence or disability of the Chairman.
- (c) The Board shall adopt rules and regulations for the conduct of its own business, hearings and procedures.
- (d) The Board shall meet regularly at such times and at such place as shall be prescribed by its rules, but not less frequently than once every three (3) months unless there is no business to conduct.
- (e) All meetings of the Board shall be open to the public.
- (f) No change shall be made in regular meeting times or place without a published seven (7)-day notice.
- (g) In addition, any four (4) members of the Board may make written request to the Chairman for a special meeting and if such meeting is not called, such members may call a special meeting in such manner as may be provided in the Board rules.
- (h) The Council shall appoint a secretary who shall keep minutes of the Board's proceedings, showing the action of the Board and the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be immediately filed in the office of the City Clerk and shall then be a public record.
- (i) The presence of four (4) members shall constitute a quorum.
- (j) The Board shall act by motion.

- (k) The affirmative vote of four (4) members shall be required for passage of any matter before the Board.
- (l) A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall not take part in the deliberations on the matter in question. (Ord. 747 §1(part), 1995)

Article 12-9.04 - Assistance From City Departments The Board may call on the City departments for assistance in the performance of its duties, and it shall be the duty of such departments to render assistance to the Board as may be reasonably required. (Ord. 747 §1(part), 1995)

Article 12-9.05 - Appeals, Notices and Hearings

- (a) Appeals to the Board concerning interpretation or administration of this title may be taken by any person aggrieved by or an officer or department of the City affected by any decision of the Zoning Administrator.
- (b) An aggrieved person shall be construed to be one having a direct interest in the property affected, such as the owner, mortgagee or lessee.
- (c) Applications for any matter to be considered by the Board shall be filed with the Zoning Administrator on forms furnished for the purpose within thirty (30) days after the action appealed from, and shall specify the grounds thereof.
- (d) The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
- (e) The appeal stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Board that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.
 - (1) In such case, proceedings shall not be stayed, except by a restraining order granted by the Board, or by a court of record on application and notice to the zoning Administrator.
- (f) The Board shall fix a reasonable time for hearing the appeal, and shall give notice of hearing by both publication in a newspaper of general circulation in accordance with and posting the notice in conspicuous places on the property affected.
 - (1) It shall not be the responsibility of the City to maintain the posting once erected.
 - (2) The applicant, the Zoning Administrator and the parties in interest shall receive notice of hearing.
- (g) Any party may appear at the hearing in person or by agent or attorney.

- (h) Parties in interest shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts, provided that:
 - (1) The submission of documentary evidence shall not, by reason of its written form, prejudice the interest of any party.
- (i) The Board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence, and in furtherance of this policy, may limit cross-examination.
- (j) A petition to the Board signed by persons not parties in interest to an appeal, as defined herein, shall not be considered documentary evidence and shall have no bearing on the Board's decision, nor shall any person presenting such petition be considered the agent of its signers. (Ord. 747 §1(part), 1995)

Article 12-9.06 - Powers, Duties and Limitations of the Board

- (a) Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of this title.
- (b) Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of same classification in the same zoning district.
- (c) Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
- (d) Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator appealed from and make such order, requirement, decision or determination as necessary. (Ord. 747 §1(part), 1995)

Article 12-9.07 - Prohibited Actions of Board The Board shall not:

- (a) Make any changes in the uses permitted in any zoning district, or make any changes in the terms of this zoning ordinance, provided the restriction in this subsection shall not affect the authority to grant variances pursuant to this chapter;
- (b) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner;

- (c) A variance shall not be granted by the Board unless and until:
- (1) A written application for variance has been submitted demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district,
 - (2) That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the title,
 - (3) That the alleged hardship caused by literal interpretation of the provisions of this title includes more than personal inconvenience and financial hardship, and is not the result of actions by the applicant,
 - (4) That granting the variance will not confer upon the appellant any special privilege that is denied by this title to other land, structures or buildings in the same zoning district,
 - (5) That granting the variance will not interfere with or substantially or permanently injure the appropriate use of adjacent conforming properties in the same zoning district,
 - (6) A hearing has been held in accordance with requirements of this section,
 - (7) The Board finds that the reasons set forth in the appeal justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure,
 - (8) The Board finds that granting of the variance will be in harmony with the general purpose of intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. (Ord. 747 §1 (part), 1995)

Article 12-9.08 - Conditions of Approval

- (a) In granting a variance the Board may impose such conditions and safeguards as are appropriate to insure that the purpose of intent of this title will be fulfilled.
- (b) Failure to comply with such conditions and safeguards, when made a part of the terms under which a variance is granted shall be deemed a violation of this title.
- (c) No violations of this title by neighboring lands, structures or buildings, in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts, shall be considered grounds for granting a variance.
- (d) Every variance granted shall be personal to the appellant therefore and shall be transferable and shall run with the land only after completion of any authorized structure or structures.

- (e) Nothing herein contained shall be construed to empower the Board to change the terms of this title, to authorize uses which violate any other city ordinance, to affect changes in the zoning map, or to add to the uses permitted in any zoning district.
- (f) Every decision of the Board shall be based upon finding of fact, and every finding of fact shall be supported in the record of its proceedings.
- (g) The conditions required by this title to exist on any matter upon which the Board is authorized to pass under this title shall be construed as limitations on the power of the Board to act.
- (h) A mere finding or recitation of the enumerated conditions, unaccompanied by the findings of specific fact, shall not be deemed findings of fact, and shall not be deemed in compliance with this title. (Ord. 747 §1(part), 1995)

Article 12-9.09 - Appeals From the Board

- (a) The decision of the Board shall be final; provided, however, that any person aggrieved by a decision of the Board, or a taxpayer, or a municipal officer may, at any time within thirty (30) days after the filing of the decision in the office of the Board, petition the court for a writ of certiorari for review of the Board's decision.
- (b) Allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board, and for good cause shown, grant a restraining order, and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed. (Ord. 747 §1(part), 1995)

Article 12-9.10 - Fees

- (a) Upon filing an application or appeal, the appellant shall pay filing fee to the general fund of the City in accordance with a schedule established by resolution of the Council, and posted in the office of the Zoning Administrator.
- (b) No part of any such fee shall be returnable after an application is filed and the fee is paid.
- (c) In the case of an appeal for a variance to more than one provision of this title, the filing fee shall equal the total amount chargeable for all provisions as prescribed by the fee schedule.
- (d) Payment of the filing fee shall be waived when the applicant is the Zoning Administrator or any other officer or agency of the City acting in an official capacity. (Ord. 747 §1(part), 1995)

(PAGE LEFT BLANK INTENTIONALLY)

CHAPTER 12-10 – ZONE CHANGES OR AMENDMENTS

Article 12-10.01 - General The Council may, from time to time as the public necessity, convenience, general welfare, or good zoning practice requires, change the district boundaries or amend, change, repeal or supplement the regulations herein established. (Ord. 747 §1(part), 1995)

Article 12-10.02 - Petitions for Amendments

- (a) Such change or amendment may be initiated by the Council or the Commission on its own motion, or by petition of one or more owners of real property within the area proposed to be changed.
- (b) The Commission may on its own motion propose any amendments to this title and map.
- (c) Petitions for change of district boundaries or amendment of regulations shall be made in accordance with the provisions of the development procedures ordinance. (Ord. 747 §1(part), 1995)

Article 12-10:03 - Procedure The procedure for change of district boundaries or amendment of regulations shall be in accordance with the provisions of the development procedures ordinance. (Ord. 747 §1(part), 1995)

Article 12-10.04 - Public Notice Required

- (a) In proceedings involving one or more of the following proposed changes or related series of changes to this title, notice shall be provided in the manner prescribed in subsection (b) of this section:
 - (1) A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed;
 - (2) A ten percent (10%) or more increase or reduction in the allowable height of buildings;
 - (3) An increase or reduction in the allowable number of stories of buildings;
 - (4) A ten percent (10%) or more increase or decrease in setback or open space requirements;
 - (5) An increase or reduction in permitted uses.
- (b) In proceedings governed by subsection (a) of this section, the City shall provide notice to real property owners pursuant to at least one of the following notification procedures:

- (1) Notice shall be sent by first class mail to each real property owner, as shown on the last County assessment, whose real property is directly governed by the changes;
 - (2) Include notice of such changes with utility bills or other mailings;
 - (3) The City shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the municipality. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.
- (c) If notice is provided pursuant to subdivisions (1) and (2) of subsection (b), the City shall also send notice by first class mail to persons who register their names and addresses with the City as being interested in receiving such notice. The City may charge a fee not to exceed five dollars (\$5.00) per year for providing this service and may adopt procedures to implement this provision.
- (d) Notwithstanding the notice requirements set forth in subsection (a) of this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given. (Ord. 747 §1(part), 1995)

Article 12-10.05 - Written Protest If the owners of twenty percent (20%) or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council. If any members of the City Council are unable to vote because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body. (Ord. 747 §1(part), 1995)

CHAPTER 12-11 - CONDITIONAL USE PERMITS

Article 12-11.01 - General Purpose and Intent

- (a) Every zoning district contains certain buildings, structures and uses of land which are normal and complementary to permitted principal uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets, or similar conditions, are often incompatible with adjacent activities and uses.
- (b) It is the intent of this title to permit conditional uses in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses.
- (c) It is the purpose of this section to establish principles and procedures essential to proper guidance and control of such uses. (Ord. 747 §1(part), 1995)

Article 12-11.02 - General Regulations

- (a) Zoning district regulations established elsewhere in this title specify that certain buildings, structures and uses of the land may be allowed as conditional uses in a given district subject to the provisions of this section and to the requirements set forth in district regulations. The City is empowered to grant and to deny applications for conditional uses and to impose reasonable conditions upon them.
- (b) Every conditional use issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it issued. However, upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed have been satisfied, the conditional use shall run with the land. The maintenance of special conditions imposed as well as compliance with other provisions of this title, shall be the responsibility of the property owner.
- (c) The City shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, and the influence that such factors are likely to exert on adjoining properties.
- (d) In order to approve a conditional use the City must make a finding of fact that the establishment, maintenance, or operation of the use of the building applied for will not be detrimental to the public health, safety, peace, convenience, comfort, and general welfare of persons residing or working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

- (e) The City may designate such conditions as it deems necessary to secure the intent and purpose of this title and may require such guarantees and evidence that such conditions are being or will be complied with. (Ord. 747 §1(part), 1995)

Article 12-11.03 - Conditional Use Permit Application Application for a conditional use shall be made in accordance with the provisions of the development procedures ordinance. (Ord. 747 §1(part), 1995)

Article 12-11.04 - Action, Procedure and Fees The application shall be processed in accordance with the provisions of the development procedures ordinance. (Ord. 747 §1(part), 1995)

CHAPTER 12-12 - RECREATIONAL VEHICLE PARKS

Article 12-12.01 - Procedure for Approval

- (a) Pursuant to Chapter 12-5, recreation vehicle parks can be approved by the City as a conditional use permit (see the conditional use permit chapter).
- (b) The application shall meet the specifications of this chapter and shall be processed in accordance with the provisions of the development procedures ordinance. (Ord. 747 §1(part), 1995)

Article 12-12.02 - Standards

- (a) Recreational vehicle parks shall meet the approval of the Arizona State Health Code for the establishment of recreational vehicle (travel trailer) parks and campgrounds. A letter of approval from the State Department of Health Services shall be submitted with the application.
- (b) Recreational vehicle parks shall meet the standards for fire protection in recreation vehicle (travel trailer) parks as cited in the National Fire Codes.
- (c) A recreational vehicle park shall consist of a minimum of two and one-half (2-1/2) acres.
- (d) Each recreational park vehicle space shall have an area of not less than one thousand (1,000) square feet and a width of not less than twenty-five (25) feet.
- (e) No direct access to an individual site shall be permitted from a public street.
- (f) All interior drives and private access streets shall be a minimum width of twenty-four (24) feet.
- (g) All road and drives shall be graded and surfaced with a minimum of three (3) inches of gravel.
- (h) Minimum setback of recreational vehicle (trailer and towing vehicle) from any boundary line shall be eight (8) feet, except that minimum setback from any public street shall be twenty-five (25) feet.
- (i) Minimum setback of recreational vehicle (trailer and towing vehicle) from any private access street shall be four (4) feet; minimum distance between adjacent travel trailers shall be fifteen (15) feet.
- (j) All public utilities shall be placed underground. (Ord. 747 §1 (part), 1995)

(PAGE LEFT BLANK INTENTIONALLY)

CHAPTER 12-13 – SIGNS PERMITTED IN EACH ZONING DISTRICT,
ADDITIONAL REQUIREMENTS, GENERAL PROVISIONS, EXEMPT
SIGNS, PROHIBITED SIGNS, AND NONCONFORMING SIGNS

Article 12-13.01 – Signs Permitted In Each Zoning District

	RR	AR	ER & R1- 43	R1-12	R1-7	RMH-1	R-2	R-3	CBD & CR	HC	I-1	I-2	HP
Animated	C(i)	C(i)	C(i)	C(i)	C(i)	C(i)	C(i)	C(i)	C(i)	C(i)	C(i)	C(i)	X(m)
Canopy													X(n)
Directional	X(c)	X(c)	X(c)	X(c)	X(c)	X(c)	X(c)	X(c)	X(c)	X(c)	X(c)	X(c)	X(c)
Directory	X(d)	X(d)	X(d)	X(d)	X(d)	X(d)	X(d)	X(d)	X(d)	X(d)	X(d)	X(d)	X(d)
Free Standing	X(f)	X(f)	X(f)	X(f)	X(f)	X(f)	X(f)	X(f)	X(g)	X(g)	X(g)	X(g)	X(k)
Ground	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)
Illuminated	X(j)	X(j)	X(j)	X(j)	X(j)	X(j)	X(j)	X(j)	X(j)	X(j)	X(j)	X(j)	X(l)
Name Plate	X(a)	X(a)	X(a)	X(a)	X(a)	X(a)	X(a)	X(a)	X(a)	X(a)	X(a)	X(a)	X(a)
Projecting													X(k)
Temporary	X(e)	X(e)	X(e)	X(e)	X(e)	X(e)	X(e)	X(e)	X(e)	X(e)	X(e)	X(e)	X(e)
Window									X(k)	X(k)			X(k)
Wall	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(b)	X(h)	X(h)	X(h)	X(h)	X(k)

Legend

X indicates the sign type is allowed

C indicates the sign type is a conditional use (see conditional use, Chapter 12-11)

Letters (a)--(n) indicate additional requirements or clarification as listed in Article 12-13.02, subsections (a)--(n). (Ord. 892, 2008; Ord. 758 Exhibit A, 1996; Ord. 747 §1(part), 1995)

Article 12-13.02 – Additional Requirements And Clarifications

- (a) Maximum size two (2) square feet and fixed flat to the main wall of a residence building. Not exceeding one (1) per street frontage. Information is limited to the name of the occupant and address.
- (b) Allowed for non-residential uses; or at the entrance from a public street to a multiple family residence development, or a mobile home park, or a subdivision. Maximum number is one (1) per street frontage. Information is limited to the name of the facility, building, or organization and address number. The maximum size is twenty-four (24) square feet except in the Historic Preservation zone where the size is limited to six (6) square feet. The maximum height is six (6) feet.

- (c) When required to assist the flow of traffic in multiple residence development or other permitted uses containing multiple tenants or building groups. Not to exceed six (6) square feet in area and three (3) feet in height
- (d) When required in multiple-residence development or other permitted uses containing multiple tenants or building groups. Not to exceed twenty-four (24) square feet in area and six (6) feet in height except in the Historic Preservation zone where the size is limited to six (6) square feet.
- (e) The following temporary signs are permitted in all zoning districts:
 - (1) For Sale, Lease or Rent.
 - (A) For each single- and two-family residential use one (1) freestanding for sale, lease or rent sign is allowed on each street frontage and on the lot for which it advertises. The maximum size shall be six (6) square feet in area and five (5) feet in height.
 - (B) For all other uses one (1) freestanding for sale, lease or rent sign is allowed on each street frontage and on the lot for which it advertises. The maximum size shall be six (6) square feet in area and five (5) feet in height. In addition, one (1) for sale, lease or rent wall sign is allowed per each street frontage. The maximum size shall be twenty-four (24) square feet in area.
 - (2) On-Site Subdivision or Development. One (1) ground sign is permitted at each entrance to the subdivision or development from a public street. The maximum size shall be twenty-four (24) square feet. Each sign shall be located on the site for which it advertises and not closer than fifty (50) feet to any existing residential dwelling unit outside of the subdivision or development. All signs must be removed with the subdivision or development is sold out or at the end of five (5) years whichever comes first.
 - (3) Off-Site Weekend Directional Sign. Off-site directional signs to a subdivision or development or open house are limited to six (6) square feet in area and a maximum of three (3) in number. The signs shall be freestanding and can only be placed on private property with the permission of the property owner and can only be displayed Friday through Sunday.
 - (4) Promotional Displays Limited to Special Events, Grand Openings, a Change in Business Name, or a Change in Business Ownership. Pennants, banners, streamers, flags, and other attention-attracting devices are allowed for a maximum of three (3) consecutive days per week and must be well maintained. Balloons under 18" in diameter do not have a time limit and must be in good repair.
 - (5) Political Signs. One freestanding sign per each street frontage per each candidate or measure is allowed on private property with the property owner's approval. The maximum sign shall be twenty-four (24) square feet in size and a maximum of six (6) feet in height. The signs must be removed within ten (10) days after the specific election to which they refer.

(f) Limited to allowed temporary signs only.

(g) Freestanding signs are permitted subject to the following:

- (1) One sign is allowed per each public street frontage.
- (2) Each sign can be a maximum of seventy-five (75) square feet in area, except for signs for commercial uses within one thousand one hundred (1100) feet of I-40 and one hundred eighty (180) feet of Grand Canyon Boulevard or Business 40 which may be a maximum size of three hundred (300) square feet.
- (3) The maximum height shall not exceed twenty-five (25) feet, except for signs for commercial uses within one thousand one hundred (1100) feet of I-40 and one hundred eighty (180) feet of Grand Canyon Boulevard or Business 40 which may be a maximum height of sixty (60) feet.
- (4) Limited to a minimum height of ten (10) feet or maximum of two (2) feet above the ground surface immediately below the sign.
- (5) Each sign must be set back from any property line a minimum of twenty-five (25) feet except signs for commercial uses in the Central Business District on Railroad Avenue and Route 66, where a twenty-five (25) foot setback cannot be accommodated, the setback shall be determined by City staff. In no event shall any sign be closer than thirty (30) feet to any residential zoning district.

(h) Wall signs are permitted subject to the following:

- (1) For a building that contains a single business –
 - (A) A maximum of one sign is allowed per each public street frontage.
 - (B) If the business has a rear parking lot, a sign is also allowed to the rear of the building.
 - (C) Each sign can be a maximum of two (2) square feet for each linear foot of building frontage but in no event shall the sign exceed seventy-five (75) square feet in area.
- (2) For buildings that contain multiple businesses, i.e., strip malls, indoor malls -
 - (A) A maximum of one sign is allowed per business per each public street, private driveway or rear parking lot frontage, not to exceed two (2) wall signs per business.
 - (B) Each sign can be a maximum of one (1) square foot for each linear foot of building frontage but in no event shall the sign exceed twenty (20) square feet in area.
- (3) The maximum height shall be no higher than the face of the building.
- (4) Limited to a minimum height of eight (8) feet above the ground surface immediately below the sign.

- (5) Each sign may project no more than eight (8) inches from the surface of the wall to which it is attached.
- (i) Limited to non-residential uses and time and temperature signs only. Each sign shall be located on the site for which it advertises and not closer than fifty (50) feet to any existing residential dwelling unit.
- (j) Lighting including internal and external sources and including neon shall be installed so as to shield by directing the light downward and to avoid any glare or reflection into any residential building or into any street, alley, or driveway if such glare or reflection might create a traffic hazard.
- (k) Within the Historic Preservation District the following regulations shall apply:
 - (1) Each principal building shall be limited to a maximum of two (2) signs (one may be a wall sign and one may be a projecting sign) per each public street frontage and if the business has a rear parking lot, these signs are also allowed to the rear of the building.
 - (2) Freestanding signs may be used in lieu of projecting signs. The maximum size freestanding sign is sixteen (16) square feet. The minimum height above the ground level is eight (8) feet.
 - (3) Projecting signs are limited to sixteen (16) square feet in area and must project no more than five (5) feet. The minimum height above the ground is eight (8) feet. The sign may project over public (City) rights-of-way with an approved sign permit pursuant to Article 8-1.04 (d) (2) of the City Code.
 - (4) Wall and projecting signs may not extend above the top of the wall to which affixed.
 - (5) Wall signs can be a maximum of two (2) square feet for each linear foot of building frontage but in no event shall the sign exceed seventy-five (75) square feet in area.
 - (6) Luminous paints are not allowed.
 - (7) Holiday and seasonal decorations that employ lighting shall be erected no more than one (1) month before the holiday and removed within two (2) weeks after the holiday, with the exception of Christmas when decorations may be erected on November 1.
 - (8) Window signs to be attached to the interior of the window only are not limited in size.
 - (9) Sign installation shall not damage the building's façade.
 - (10) On masonry buildings, bolts or screws shall be set into lead sleeves, and the sleeves shall be set into masonry joints.

(11) Portable sandwich signs may be displayed on private property (with the owner's permission) by commercial uses that do not front on Bill Williams Avenue or Railroad Avenue. Portable sandwich signs may be displayed on public (City) rights-of-way with an approved sign permit pursuant to Article 8-1.04 (d) (2) of the City Code.

(l) The following signs are allowed only if specifically approved by the Historic Preservation Commission:

(1) Signs illuminated with visible bulbs.

(m) Neon signs that use light to create the appearance of movement, provided that actual movement of any part of the sign by mechanical or natural means (such as wind) is prohibited.

(n) Under canopy signs limited to two (2) square feet in area. (Ord. 892, 2008; Ord. 786 §1(part), 1998; Ord. 772 §4, 1997; Ord. 758 §2, 1996; Ord. 747 §1 (part), 1995)

Article 12-13.03 – General Provisions

(a) A sign building permit shall be obtained from the City prior to the construction of a new sign, or alteration of the size, shape, or location of an existing sign, and/or display of any sign.

(b) All signs shall be constructed and attached, mounted, supported or erected in conformance with the adopted building codes of the City including the electrical code.

(c) All signs and sign structures shall be maintained in a safe condition. If the City determines that a sign is not maintained in a safe condition, the Chief Building Official shall notify the sign owner to repair the sign within forty-eight (48) hours. If the sign is not repaired or removed, the City Council may cause the sign to be repaired or removed with the cost of same to assessed to the sign owner.

(d) Sign area shall be measured as follows:

(1) Each sign may be two-sided and the square footage shall be the measurement of one of the sides.

(2) For three (3) or more faces the sign area shall be fifty (50) percent of the sum of the areas of all faces. Spherical, free-form, sculptural, or other non-standard shapes shall be determined by the Chief Building Official.

(3) Individual letters or words or graphics mounted on a wall shall be measured by summing the rectangles that surround the individual letters, words or graphics.

(4) The square footage of a panel, or background made to appear as a panel.

- (e) Except when specifically allowed otherwise, each sign shall be located on the lot for which it advertises, informs or otherwise attracts attention.
- (f) When located within a distance of twenty-five (25) feet of a street and/or two (2) feet of a sidewalk, the minimum height of the sign shall be eight (8) feet above the grade immediately below the sign.
- (g) When located above a sidewalk the minimum height shall be eight (8) feet above the grade immediately below the sign.
- (h) When located above a driveway the minimum height shall be fourteen (14) feet above the grade immediately below the sign.
- (i) Except as provided in Article 12-13.02(k)(3), signs shall not project beyond the property lines. (Ord. 892, 2008; Ord. 747 §1 (part), 1995)

Article 12-13.04 – Exempt Signs

- (a) The following signs are exempt from permit:
 - (1) Nameplate and address signs.
 - (2) Official signs of a public or governmental agency.
 - (3) On premise agriculture signs not exceeding six (6) square feet.
 - (4) On premise bulletin boards for charitable or religious organizations provided the signs do not exceed thirty two (32) square feet.
 - (5) On premise real estate signs not exceeding six (6) square feet.
 - (6) Political signs erected on private property no earlier than sixty (60) days prior to the day of voting and removed with ten (10) days after the day of voting.
 - (7) Private and commercial name plates and street address identification signs or no trespassing signs when such signs do not exceed two (2) square feet.
 - (8) Public utility signs.
 - (9) Signs not visible beyond the lot or parcel on which they are located.
 - (10) Signs on a vehicle operated in the normal course of business.
 - (11) Holiday decorations no more than thirty days prior to the holiday and removed within ten days following that holiday except for Christmas when the decorations may be erected on November 1.
 - (12) Temporary on-site signs such as window signs. (Ord. 892, 2008; Ord. 747 §1 (part), 1995)

Article 12-13.05 – Prohibited Signs

- (a) Except when otherwise allowed the following signs are prohibited:
- (1) All signs not specifically allowed herein.
 - (2) Animated signs with animation or intermittent illumination, except for a time and temperature sign or neon signs when a conditional use permit has been secured.
 - (3) Audible signs with audible devices except for freestanding drive-through menu boards.
 - (4) Any sign that interferes with or confuses traffic or presents a traffic hazard.
 - (5) Dangerous sign.
 - (6) Any sign that obstructs any door or fire escape of any building.
 - (7) Portable sign.
 - (8) Portable signs mounted, attached, or painted on trailers, boats, or motor vehicles when parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes.
 - (9) Signs located within, on, or projecting over any public right-of-way, except as provided in Article 12-13.02(k)(3).
 - (10) Roof sign.
 - (11) Temporary signs except as allowed in Article 12-13.02(e).
 - (12) Temporary signs such as pennants, banners, balloons, flags and similar displays except as provided for approved temporary signs in Article 12-13.02(e). (Ord. 892, 2008; Ord. 747 §1 (part), 1995)

Article 12-13.06 – Nonconforming Signs

- (a) Nonconforming signs shall be subject to the following provisions:
- (1) Nonconforming signs shall be maintained in good condition including the repair or replacement of worn or damaged parts in order to return it to original state.
 - (2) Nonconforming signs shall not be altered, reconstructed, replaced, or relocated other than to comply with this section, except;
 - (A) Reasonable repair and maintenance limited to a maximum of a total of fifty (50%) percent of the cost to reproduce the sign.
 - (3) Nonconforming signs shall be removed or brought into conformance with this ordinance when:

- (A) The sign structure has been taken down, removed, damaged or deteriorated by more than seventy-five (75%) percent by any means.
- (B) The use of the sign or the property on which it is located has ceased, become vacant or been unoccupied for a period of one (1) year or more. The sign shall be removed within thirty (30) days of notice to do so by the Chief Building Official.
- (C) The property is developed or redeveloped and is the subject of a required building permit or other City development review procedure. Nonconforming signs shall be removed prior to the issuance of additional building permits on the property on which the nonconforming sign is located. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

CHAPTER 12-14 – PARKING REQUIREMENTS

Article 12-14.01 – Parking Requirements By Use

Use	Minimum Number of Parking Spaces	Use	Minimum Number of Parking Spaces
Residential		Agriculture	
Accessory dwelling unit (ADU)	1 PS/BR	Retail sales on-site	2 AW PS/ST
Boarding house	2 PS + 1 PS/BR	Riding, training, boarding stable	1 PS/ EA 2 horse stalls
Mobile home	2 PS/DU	Other	
Mobile home park	2 PS/DU + 1/PS/3 DU	Airport	2 + 1 PS/200 sq. ft.
Modular home	2 PS/DU	Assembly	1 PS/200 sq. ft.
Multi-family, studio units	1 PS/DU	Cemetery	30 PS - AW on-site
Multi-family, other units	2 PS/DU	Church	1 PS/200 sq. ft.
One-family	2 PS/DU	Congregate care	1 PS/3 beds
Two-family	2 PS/DU	Day care center	1 PS/EM
Commercial		Golf course	5 PS/hole
Business schools	1 PS/150 sq. ft.	Group home	1 PS/bed
Charitable	1 PS/200 sq. ft.	Hospital	1 PS/bed
Eating and drinking	1 PS/150 sq. ft.	Kennel	2 PS + 1 PS/EM
Financial	1 PS/300 sq. ft.	Lodges	1 PS/400 sq. ft.
Governmental	1 PS/200 sq. ft.	Plant nursery	1 PS/400 sq. ft. OF
Hotels/motels	1 PS/GR	Public uses	1 PS/200 sq. ft.
Office	1 PS/200 sq. ft.	Shelter care	1 PS/bed
Second hand store	1 PS/300 sq. ft.	Industrial	
Personal services	1 PS/300 sq. ft.	All industrial	1 PS/EM
Private recreation	1 PS/400 sq. ft.		
Retail	1 PS/300 sq. ft.		
Self storage	3 PS		
Vehicle leasing	1 PS/200 sq. ft.		
Vehicle services	1 PS/400 sq. ft.		

Legend

AW	means all-weather	GR	means guest room
BR	means bedroom	OF	means office
DU	means dwelling unit	PS	means parking space
EA	means each	sq. ft.	means square feet
EM	means employee	ST	means structure

In the Central Business District (Historic Preservation Overlay Zone), the required off-street parking and loading requirements for existing buildings are limited to the existing off-street parking and loading spaces. No new spaces are required unless a new building is constructed, in which case the required number of parking spaces shall be determined by the Planning and Zoning Commission at public hearing. (Ord. 892, 2008; Ord. 754, 1996; Ord. 747 §1 (part), 1995)

Article 12-14.02 – Purpose

- (a) Prevent congestion of the public streets.
- (b) Establish minimum requirements for off-street parking and loading and unloading of vehicles.
- (c) Relieve public streets of the burden of on-street parking.
- (d) To provide adequate parking to meet the needs of residents, employees, and business patrons.
- (e) To reduce the scale of parking areas through landscaping and by breaking them into smaller areas. (Ord. 892, 2008; Ord. 747 §1 (part), 1995)

Article 12-14.03 – General Regulations

- (a) It is the duty of the property owner to plan the use of his property such that the public streets are not required to satisfy parking or loading needs; curb cuts will be minimized; curb cuts will be located and sized to minimize traffic disruption on public streets.
- (b) Each parking space established shall be at least nine (9) feet wide and eighteen (18) feet deep.
- (c) Driveways and backup aisles shall be provided for all parking spaces and shall be a minimum of twenty-four (24) feet wide. Curb cuts shall not exceed thirty (30) feet in width.
- (d) All required parking and loading areas shall be surfaced with concrete, asphalt, or paving blocks and clearly striped with permanent paint.
- (e) Required parking shall be located onsite or on contiguous sites, but no further than three hundred (300) feet from the entrance to the principal use on the site.
- (f) Square feet shall mean the gross floor area of the building or use.
- (g) No part of any vehicle may overhang into a public right-of-way and no event closer than five (5) feet to a sidewalk or street curb.
- (h) All parked vehicles must comply with unobstructed view easement and sight distance requirements at street intersections as determined by the City.
- (i) Parking lots shall be designed in groupings no larger than 200 spaces. Larger lots shall be divided by buildings, plazas, or significant landscaped area oriented for pedestrian use.

- (j) The standards of this section shall apply to all development on the site, both existing and planned, at the time that any building permit is required. (Ord. 747 §1 (part), 1995)

Article 12-14.04 – Screen Wall Required

- (a) All parking lots abutting a residential zoning district shall be screened from view by the placement of a solid six (6) foot wall between the parking lot and the residential zone. (Ord. 892, 2008; Ord. 747 §1 (part), 1995)

Article 12-14.05 Landscaping Required

- (a) Ten (10) percent of the total parking lot area shall be landscaped as approved by the City. (Ord. 892, 2008; Ord. 747 §1 (part), 1995)

(PAGE LEFT BLANK INTENTIONALLY)

CHAPTER 12-15 - NONCONFORMING BUILDINGS,
STRUCTURES, USES AND LOTS

Article 12-15.01 - General

- (a) This section provides for the regulation of nonconforming buildings, structures, uses and lots. These regulations are designed to protect the rights of legally existing nonconforming uses, structures and buildings, but not promote expansion or enlargement. The site, building, structure or use will be encouraged to convert to a conforming use in the future.
- (b) Any use or activity lawfully conducted under county zoning regulations at the effective date of annexation or under previous zoning regulations in effect at the adoption of the ordinance codified in this title, or any amendment, shall be considered a legal nonconforming use under this title.
- (c) The City Council, by ordinance, may authorize the acquisition of private property by purchase or condemnation for removal of nonconforming uses and structures. (Ord. 747 §1(part), 1995)

Article 12-15.02 - Nonconforming Buildings, Structures and Uses

- (a) No structural or physical alteration shall be made to any nonconforming building, structure or lot except when required by law or ordinance. This requirement does not prohibit routine repairs or maintenance.
- (b) No expansion shall be made of any nonconforming building, structure or use unless such expansion conforms to the regulations specified for the district in which it is located. In cases where the nonconforming use occupies a building, structure, or any portion of a site, expanding the use into additional building or land area shall constitute an extension and shall not be allowed.
- (c) Any nonconforming building, structure or use, or one (1) or more of a group of nonconforming building, structure or use related to one (1) industry and under one (1) ownership, which has been damaged by fire, flood, explosion, earthquake, war, riot, or act of God, may be reconstructed and used as before, if done within twelve (12) months of such calamity. The City Council, after review and recommendation by the Planning and Zoning Commission, may determine that such delay in reconstruction was caused by unforeseen circumstances beyond the control of the owner of the premises and permit a reasonable extension of time for reconstruction. Any district requirements may be waived by the City Council provided the area restored is not more nonconforming than existed at the time of the calamity.

- (d) Any nonconforming building, structure or use which ceases to be used for a period exceeding one (1) year or is superseded by a conforming use, shall never again be devoted to the nonconforming use except as otherwise provided in the preceding paragraph. A nonconforming use shall not be changed to a different nonconforming use. This shall not prevent a name change or change in ownership of the same nonconforming use. (Ord. 747 §1(part), 1995)

Article 12-15.03 - Nonconforming Lots Any legal lot existing at the time of the enactment of this title, or any amendment, which does not conform within lot area, lot width, or lot depth for the zoning district in which it is located, may be used for any use permitted in that zone district provided all other applicable regulations of this title are complied with. (Ord. 747 §1(part), 1995)

Article 12-15.04 - Development Standards

- (a) Development standards relate to the size, configuration and character of development. Development standards include, but are not limited to, items such as parking, landscaping, buffer areas, and setback. Developed property may be nonconforming because the development of the property does not meet current zoning ordinance requirements. Property which is nonconforming, due to deficiencies in development standards, shall be regulated as follows:
 - (1) No change of use or change to a building structure shall be permitted which creates a deficit or increases an existing deficit in off-street parking spaces, loading areas, or other development standards.
 - (2) Any site which is nonconforming due to deficiencies of development standards and which require review or approval by the City shall, as a requirement of that review, be brought into conformance including, but not limited to, development standards for parking, circulation, driveways, drainage, storage, screening and landscaping, with the zoning ordinance and other applicable codes before any permit or other request can be approved. (Ord. 747 §1(part), 1995)

CHAPTER 12-16 – LANDSCAPING AND BUFFERING

Article 12-16.01 - Minimum On-Site Landscaping Required

- (a) The minimum lot area to be landscaped as a percentage of total lot area shall be as follows:
 - (1) Five percent (5%) in the I-1 and I-2 districts;
 - (2) Twenty percent (20%) in the R-3, HC and CBD districts;
 - (3) Thirty percent (30%) for any nonresidential use in the RR, AR, ER, R1-43, R1-7, RMH-1, R-2 and R-3 districts. (Ord. 772 §2, 1997; Ord. 747 §1(part), 1995)

Article 12-16.02 - Location of Required Landscaping A ten (10)-foot wide strip of land adjacent and parallel to each street right-of-way line shall be landscaped. (Ord. 747 §1(part), 1995)

Article 12-16.03 - Landscape Buffer Required

- (a) For each multifamily or nonresidential use, a fifteen (15)-foot wide strip of land adjacent and parallel to any single-family district shall be landscaped.
- (b) For each nonresidential use, a fifteen (15)-foot wide strip of land adjacent and parallel to any multifamily district shall be landscaped.
- (c) For each loading dock or service drive, a twenty- five (25)-foot wide strip of land adjacent and parallel to any residential district shall be landscaped. (Ord. 747 §1(part), 1995)

Article 12-16.04 - Required Landscape Materials

- (a) For any land uses including residential a minimum of fifty percent (50%) of the voluntary or required landscape area shall be landscaped with living vegetation acceptable to the City. The remaining landscape area may be landscaped with decorative rock or bark.
- (b) The landscaped area shall be provided with a drip irrigation system. (Ord. 747 §1(part), 1995)

(PAGE LEFT BLANK INTENTIONALLY)

CHAPTER 12-17 – HISTORIC PRESERVATION ZONE

Article 12-17.01 – Purpose

- (a) The purpose of this zone is to promote the educational, cultural, economic and general welfare of the community, and to ensure the harmonious growth and development of the municipality, by encouraging the preservation and rehabilitation of historic districts therein. The historic zone designation may be superimposed over existing zones where there are surviving properties in their original setting or which give a historic dimension to the City. This zone is intended to encourage the retention of historic properties and archaeological sites and to preserve and keep them in active use and in their original appearance, setting and placement, rather than to modify uses in the underlying zones. It is also intended that new or remodeled buildings, located within zoned historic districts, be designed and constructed to harmonize with buildings located within the immediate vicinity in order to preserve property values, to provide for future development and to promote an awareness of the heritage of Williams, Arizona among residents of and visitors to the community. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.02 – Definitions. Within zoned Historic Districts for the purposes of this Historic Preservation Ordinance, unless the context otherwise requires, the following words and phrases shall have the following meanings:

“Alteration” means any aesthetic, architectural, mechanical or structural change to the exterior surface of any part of an existing building. Applicants should follow the Secretary of the Interior’s Standards for Rehabilitation and become familiar with the requirements for tax certification of rehabilitated historic buildings.

“Height” means the vertical distance measured between the highest part of a structure and the finished grade at the midpoint of the front facade of the principal building, excluding chimneys, mechanical equipment and other miscellaneous additions.

“Zoned Historic District” means one or more buildings, sites, structures and/or objects, contributing and/or non-contributing, including signs affixed thereto, that are zoned Historic Preservation by the Mayor and Council under this ordinance, and that meet the criteria established by the National Register of Historic Places which states, “The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:

- (a) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) That are associated with the lives of persons significant in our past; or

- (c) That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) That have yielded, or may be likely to yield, information important in prehistory or history; or
- (e) That relates to events, personages or architectural styles that are at least fifty years old. However, outstanding examples less than fifty years old should be evaluated on their own merits.

“Contributing” means a building, site, structure or object that adds to the district’s sense of time and place and meets the above criteria.

“Non-Contributing” means a building, site, structure or object that detracts from the district’s sense of time and place and does not meet the above criteria.

“Prevailing Setback” means the most frequently occurring distances from the front facades of all buildings in the historic district to the front property lines.

“Proportion” means the relationship between the width and height of a building front facade, windows, doors, etc.

“Rhythm” means the ordered recurrent alternation of solids to voids in the front facade, streetscape, etc.

“Site Utilization” means the spacing between the sides of buildings.

“Ordinary Maintenance” means any work, for which a building permit is not required by law and where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.03 – Historic Preservation Commission

(a) Membership

- (1) The William’s Historic Preservation Commission (“Commission”) shall be composed of seven (7) members, appointed by the Mayor and Council, all of whom have demonstrated interest, experience or knowledge in one of the following: history, architecture, planning, archaeology, historic archaeology, real estate, historic preservation, law or related field.

- (2) To the extent available in the community, at least two professionals from the disciplines of architecture, history, architectural history, planning, archaeology, or related historic preservation disciplines such as cultural geography or cultural anthropology should be members of the Historic Preservation Commission.
- (3) The Commission must obtain expertise in that field when considering National Register nominations and other actions that will impact historic properties.
- (4) Commission members shall be appointed by the City Council to serve no more than three (3), three (3) year staggered terms of office.
- (5) The Historic Preservation Commission shall meet at least four times each year and follow the provisions of the Arizona Open Meeting Act.

(b) Powers

- (1) Unless otherwise specified herein, the powers and duties of the Historic Preservation Commission shall be as follows:
 - (A) Advise the Mayor and Council in all matters regarding historic preservation in the City of Williams;
 - (B) Adopt criteria consistent with the National Register of Historic Places for the identification of historic districts and properties;
 - (C) Prepare, or cause to be prepared, a comprehensive inventory of historic buildings and districts in the City of Williams;
 - (D) Increase public awareness of the value of historic, architectural, archaeological and cultural preservation by developing and participating in public information programs;
 - (E) Make recommendations to the Mayor and Council concerning the utilization of grants from federal and state agencies, private groups and individuals on the utilization of budgetary appropriations to promote historic preservation in Williams. The commission shall raise funds as necessary to promote its programs and activities;
 - (F) Make known, to the owners of historic properties and to the public, standards for architectural review;
 - (G) Evaluate and comment upon decisions by other public agencies affecting the physical development and land use patterns in historic districts as appropriate;
 - (H) Hold public hearings as specified in this Ordinance;
 - (I) Perform any other functions that may be designated by resolution or motion of the Council;
- (c) Reporting and Notification Procedures. The Commission shall prepare a written annual report of Commission activities that is provided to the Mayor and Council and to the State Historic Preservation Officer, and that is available to the public. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.04 – Initiation or Amendment of Historic Preservation Zoning Districts

- (a) A Historic Preservation Zoning District may be initiated by the owner of the proposed property, by the Historic Preservation Commission, by the Planning and Zoning Commission, or by the Mayor and Council.
- (b) The procedure for establishing or amending a Historic Preservation Zoning District shall be in accordance with the City of Williams’s Development Procedures Ordinance. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.05 – Criteria for Establishing a Historic Preservation Zoning District

- (a) In determining whether an area, neighborhood or district shall be zoned as a Historic Preservation Zoning District the criteria of the National Register of Historic Places shall be followed. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.06 – Permitted Uses

- (a) Use requirements in the HP - Historic Preservation Zoning District shall be as follows
 - (1) Any use permitted by the existing zones over which historic district zoning is superimposed shall be allowed.
 - (2) The area zoned as a Historic Preservation Zoning District shall be designated by its underlying zone name plus the preface “H.” (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.07 – Signs within a Historic Preservation Zoning District

- (a) Sign regulations within the Historic Preservation Zoning District are found in the Sign Regulations Chapter of this title (Chapter 12-13). (Ord. 747 §1(part), 1995)

Article 12-17.08 – Historic District Development Review

- (a) The erection or construction of a new building or structure; or any alteration involving the modification addition, moving or demolition of any part of an existing structure that would affect the exterior appearance of any existing building; or the installation of a sign; or the construction or enlargement of a parking lot within a Historic Preservation Zoning District shall require plan review and approval in accordance with the City of Williams’s Development Procedures Ordinance. The Historic Preservation Commission and the Main Street Design Committee shall be invited to participate in any required Departmental Review Team (DRT) meeting for such work. If a DRT meeting is not required, a copy of any building permit application for such work shall be forwarded to

the Historic Preservation Commission and to the Main Street Design Committee for review, comment and/or approval.

- (b) Rehabilitation plans should follow “The Secretary of Interior’s Standards for Rehabilitation” and the criteria set forth in this Ordinance. The potential for significant archaeological resources shall be considered before a permit is issued. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.09 – Development Plan Requirements

- (a) Shall be in accordance with the City of Williams’s Development Procedures Ordinance;
- (b) Drawings (“elevations”) showing views of the existing structure as well as all proposed structures on the property;
- (c) Specific graphic information regarding exterior materials, colors and architectural details (trim, hardware, etc.); illumination, security, aesthetics;
- (d) A sign plan, drawn to scale, showing the design, color, lettering and methods of attachment of all exterior signs;
- (e) Other information that the Historic Preservation Commission or Main Street Program members may find necessary to establish compliance with this and other ordinances. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.10 – Compliance

- (a) All work performed pursuant to the issuance of a building permit shall conform to the requirements of the permit and to the development plan.
- (b) It shall be the duty of the Building Inspector, the Historic Preservation Commission Members and the Main Street Program members to inspect from time to time any work performed pursuant to the permit to ensure such compliance.
- (c) In the event work is not performed in accordance with the permit the Building Inspector shall issue a stop work order and all work shall cease.
- (d) No person, firm or corporation shall undertake any work on such project at along as stop work order shall continue in effect. (Ord. 892, 2008; Ord. 772 §3, 1997; Ord. 747 §1(part), 1995)

Article 12-17.11 – Appeal

- (a) The Historic Preservation Commission’s decision may be appealed to the Board of Adjustment by the property owner, or any citizen within fifteen (15) working days after the decision is rendered by the Historic Preservation Commission. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.12 – Criteria for the Alteration of Existing Structures or the Construction of New Structures within a Historic Preservation Zoning District

- (a) Conforms to Williams Historic District streetscape Plan or Main Street architectural drawings;
- (b) Conforms to the Secretary of Interiors Standards for Rehabilitation as follows:
 - (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;
 - (2) The historic character of a property shall be retained and preserved. Removal of historic materials or alteration of features and spaces that characterize a property shall be avoided;
 - (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;
 - (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
 - (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;
 - (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;
 - (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;
 - (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;

- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment;
 - (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (c) NPS Technical Bulletins, Keeping up Appearances, and other technical references.
- (d) Alterations to an existing, contributing historic building, site structure or object located in a zoned historic district shall properly preserve the historical and architectural characteristics which make it unique, and any changes or additions shall conform to the intrinsic and unique character of the building or structure itself.
- (e) The design should adhere to the Secretary of the Interior's Standards for Rehabilitation and the owner or developer should be aware of current tax incentives when rehabilitation work is contemplated.
- (f) New construction within a Historic Preservation Zoning District shall require no specific architectural style; however, the following criteria should be considered in determining whether the proposed design of a new structure is compatible with the collective characteristics of the structures located within the Historic Preservation Zoning District:
- (1) Height. Alterations to a zoned historic building may be no higher than the tallest comparable feature of the existing structure or adjacent structures;
 - (2) Setback. Alterations to a zoned historic building must maintain the original front setback of the existing structure or the prevailing setback existing within the Historic District, providing that such a setback is compatible with the historic character of the existing building;
 - (3) Proportion. Alterations to a zoned historic building shall reflect the proportions of the existing building or can be demonstrated to be historically accurate;
 - (4) Roof types. Alterations to a zoned historic building shall have roofs compatible in configuration, mass and materials to that of the style of the existing building or can be demonstrated to be historically accurate;
 - (5) Surface texture of alterations to a zoned historic building shall be appropriate to the historical style of the existing building and the period in which it was constructed or can be demonstrated to be historically accurate;
 - (6) Site utilization shall be compatible with the historical period in which the existing building was built;

- (7) Projections and recessions, such as porches, steps, awnings, overhangs, entrances, windows, etc., shall be compatible with the style of the existing building and/or the historical period in which it was built;
- (8) Architectural details such as cornices, lintels, arches, grill work, shutters, window and door trim canals, etc., shall be appropriate to the historical style of the existing building and/or the historical period in which it was built. An exception, for case by case review, will be grillwork for security;
- (9) Building Form. Size, mass and scale of alteration to a designated historic building shall be compatible with that of the existing building or it can be demonstrated to be historically accurate;
- (10) Color. Color of a building, including trim, roof, etc., shall be appropriate to the architectural style of the subject building and/or its historical period;
- (11) Landscaping. Planting and other ornamental features shall reflect the historical period of the subject structure;
- (12) Enclosures. Fences, walls or other physical features used to enclose open space or provide privacy shall be based on historic precedent or shall be compatible with the architectural style of the subject building and compatible with other historic buildings within the Historic Preservation Zoning District and reflect the historical period of the Historic Preservation Zoning District;
- (13) Utilities. New power, telephone and cable television installation shall be reviewed for appropriateness and compatibility. No electric utility boxes shall be used on street side facades if any alternative location is feasible. Solar units and TV antennae dishes shall not be visible from the street level;
- (14) Alterations to a non-historic building within a historic district shall reflect the architectural style and characteristics of the existing building. In addition, such alterations shall generally conform to the above criteria of the buildings within the Historic District. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.13 – Demolition of Structures or Landmarks within a Historic Preservation Zoning District

- (a) No demolition permit shall be issued by the Building Inspector for demolition of all or any part of a building, site, structure or object which has been zoned as historic before review.
- (b) The Historic Preservation Commission may deny a demolition permit.
- (c) In making its decision, the Commission shall hold a public hearing to determine if the applicant has shown that the preservation of the structure is physically and/or economically infeasible.

- (d) The commission shall also take into consideration post-demolition plans, including replacement structures, for the historic zoned property.
- (e) If preservation is found to be physically and/or economically infeasible, the Building Inspector shall notify the applicant that the issuance of the demolition permit is approved by the Historic Preservation Commission.
- (f) If the preservation of the structure is found to be feasible, the commission shall either attempt to convince the owner to preserve the building, or if the owner does not so agree within 30 days, to advertise and attempt to identify a purchaser for the property at fair market value who will agree to preserve the building or structure for a period of at least five years. If no purchaser is found within six months the demolition permit shall be approved. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.14 – Post-Demolition Requirements

- (a) If a structure is demolished and the area is left vacant, the area shall be maintained in a clean and inoffensive manner.
- (b) If a structure is demolished and the area is converted to another use not requiring buildings (such as a parking lot), the area shall be buffered by landscaping and walls or fences that generally conform to the character of the other buildings and structures located within its historic district or historic site.
- (c) If a structure is demolished and a new structure is erected, the structure shall generally conform to the character of the buildings located within its historic district as determined by using the historic district criteria as identified in this chapter. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.15 – Maintenance

- (a) Nothing in this Ordinance shall be construed to prevent ordinary maintenance and repair of any exterior elements of any designated historic building.
- (b) Historic District properties shall be kept in good repair by the property owner so as to not distract from their exterior appearance. Deterioration caused by deliberate neglect of maintenance or repairs shall not be considered valid grounds for the approval of a demolition permit application.
- (c) The Building Inspector shall advise the Historic Preservation Commission of cases of deliberate neglect or failure to meet minimum building code standards, particularly in regard to appearance, public safety and fire safety. The Historic Preservation Commission shall review such cases and make recommendations to the building Inspector.

- (d) If maintenance is necessary, the owner shall be notified.
- (e) If the Commission finds that deliberate neglect is occurring, the owner shall be cited by the Building Inspector and have up to 90 days to make the specific repairs necessary to correct the neglect.
- (f) If the repairs are not completed within 90 days, the City of Williams may make the repairs and place a lien for the expenses against the property owner or enforce the following penalties. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

Article 12-17.16 – Applicability

- (a) It is unlawful to erect, construct, reconstruct, or maintain any building, site, structure or object including signs in a Historic District Overlay Zoning District in violation of any existing ordinances or a stop work order issued by the Building Inspector or to not make specific repairs to correct deliberate neglect as cited by the Building Inspector. (Ord. 892, 2008; Ord. 747 §1(part), 1995)

CHAPTER 12-18 – WALL MURALS IN THE CENTRAL BUSINESS DISTRICT

Article 12-18.01 – Purpose

- (a) The intent of this chapter is:
- (1) to provide for wall murals on old and new development in the Central Business District of the City of Williams
 - (2) to preserve and protect the special character and identity of the City's downtown area
 - (3) to ensure that renovation and/or rehabilitation within the Historic Preservation District will be compatible with and will preserve and enhance the District's special character, a portion of which has been included in the National Register of Historic Places
 - (4) to establish guidelines based on the existing character of the downtown as defined by its prevailing architectural styles, building materials and urban design features

Article 12-18.02 – General Regulations and Guidelines

- (a) To be deemed appropriate, a mural must:
- (1) be an asset to the Central Business District
 - (2) complement the overall design of the building
 - (3) match the era of the original construction or accepted renovation
 - (4) complement the character of the area
 - (5) match the flavor of the district in which it is to be located
 - (6) have content appropriate to Williams and its environs
 - (7) reflect the historic and cultural traditions of Williams and Arizona
 - (8) be in context with the surrounding streetscape in size, shape, style and general color scheme
 - (9) be designed with consideration for other murals in the immediate vicinity
 - (10) be incorporated as an element of the overall building design
 - (11) be devoid of advertising or even the suggestion of advertising
 - (12) not contain any logo, graphic or text representative of any business operated within the building on which it is to be placed
 - (13) be designed to complement the wall on which it is proposed

- (14) be proportionate to the blank space proposed for placement
- (15) be large enough to be significant but not overwhelming
- (16) be in good taste with no crude, coarse or vulgar language or image
- (17) be located so as to avoid any negative impact

(b) A mural is to be treated as any other painting approval on a building, and must:

- (1) be done in a professional, artistic manner (the artist shall be asked to provide samples of previous mural work and/or references from other jurisdictions where such work has been done)
- (2) have financial assurance for an ongoing maintenance program

Article 12-18.03 – Regulation of Murals

(a) Any mural or wall painting proposed for the Central Business District shall follow the approved Development Procedures Code for either:

- (1) a Plot Plan, Historic District (if applicable); or
- (2) a Plot Plan and Building Permit (if outside the Historic Preservation District)

(b) The applicant (property owner) shall submit to the Building Department the following:

- (1) an application signed by the property owner
- (2) a legal description of the property
- (3) a copy of the plat as recorded in the Coconino County Recorder's Office
- (4) scaled drawings of the building façade showing the mural placement
- (5) a color photograph of the building façade, including:
 - (A) the street curb in the foreground;
 - (B) the entire roofline of the side of the building that is the site of the proposed mural; and
 - (C) a portion of the building or street on either side of the proposed mural or wall painting site
- (6) a color rendering, drawn to scale, of the proposed mural, including the proposed building side from ground to roof (photo simulations of the proposed mural project are encouraged)

(c) The Chief Building Official shall forward copies of the application and accompanying documents to:

- (1) the Main Street Design Committee, which shall review the project for conformity with the City's urban design guidelines; and if applicable,
 - (2) the Historic Preservation Commission, which shall review the project for conformity with the established guidelines, particularly the Secretary of the Interior's Standards for Rehabilitation
- (d) After review and approval of the application, the Chief Building Official shall issue a building permit to the owner of the property, and said permit shall be subject to the following conditions:
- (1) the property owner shall maintain the mural or wall painting in good condition
 - (2) the Building Department has the authority to order the removal of any mural or wall painting that is:
 - (A) not completed in strict accordance with the approved permit, or
 - (B) not maintained in good condition
- (e) the Building Department also has the authority to order removal of any mural or wall painting completed without an approved permit
- (f) in addition, the Building Department has the authority to order the painted surface to be restored to its original paint color and design following a removal ordered under part (d)(2) or part (e) of this article

Article 12-18.04 – Additional Regulation for the Historic Preservation District

- (a) A mural will not be approved for any historic unpainted brick and/or stone surface within the Historic Preservation District (Ord. 899, 2008).

(PAGE LEFT BLANK INTENTIONALLY)