

## ACKNOWLEDGMENTS

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American Planning Association  
 PAS Report #478

Town of Queen Creek  
 Zoning Ordinance

City of Mesa  
 Zoning Ordinance

City of Glendale  
 Zoning Ordinance  
 Downtown "PR" Zone

City of Peoria  
 Zoning Ordinance

Town of Gilbert  
 Zoning Ordinance  
 Parking Standards

Town of Fountain Hills  
 Zoning Ordinance

City of Phoenix  
 Zoning Ordinance

**Revisions to Zoning Ordinance:**

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Ordinance No. 77	(9/19/2002)	Ordinance No. 15-128	(06/11/2015)
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# ZONING ORDINANCE TABLE OF CONTENTS

<b>Article I, Title, Purpose and Scope</b> .....	1-1
§1.0 SHORT TITLE .....	1-1
§1.1 PURPOSE AND INTENT.....	1-1
§1.2 FILING FEES .....	1-1
§1.3 INTERPRETATION.....	1-1
§1.4 APPLICABILITY .....	1-2
§1.5 ENFORCEMENT .....	1-2
§1.6 VIOLATIONS AND PENALTIES .....	1-2
§1.7 SEVERABILITYy.....	1-3
 <b>Article II, Administration</b> .....	 2-1
§2.0 TOWN COUNCIL.....	2-1
§2.1 PLANNING AND ZONING COMMISSION .....	2-1
A. Establishment and Purpose .....	2-1
B. Membership .....	2-1
C. Term of Office .....	2-1
D. Organization.....	2-1
E. Duties .....	2-2
F. Compensation .....	2-2
§2.2 ZONING ADMINISTRATOR .....	2-3
A. Establishment and Purpose .....	2-3
B. Duties of Zoning Administrator.....	2-3
§2.3 TOWN CENTER REVIEW COMMITTEE (Reserved).....	2-4
§2.4 BOARD OF ADJUSTMENT .....	2-4
A. Establishment and Purpose .....	2-4
B. Membership .....	2-4
C. Terms of Office.....	2-4
D. Organization of Board of Adjustment.....	2-4
E. Duties .....	2-5
 <b>Article III, Zoning Procedures</b> .....	 3-1
§3.0 GENERAL PROCEDURAL REQUIREMENTS .....	3-1
A. Application Process .....	3-1
B. Pre-application Conference.....	3-1
C. Planning and Zoning Commission.....	3-1
D. Records .....	3-2
E. Town Council.....	3-2
F. Scope of Action.....	3-2
§3.1 NOTIFICATION OF PUBLIC HEARINGS.....	3-2
§3.2 ZONE TEXT AMENDMENTS AND ZONE MAP CHANGES.....	3-4
A. Purpose.....	3-4
B. Application.....	3-4

	C.	Initiation of Ordinance Text Amendment.....	3-4
	D.	Initiation of Rezoning .....	3-4
	E.	Submittal Requirements.....	3-4
	F.	Procedures.....	3-5
	G.	Protest .....	3-6
	H.	Subsequent Applications.....	3-6
§3.3		CONDITIONAL USE PERMITS.....	3-6
	A.	Purpose.....	3-6
	B.	Application.....	3-6
	C.	Submittal Requirements.....	3-7
	D.	Procedures.....	3-7
	E.	Approval Criteria .....	3-7
	F.	Validity Limit.....	3-7
§3.4		TEMPORARY CONDITIONAL USE PERMITS.....	3-7
	A.	Purpose.....	3-7
	B.	Application.....	3-7
	C.	Submittal Requirements.....	3-8
	D.	Procedures.....	3-8
	E.	Approval Criteria .....	3-8
§3.5		SPECIAL EVENT USE PERMITS.....	3-8
	A.	Purpose.....	3-8
	B.	Submittal Requirements.....	3-8
	C.	Validity Limit.....	3-8
	D.	Procedures.....	3-8
§3.6		HOME OCCUPATIONS.....	3-9
	A.	Purpose.....	3-9
	B.	Conditionally Permitted Uses .....	3-10
	C.	Prohibited Uses .....	3-10
	D.	Violation .....	3-11
§3.7		APPEALS .....	3-11
	A.	Appeal to Board of Adjustment .....	3-11
	B.	Appeal to Superior Court.....	3-11
	C.	Appeal Hearings.....	3-11
§3.8		VARIANCES.....	3-11
	A.	Application.....	3-11
	B.	Variance Request .....	3-12
	C.	Public Hearing .....	3-12
	D.	Validity Limit.....	3-12
§3.9		SITE PLAN REVIEW .....	3-12
	A.	Purpose.....	3-12
	B.	Application.....	3-12
	C.	Submittal requirements .....	3-13
	D.	Procedures.....	3-13
	E.	Scope of Action.....	3-13
§3.10		DESIGN REVIEW .....	3-13
	A.	Purpose and Intent.....	3-13

	B.	Projects Requiring Design Review .....	3-14
	C.	Town Council Review .....	3-14
	D.	Planning and Zoning Commission Review.....	3-14
	E.	Zoning Administrator Review .....	3-14
	F.	Design Standards and Guidelines .....	3-14
	G.	Application Required.....	3-15
	H.	Lapse of Design Review Approval.....	3-15
§3.11		GENERAL PLAN AMENDMENT .....	3-15
	A.	Application.....	3-15
	B.	Procedures.....	3-16
	C.	Major Amendment Criteria.....	3-16
	D.	Minor Amendment Process.....	3-16
	E.	Approval Criteria .....	3-17
§3.12		RECREATIONAL VEHICLE PARKS.....	3-17
	A.	Purpose.....	3-17
	B.	Site Specifications.....	3-17
<b>Article IV, Zone Districts and Maps .....</b>			<b>4-1</b>
§4.0		PURPOSE .....	4-1
§4.1		ESTABLISHMENT OF ZONING DISTRICTS .....	4-1
§4.2		ZONING MAP.....	4-3
§4.3		DISTRICT BOUNDARIES.....	4-3
§4.4		ESTABLISHING TOWN ZONING IN ANNEXED AREAS .....	4-3
<b>Article V, Single Residential Zone Districts .....</b>			<b>5-1</b>
§5.0		PURPOSE .....	5-1
	A.	Estate Residential Zone Districts .....	5-1
	B.	Suburban Residential Zone Districts .....	5-1
	C.	Urban Residential Zone Districts.....	5-1
§5.1		PERMITTED USES .....	5-2
§5.2		USES SUBJECT TO A CONDITIONAL USE PERMIT .....	5-3
§5.3		COMPLIANCE WITH OTHER PROVISIONS .....	5-5
§5.4		DENSITY, AREA, BUILDING AND YARD REGULATIONS .....	5-5
<b>Article VI, Multiple Residential Zone Districts .....</b>			<b>6-1</b>
§6.0		PURPOSE .....	6-1
§6.1		PERMITTED USES .....	6-1
§6.2		USES SUBJECT TO A CONDITIONAL USE PERMIT .....	6-2
§6.3		DESIGN STANDARDS REQUIREMENTS .....	6-2
§6.4		LANDSCAPE AND SCREENING REQUIREMENTS .....	6-3
	A.	Landscape Requirements .....	6-3
	B.	Screening Requirements .....	6-4
§6.5		COMPLIANCE WITH OTHER PROVISIONS .....	6-4
§6.6		DENSITY, AREA, BUILDING AND YARD REGULATIONS .....	6-4
<b>Article VII, Commercial Zone Districts.....</b>			<b>7-1</b>

§7.0	PURPOSE .....	7-1
§7.1	PERMITTED USES (C-1).....	7-1
§7.2	USES SUBJECT TO A CONDITIONAL USE PERMIT (C-1) .....	7-2
§7.3	PERMITTED USES IN C-2 (General Commercial) DISTRICT .....	7-3
§7.4	USES SUBJECT TO A CONDITIONAL USE PERMIT (C-2) .....	7-4
§7.5	PROHIBITED USES IN C-2 DISTRICT) .....	7-5
§7.6	DESIGN STANDARDS REQUIREMENTS .....	7-5
	A. General Architectural Requirements.....	7-5
	B. General Site Plan Requirements .....	7-6
§7.7	LANDSCAPE AND SCREENING REQUIREMENTS .....	7-6
	A. Landscape Requirements .....	7-6
	B. Screening Requirements .....	7-7
§7.8	COMPLIANCE WITH OTHER PROVISIONS .....	7-7
§7.9	DENSITY, AREA, BUILDING AND YARD REGULATIONS .....	7-8
<b>Article VIII, Town Center Zone District .....</b>		<b>8-1</b>
§8.0	PURPOSE .....	8-1
§8.1	PERMITTED USES .....	8-1
§8.2	PROHIBITED USES .....	8-2
§8.3	DESIGN STANDARDS REQUIREMENTS .....	8-2
	A. General Architectural Requirements.....	8-2
	B. General Site Plan Requirements .....	8-3
	C. Outdoor Sidewalk Cafes .....	8-3
	D. Vacant Buildings.....	8-4
§8.4	LANDSCAPE AND STREETScape REQUIREMENTS .....	8-4
	A. Landscaping Requirement .....	8-4
	B. Main Street and Magma Avenue .....	8-5
	C. Local Streets.....	8-5
	D. Streetscape Requirements .....	8-5
§8.5	COMPLIANCE WITH OTHER PROVISIONS .....	8-5
§8.6	DENSITY, AREA, BUILDING AND YARD REGULATIONS .....	8-6
<b>Article IX, Industrial Zone Districts .....</b>		<b>9-1</b>
§9.0	PURPOSE .....	9-1
§9.1	PERMITTED USES .....	9-1
§9.2	USES SUBJECT TO A CONDITIONAL USE PERMIT .....	9-3
§9.3	PROHIBITED USES .....	9-3
§9.4	Design Standards Requirements .....	9-3
	A. General Architectural Requirements.....	9-3
	B. General Site Plan Requirements .....	9-4
§9.5	LANDSCAPE AND SCREENING REQUIREMENTS .....	9-4
	A. Landscape Requirements .....	9-4
	B. Screening Requirements .....	9-5
§9.6	BUFFER YARD REQUIREMENTS .....	9-5
§9.7	COMPLIANCE WITH OTHER PROVISIONS .....	9-5
§9.8	DENSITY, AREA, BUILDING AND YARD REGULATIONS .....	9-6

<b>Article X, Open Space Zone Districts .....</b>	<b>10-1</b>
§10.0 PURPOSE .....	10-1
§10.1 PERMITTED USES .....	10-1
§10.2 USES SUBJECT TO A CONDITIONAL USE PERMIT .....	10-2
§10.3 PROHIBITED USES .....	10-2
§10.4 DEVELOPMENT STANDARDS .....	10-2
§10.5 COMPLIANCE WITH OTHER PROVISIONS .....	10-3
§10.6 DENSITY, AREA, BUILDING AND YARD REGULATIONS .....	10-3
<b>Article XI, Manufactured Home Overlay District.....</b>	<b>11-1</b>
§11.0 PURPOSE .....	11-1
§11.1 INTENT .....	11-1
§11.2 PERMITTED USES .....	11-1
§11.3 PLANNING REVIEW PROCESS .....	11-1
§11.4 REVIEW CRITERIA.....	11-2
§11.5 DESIGN STANDARDS.....	11-2
A. Manufactured Homes on Individual Lots .....	11-2
B. Manufactured Homes Land-Lease Development .....	11-4
§11.6 USES SUBJECT TO A CONDITIONAL USE PERMIT .....	11-6
§11.7 EXCEPTION .....	11-6
§11.8 COMPLIANCE WITH OTHER PROVISIONS .....	11-7
§11.9 DENSITY, AREA, BUILDING AND YARD REGULATIONS .....	11-7
<b>Article XII, Planned Development Overlay Zone District .....</b>	<b>12-1</b>
§12.0 PURPOSE .....	12-1
§12.1 MINIMUM LOT SIZE .....	12-1
§12.2 USE REGULATIONS .....	12-2
§12.3 PLANNING REVIEW PROCESS .....	12-2
§12.4 REVIEW CRITERIA.....	12-3
§12.5 DESIGN STANDARDS.....	12-4
§12.6 COMPLIANCE WITH OTHER PROVISIONS .....	12-5
<b>Article XIII, General Provisions.....</b>	<b>13-1</b>
§13.0 PURPOSE .....	13-1
§13.1 USE RESTRICTIONS.....	13-1
§13.2 SUBDIVIDING RECORDED LOTS.....	13-1
§13.3 STREET DEDICATION REQUIREMENTS .....	13-1
§13.4 UNSUITABLE SITES.....	13-2
§13.5 PERFORMANCE STANDARDS .....	13-2
§13.6 PROJECTIONS INTO REQUIRED YARDS .....	13-3
§13.7 HEIGHT LIMITATIONS.....	13-4
§13.8 ACCESSORY BUILDINGS AND USES .....	13-4
§13.9 FENCES AND WALLS .....	13-5
§13.10 SWIMMING POOLS .....	13-5
§13.11 OUTDOOR STORAGE AND JUNK AUTOMOBILES .....	13-6

§13.12	DUMPING AND DISPOSAL .....	13-7
§13.13	MEDICAL MARIJUANA.....	13-7
§13.14	SOLAR SITING .....	13-11
§13.15	SECOND DWELLING UNITS.....	13-15
<b>ARTICLE XIV, Parking Provisions .....</b>		<b>14-1</b>
§14.0	PURPOSE .....	14-1
§14.1	GENERAL REGULATIONS.....	14-1
§14.2	IMPROVEMENTS .....	14-1
§14.3	REQUIRED PARKING SPACES BY USE TYPE.....	14-2
§14.4	PARKING SPACE AND MANEUVERING DIMENSIONS .....	14-4
	A. Large Vehicle Parking .....	14-4
	B. Disabled Parking.....	14-4
	C. Standard Parking.....	14-4
	D. Compact Parking.....	14-4
	E. Loading Space.....	14-4
	F. Exceptions.....	14-4
	G. Hours of Operation .....	14-4
§14.5	PARKING AND LOT LANDSCAPE REQUIREMENTS .....	14-5
	A. Amount Required.....	14-5
	B. Location .....	14-5
	C. Irrigation of Parking Lot Landscaping.....	14-5
	D. Maintenance of Landscaping .....	14-5
§14.6	ADJUSTMENTS TO PARKING REQUIREMENTS .....	14-5
§14.7	SHARED PARKING.....	14-5
<b>ARTICLE XV, Outdoor Lighting Provisions .....</b>		<b>15-1</b>
§15.0	PURPOSE .....	15-1
§15.1	CONFORMANCE WITH APPLICABLE CODES .....	15-1
§15.2	DEFINITIONS.....	15-1
	A. Filtered .....	15-1
	B. Fossil Fuel Light .....	15-1
	C. Fully Shielded .....	15-1
	D. Individual .....	15-1
	E. Installed.....	15-1
	F. Luminary.....	15-1
	G. Outdoor Light Fixtures .....	15-1
	H. Partially Shielded .....	15-2
§15.3	GENERAL REQUIREMENTS .....	15-2
	A. Shielding .....	15-2
	B. Filtration.....	15-2
	C. Building and Structures.....	15-2
	D. Parking Lot Lighting.....	15-3
	E. Outdoor Advertising Signs .....	15-4
§15.4	PROHIBITIONS.....	15-4
	A. Searchlights.....	15-4

	B. Recreational Facilities.....	15-4
	C. Exterior Lighting.....	15-4
	D. Mercury Vapor and Quartz-Halogen .....	15-4
	E. Signage.....	15-4
§15.5	EXEMPTIONS .....	15-4
	A. Nonconforming Fixtures.....	15-4
	B. Fossil Fuel Light .....	15-4
	C. Federal and State Facilities .....	15-5
§15.6	PROCEDURES FOR COMPLIANCE.....	15-5
	A. Application.....	15-5
	B. Contents of Application .....	15-5
	C. Issuance of Permit.....	15-5
	D. Amendment to Permit.....	15-5
<b>ARTICLE XVI, Wireless Communications .....</b>		<b>16-1</b>
§16.0	PURPOSE .....	16-1
§16.1	INTENT .....	16-1
§16.2	CONFORMANCE WITH APPLICABLE CODES .....	16-1
§16.3	Definitions.....	16-1
	A. Alternative Tower Structure .....	16-1
	B. Antenna.....	16-1
	C. Building Mounted Antenna.....	16-1
	D. Co-location.....	16-2
	E. Equipment Cabinet.....	16-2
	F. FAA.....	16-2
	G. FCC .....	16-2
	H. Height.....	16-2
	I. Monopole .....	16-2
	J. Mount.....	16-2
	K. Personal Wireless Service Facility (PWSF) .....	16-2
	L. Site .....	16-2
	M. Tower .....	16-2
§16.4	GENERAL REQUIREMENTS .....	16-2
§16.5	PERMITTED USES .....	16-4
§16.6	CONDITIONAL USE PERMITS.....	16-4
§16.7	SUBMITTAL REQUIREMENTS.....	16-4
§16.8	EXEMPTIONS .....	16-6
<b>ARTICLE XVII, Sign Provisions .....</b>		<b>17-1</b>
§17.0	PURPOSE .....	17-1
§17.1	INTENT .....	17-1
§17.2	DEFINITIONS.....	17-1
§17.3	General Requirements.....	17-3
§17.4	Permitted Permanent Signs.....	17-4
	A. Residential Districts .....	17-4
	B. Commercial Districts .....	17-6

	C. Town Center District.....	17-7
	D. Industrial District .....	17-8
	E. Open Space District .....	17-9
§17.5	CONDITIONAL USE PERMITS.....	17-9
§17.6	TEMPORARY SIGNS .....	17-9
	A. Banner, Pennants, and Grand Openings .....	17-9
	B. Portable Signs .....	17-10
	C. Off-Site Directional Signs for Special Events .....	17-10
	D. Fixed Balloon Signs.....	17-10
	E. Banner Signs .....	17-10
	F. Political Signs .....	17-11
	G. Real Estate Signs.....	17-11
§17.7	SUBMITAL REQUIREMENTS .....	17-11
§17.8	EXCEPTIONS .....	17-11
	A. Permits not Required.....	17-11
	B. Excepted Signage.....	17-12
§17.9	PROHIBITED SIGNS .....	17-13
	<b>ARTICLE XVIII, Nonconforming Uses .....</b>	<b>18-1</b>
§18.0	PURPOSE .....	18-1
§18.1	LIMITATION ON BUILDINGS AND USES .....	18-1
§18.2	LIMITATIONS ON LOTS .....	18-2
§18.3	LIMITATION ON SIGNS.....	18-2
	A. Legal Nonconforming Signs.....	18-2
	B. Signs for a Legal Nonconforming Use .....	18-3
	C. Signs Rendered Discontinued.....	18-3
	<b>ZONING ORDINANCE APPENDICES .....</b>	<b>A-1</b>
	<b>APPENDIX A, Glossary of Terms and Definitions .....</b>	<b>A-2</b>
	<b>APPENDIX B, Plant List for Right-of-Way Landscaping .....</b>	<b>A-12</b>



## **ARTICLE I –TITLE, PURPOSE, AND SCOPE**

### **§1.0 SHORT TITLE**

This Ordinance shall be known as and may be cited as the "Town of Superior Zoning Ordinance". All appendices, exhibits and/or maps within this Ordinance are hereby adopted and shall be incorporated herein as a part of this ordinance.

### **§1.1 PURPOSE AND INTENT**

- A. The purpose of this Zoning Ordinance and the intent of its application is to provide the minimum requirements for the implementation of the General Plan; promote the public interest, health, comfort, safety, convenience, and general welfare; to protect the character and the stability of residential, business, recreational, and industrial areas of the community; to guide, control and regulate the future growth and development of the Town of Superior; and to provide for adequate light and air, avoidance of overcrowding of land and excessive concentration of population by establishing land use classifications and by imposing regulations on the use of land, on the location, height and bulk of buildings and structures, and by establishing standards for design and development.
- B. This Zoning Ordinance establishes procedures, offices, boards, and commissions for the enforcement, interpretation, and processing of amendments, variances, special and conditional use permits, appeals, and for violations and penalties for infractions of these zoning regulations.
- C. All buildings, structures, and uses of land, constructed or developed, shall be subject to all applicable provisions of this Zoning Ordinance.
- D. All changes to distinguishing traits or primary features or the use of a building or land, as evidenced by increased parking requirements, change of occupancy, change of outside storage, or other features, occurring to existing properties after the effective date of this Zoning Ordinance, shall be subject to all provisions of this Zoning Ordinance. The use of a building or land shall refer to the primary or specific purpose for which the building or land is occupied, designed, intended, or maintained.

### **§1.2 FILING FEES**

The Town Council may from time to time establish and set by resolution the amount of charges for all planning and zoning applications within the jurisdiction of the Town. The developer/applicant shall, at the time of filing, pay to the Town those established planning and zoning fees. These are processing fees and shall be nonrefundable.

### **§1.3 INTERPRETATION**

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

- B. It is not the intention of this Zoning Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those zoning and building ordinances specifically repealed by this Ordinance, or with restrictions placed upon property by covenant, deed, easement, or other agreement between parties, provided that where this Ordinance imposes higher standards or a greater restriction on land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this Ordinance shall prevail.
- C. This Zoning Ordinance supersedes any other Zoning Ordinance previously adopted by the Town of Superior.

**§1.4 APPLICABILITY**

- A. This Ordinance shall govern the development and the use of land and structures within the corporate limits of the Town. No building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed, and no permit shall be issued for any building, structure, or land unless it is in conformity with all applicable provisions of this Ordinance.
- B. All conditional uses which have been legally approved and established shall be permitted to proceed under such approvals, provided that the person, firm, or corporation that obtained such conditional uses have also obtained Building Permits for all buildings and structures to be constructed, and have completed all construction within twelve (12) months of the approval of such conditional use, unless the Council action approving such conditional use had a longer period of time.

**§1.5 ENFORCEMENT**

This Ordinance shall be enforced by the Zoning Administrator, who shall in no case grant permission for the issuance of any permit for the construction, reconstruction, alteration, demolition, movement or use of any building, structure, lot, or parcel if the Zoning Administrator determines that the building, structure, lot or parcel as proposed to be constructed, reconstructed, altered, used, or moved, would be in violation of any of the provisions of this Ordinance, unless directed to issue such permit by the granting of a variance by the Town Council after receiving and reviewing a recommendation by the Planning and Zoning Commission for said variance.

**§1.6 VIOLATIONS AND PENALTIES**

- A. It is hereby declared to be unlawful to construct, erect, install, alter, change, demolish, maintain, use, or permit the construction, erection, installation, alteration, change, maintenance, or use of any building, structure, or land contrary to, or in violation of, any provision of this Ordinance or of any provision designated as a condition of approval either by the plan review process or through an amendment, special or conditional use permit, variance, site plan, design review, or appeal by an office, board, commission, committee, or the Town Council as established by this Ordinance.
- B. Unless otherwise provided in this Ordinance, any person, firm, or corporation found to be violating any of the provisions of this Zoning Ordinance and any amendments thereto,

shall be guilty of a Class One misdemeanor, punishable as provided in Article 1-8 of the Superior Town Code; and each day of violation continued shall be a separate offense, punishable as described.

**§1.7 SEVERABILITY**

If any part of the Zoning Ordinance is found to be invalid or unconstitutional by any court, such action shall not apply to the Ordinance as a whole, but only to that specific part, and shall not affect the validity of the remaining portions or provisions of this Ordinance.

## ARTICLE II – ADMINISTRATION

### §2.0 TOWN COUNCIL

The Town Council shall have the following powers and duties under this Ordinance:

- A. To hear, review and consider recommendations made by the Planning and Zoning Commission on zoning applications, use permits, special use permits, variances, and appeals, in accordance with the provisions of this Ordinance.
- B. To hear, review and adopt amendments to the Official Zoning Map after recommendation by the Planning and Zoning Commission in accordance with this Ordinance.
- C. To hear, review and adopt amendments to the text of this Ordinance after the recommendation by the Planning and Zoning Commission, in accordance with the provisions of this Ordinance.

### §2.1 PLANNING AND ZONING COMMISSION

- A. **Establishment and Purpose:** There is hereby created a Planning and Zoning Commission for the purpose of promoting the health, safety, order, beauty, prosperity and general welfare of the Town; and for securing efficiency, economy and concerted effort in the growth and development of the Town; and for exercising such powers as are granted by this Ordinance and Arizona Revised Statutes §9-461 through §9-462.08 as same may be amended from time to time.
- B. **Membership:** The Commission shall consist of seven (7) members, all residents of the Town, who shall be appointed by, and serve at the pleasure of, the Town Council.
- C. **Term of Office:** The members of the Commission shall serve for terms of three (3) years. In the event of a death, resignation, or removal from the Commission, the vacancy shall be filled by the Council for the unexpired term. Three (3) successive unexcused absences during a calendar year from any regular or special meetings may be considered inefficiency, or neglect of duty, and may be grounds for termination at the will and pleasure of the Town Council.
- D. **Organization:**
  - 1. **Officers:** The Commission shall elect a chairperson and vice chairperson from among its own members at the first meeting held in each calendar year. The chairperson shall preside at all meetings. The vice-chairperson shall perform the duties of the chairperson in the latter's absence or disability. The Clerk of the Commission shall be a member of the Town staff appointed by the Town Manager, and is not a voting member of the Commission.
  - 2. **Meetings:** Meetings of the Commission shall be open to the public, the minutes of the proceedings, showing the votes of each member and records of its examinations and other official actions, shall be kept and filed in the office of the Town Clerk as a public record.

3. **Quorum:** Four (4) members of the Commission shall constitute a quorum for the transaction of business. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. A member may abstain from voting only upon a declaration that he/she has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.
  4. **Rules and Regulations:** The Commission may make and publish bylaws to govern its proceedings, and to provide for its meetings. The by-laws are to be reviewed by the Town Attorney and approved by the Town Council.
- E. Duties:** In addition to any authority granted to the Planning and Zoning Commission by Arizona law, other ordinances of the Town or by this Ordinance, the Planning and Zoning Commission shall have the following powers and duties:
1. To hold public hearings when necessary, or when required by law.
  2. To initiate, hear, review, and make recommendations to the Town Council regarding applications for amendments to the General Plan, or any other such plan, in accordance with the provisions of this Ordinance; to conduct a review and make recommendations to the Town Council, on an annual basis, on the General Plan, and for any land outside the Town's planning area which, in the opinion of the Commission, is substantially related to the planning of the Town.
  3. To make recommendations to the Town Council on all matters concerning or relating to the creation or revision of Zoning Ordinances, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this Ordinance, and to undertake any other activities usually associated therewith and commonly known as "planning and zoning".
  4. To initiate, hear and review applications for amendments to the Official Zoning Map and/or text of this Ordinance.
  5. To hear, review and make recommendations to the Town Council regarding tentative subdivision plats, in accordance with the provisions of the Town's Subdivision Ordinance.
  6. To serve as an advisory body to the Town Council on such matters as applications for use permits, special use permits, and any other permit or review process pursuant the provisions of this Ordinance.
  7. To confer and advise with other town, county, regional, or state planning agencies, and commissions.
- F. Compensation:** The members of the Commission shall serve without compensation. The Commissioners may be reimbursed for actual expenses incurred in connection with their duties upon authorization in advance by the Commission, and approval of such expenditures by the Town Manager.

## §2.2 ZONING ADMINISTRATOR

- A. Establishment and Purpose:** The staff position of Zoning Administrator is hereby created for the general and specific administration of this Ordinance. The Zoning Administrator shall possess all powers of a Zoning Administrator under this Ordinance and Arizona Law, and shall perform such duties as set forth under the direction of the Town Manager. During any period that the position of Zoning Administrator is vacant, the Town Manager, or the Manager's designee, shall perform the duties of the Zoning Administrator. Further, the Zoning Administrator shall not make any changes in the uses permitted in any zoning classification, zone district, or make any changes in the terms of the Zoning Ordinance.
- B. Duties of the Zoning Administrator:** The Zoning Administrator shall have the following duties:
1. To establish rules, procedures, and forms to provide for processing of applications or requests for action under the provisions of this Ordinance.
  2. Accomplish all administrative actions required by this Ordinance, including the giving of notice, scheduling of hearings, preparation of reports, receiving and processing appeals, the acceptance and accounting of fees, and the rejection or approval of site plans as provided in other provisions of this Ordinance.
  3. To provide advice and recommendations to the Town Planning and Zoning Commission and the Town Council with respect to applications and requests for approvals and permits required by this Ordinance.
  4. To direct such inspections, observations and analysis of any and all erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the Town as is necessary to fulfill the purposes and procedures set forth in this Ordinance. No building shall be occupied until such time as the Zoning Administrator has issued a letter of compliance with this Ordinance.
  5. To take such action as is necessary for the enforcement of this Ordinance with respect to any violations of this Ordinance.
  6. Interpret the Zoning Ordinance to the public, Town departments, and other branches of government, subject to the supervision of the Town Manager and any general or specific policies established by the Town Council.
  7. Undertake preliminary discussions with, and provide non-legal advice to applicants requesting zoning adjustment action.
  8. Determine the location of any district boundary shown on the Zoning Map adopted as part of this Ordinance when such location is in dispute.
  9. To allow an opportunity for staff input and proper evaluation. All requests for action by the Planning and Zoning Commission shall be filed with the Zoning Administrator. All requests shall be in a form required by the Zoning Administrator and in a manner provided in this Ordinance or in rules or regulations approved by resolution of the Town Council.

10. The Zoning Administrator shall process all applications for tentative subdivision plats or amendments to the General Plan, and shall prepare a staff report along with conditions of approval, if appropriate, and shall include recommendations to the Planning and Zoning Commission. The Planning and Zoning Commission will then make a recommendation to the Town Council to approve, conditionally approve, or deny said applications.

## **§2.3 TOWN CENTER REVIEW COMMITTEE (RESERVED)**

## **§2.4 BOARD OF ADJUSTMENT**

### **A. Establishment and Purpose**

The Town of Superior shall have a Board of Adjustment appointed by the Town Council. In lieu of appointing a separate Board of Adjustment, the Mayor, with the consent of the Town Council, may establish the Town Council as the Board of Adjustment.

### **B. Membership**

The Board shall consist of seven (7) members who shall be residents of the Town of Superior. The Town Council shall serve as the Board of Adjustment. The members of the Board shall serve without compensation.

### **C. Term of Office**

The terms of office, including the Chairman and Vice-Chairman shall coincide with the terms of the Town Council.

### **D. Organization of Board of Adjustment**

#### **1. Chairpersons:**

The Board members shall elect a chairperson and a vice-chairperson from the members of the Board at the first meeting held in each calendar year. The chairperson shall preside at all meetings. The vice-chairperson shall perform the duties of the chairperson in the latter's absence or disability. The Clerk of the Board shall be the Town Clerk and shall not be a voting member.

#### **2. Meetings:**

Meetings of the Board shall be open to the public, the minutes of the proceedings, showing the votes of each member. Records of its examinations and other official actions shall be kept and filed in the office of the Town Clerk as a public record.

#### **3. Quorum:**

Four (4) members of the Board shall constitute a quorum for the transaction of business. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. A member may abstain from voting only upon a declaration that he/she has a conflict of interest, in which case such member shall be excused and shall take no part in the deliberation on the matter in question.

**4. Rules and Regulations:**

The Board shall adopt and publish rules and procedures necessary for the conduct of its business, subject to review by the Town Attorney and approval by the Town Council.

**E. Duties**

In addition to any authority granted to the Board of Adjustment by Arizona State Law, the Board shall have the following powers and duties:

1. To hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator, the Planning and Zoning Commission, or the Town Council in the enforcement of this order, requirement, or decision of the Zoning Administrator, the Planning and Zoning Commission or the Town Council properly appealed to the Board, and may reverse or affirm, wholly or partly, or modify the order, requirement, or decision as necessary.
2. To hear and decide requests for variances from the terms of this Ordinance only if 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 the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same zoning district in which such property is located.
3. A variance may only be granted, in accordance to State Law, provided evidence is presented that satisfies the specific conditions outlined by State Statutes:
  - a. There exists special circumstances or conditions regarding the land or building for which the variance or adjustment is sought, which do not apply generally to other land or buildings in the same zoning district, and these special circumstances or conditions are preexisting and are not created or self-imposed; and
  - b. The variance is necessary for the preservation of substantial property rights. Without a variance, the property cannot be used for purposes otherwise allowed in the same zoning district, and the variance or adjustment, as granted, is the minimum adjustment that will accomplish this purpose; and
  - c. The granting of the adjustment will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.
4. The Board of Adjustment may not make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance, provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to this Article.

## ARTICLE III – ZONING PROCEDURES

### §3.0 GENERAL PROCEDURAL REQUIREMENTS

- A. **Application Process:** The purpose of this Article is to provide procedures for the various requests for amendments to the text of this Ordinance, amendments to the Official Zoning Map(s), Conditional Use Permits, Variances, Appeals, and Site Plan Review. The specific procedures followed in reviewing the various applications differ. Generally, the procedures for all applications have three common elements:
1. Submittal of a completed Town application, including required fee payment along with appropriate information.
  2. Review of the submittal by appropriate Town staff, agencies, commissions, and boards.
  3. Action to approve, conditionally approve, or deny the application.
- B. **Pre-application Conference:** The applicant shall meet with the Zoning Administrator to discuss the nature of the proposed application, application submittal requirements, procedure for action, and the standards for evaluation of the application and shall include the following:
1. **Site Plan:** The applicant, at the time of the pre-application conference, shall provide the Zoning Administrator with a site plan depicting the boundaries of the property requested for rezoning and a tentative development proposal for the property.
  2. **Complete Submittal:** The applicant shall submit all of the required materials to the Zoning Administrator. Only complete applications shall be accepted.
- C. **Planning and Zoning Commission:** The Planning and Zoning Commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this Ordinance. On those items where it has review authority, the Commission shall recommend that the Town Council approve, approve with conditions or deny applications. Commission decisions and recommendations shall be based on consideration of the following evidence and analysis:
1. Conformance with this Ordinance.
  2. Conformance to the General Plan and other adopted plans.
  3. Staff recommendations.
  4. Review agency input.
  5. Public input and testimony received at the public hearing.
  6. Effects of the proposal on the neighborhood, and community- at-large.

- D. Records:** The Town shall provide for minutes to be written and retained, shall record the evidence submitted, and shall include a summary of the consideration and the action of the Planning and Zoning Commission.
- E. Town Council:** The Town Council shall hold regularly scheduled public hearings to act upon all items required by this Ordinance. The Town Council shall decide whether or not to approve, approve with conditions, or deny any applications. Action on those items heard will be based on consideration of evidence presented including, but not limited to, the following:
1. Planning and Zoning Commission recommendations.
  2. Conformance with this Ordinance, the Superior General Plan, and other adopted plans, standards, and policies.
  3. Staff recommendations.
  4. Review agency input
  5. Public input and testimony received at the public hearing.
  6. Effects of the proposal on the neighborhood, and community-at-large.
- F. Scope of Action:** The reviewing body may take any action on the application that is consistent with the notice given, including approval, conditional approval or denial of the application. The reviewing body may allow amendments to the application if the effect of the amendments is to allow a lesser change than that requested on the original application, or to reduce the impact of the development, or to reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body shall not, in any case, permit a greater amount of development, or a use falling in a different general use category, or a larger land area than indicated in the original application, or a greater variance than was indicated in the public notice.

### **§3.1 NOTIFICATION FOR PUBLIC HEARINGS**

- A.** Notification of public hearing(s) required for zoning text amendments, zoning amendments (rezoning), use permits, and variances shall be provided as set forth in A.R.S. §9-462.04 and herein described. The Planning and Zoning Commission shall hold a public hearing on any zoning ordinance. Notice of the time and place of the hearing including a general explanation of the matter to be considered, and including a general description of the area affected, shall be given at least fifteen (15) days before the public hearing in the following manner:
1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the town, and shall be posted on the affected property in such a manner as to be legible from the public right-of-way. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet the word "zoning," the present zoning district classification, the proposed zoning district classification, and the date and time of the public hearing.

2. In proceedings involving rezoning of land which abuts other municipalities or unincorporated areas of the County or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land. In addition to notice by publication, the Town may give notice of the hearing in such other manner as it may deem necessary or desirable.
3. In proceedings that are not initiated by the property owner involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within three hundred (300) feet of the property to be rezoned.
4. In proceedings involving one (1) or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 5 of this Section:
  - a. A ten (10) percent or more increase or decrease in the number of square feet or units that may be developed.
  - b. A ten(10) percent or more increase or reduction in the allowable height of buildings.
  - c. An increase or reduction in the allowable number of stories of buildings.
  - d. A ten (10) percent or more increase or decrease in setback or open space requirements.
  - e. An increase or reduction in permitted uses.
5. In proceedings governed by paragraph 4 of this subsection, the Town shall provide notice to real property owners pursuant to at least one of the following notification procedures:
  - a. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
  - b. If the Town issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the Town shall include notice of such changes with such utility bills or other mailings.
  - c. The Town shall publish such proposed changes prior to the first hearing on such changes in a newspaper of general circulation in the Town. The changes shall be published as a legal notice covering not less than one-eighth (1/8) of a full page.
6. If notice is provided pursuant to subparagraphs 5(b) or 5(c) of this subsection the Town shall also send notice by first class mail to persons who register their

names and addresses with the Town as being interested in receiving such notice, the Town may charge a fee not to exceed five (5) dollars per year for providing this service, and may adopt procedures to implement this provision.

7. Notwithstanding the notice requirements set forth in paragraph 5 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 Town for which the notice was given.

### **§3.2 ZONING TEXT AMENDMENT AND ZONING CHANGES**

- A. **Purpose:** In accordance with the provisions of Arizona State Law, the Town Council may from time to time adopt text amendments to this Ordinance and/or amend the Official Zoning Map(s). Such amendments or changes may be initiated by the Town Council, Planning and Zoning Commission, or Town staff.
- B. **Application:** Before any applications are accepted by the Zoning Administrator, the petitioner shall schedule a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for either a zoning text amendment or a zoning change (rezoning) pursuant to these regulations. All applications shall be filed on a form provided by the Town and shall be accompanied by the required fee and all required materials as outlined in this Ordinance. Depending upon the specifics of the amendment or rezoning, additional materials or studies may be required by the Town in order to adequately review the application.
- C. **Initiation of Ordinance Text Amendment:** Any person may request an amendment of the text of the Ordinance, after a pre-application meeting is held, by filing a completed application and submitting the required fee with the Town. The application must state the exact section of this Ordinance proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted if it will assist in understanding the benefits of the amendment.
- D. **Initiation of a Rezoning:** An owner of real property within the Town, or that owner's authorized representative, may, upon proof of ownership, apply for a change in zoning district boundaries (rezoning) for that landowner's property. Such amendments also may be initiated by the Planning and Zoning Commission, Town staff, or the Town Council. In the case where the rezoning application filed by a party other than the Planning and Zoning Commission, Town staff or Town Council which includes other properties, in addition to that owned by the petitioner, the application shall include the signatures of the real property owners representing at least seventy-five (75) percent of the land in the area proposed to be changed.
- E. **Submittal Requirements:** All zoning amendment applications shall include at a minimum the following information:
  1. A map showing the particular property or properties for which the rezoning application is being requested, and the adjacent properties, buildings and structures, land uses, and public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.
  2. A preliminary development plan that includes the following:

- a. A site plan drawn to scale and in such a manner as to indicate clearly and precisely what is planned for the subject property; lot dimensions and topography, showing existing as well as proposed grades and drainage systems with natural and manmade features, with indication as to which are being retained and which are to be altered or removed.
  - b. All buildings and structures existing and proposed.
  - c. Proposed block layout, street system, street dedications, improvements and utility plans.
  - d. Proposed reservation for parks, parkways, playgrounds, recreation areas, pedestrian access and other open space.
  - e. Off-street parking facilities including number of spaces and dimensions of parking area, loading bays and service access drives.
  - f. Proposed landscaping, including the native vegetation that will be salvaged, walls and fences, outdoor lighting, signs, and outdoor storage and activities.
3. The Town reserves the right to require additional information and material, and to require the submission of studies in order to adequately review the request.

**F. Procedures:**

- 1. A pre-application conference shall be scheduled by the applicant with the Zoning Administrator to discuss the proposal.
- 2. The petitioner shall submit a completed application, the required fees, and all material and studies related to the development plan, or the proposed text amendment.
- 3. Once the Zoning Administrator has determined that the application package is complete and all necessary information has been submitted, the application will be forwarded to the appropriate reviewing agencies for comments. A public hearing will then be scheduled before the Planning and Zoning Commission.
- 4. Notification of the public hearing shall be provided as set forth in A.R.S. §9-462.04 and Sec 3.1 of this Ordinance. A public hearing shall be conducted by the Planning and Zoning Commission in accordance with the requirements of A.R.S §9-462.04.
- 5. The Planning and Zoning Commission shall render a decision in the form of a written recommendation for approval, approval with conditions/changes, or denial of the petitioned rezoning or zoning text amendment. The recommendation shall then be forwarded to the Town Council.
- 6. Following the Planning and Zoning Commission's public hearing, the Town Council may adopt the recommendation of the Commission without holding a

second public hearing provided there is no objection, request for a public hearing, or other protest.

7. The Town Council shall approve, approve with conditions/changes, or deny the text amendment or rezoning request. Approval of a petition to rezone land may not be enacted as an emergency measure, and the rezoning shall not become effective for at least 30 (thirty) days following Town Council approval.
8. When a rezoning application is accompanied by an application for a conditional use permit or subdivision plat approval, such dual applications may be processed and reviewed concurrently. If the proposed rezoning is inconsistent with the General Plan, an application for an amendment to the General Plan shall be submitted by the applicant in accordance with ARS. §9-461.06 and §3.10 of this Ordinance.

**G. Protest:** The majority of votes, three-fourths (3/4) of the Town Council, as prescribed by ARS. §9462.04.G, shall be required if a protest petition is filed in accordance with said statute. The protest petition shall be filed in writing with the Town Clerk at or before noon on the date of the Town Council hearing.

**H. Subsequent Applications:** In the event that an application for amendment is denied by the Town Council, or that the application is withdrawn after the Planning and Zoning Commission hearing, the Commission shall not accept another application for the same amendment within one (1) year of the original hearing unless agreed to by a super majority (6/7) vote of the Commission.

### **§3.3 CONDITIONAL USE PERMITS**

**A. Purpose:** Conditional uses are those uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district.

**B. Application:**

1. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in this Ordinance, shall be authorized by the Town Council. A conditional use permit shall not be required for a use allowed as a permitted use in a given zoning district. No conditional use shall be established until a site plan and/or a description of the proposal has been approved in accordance with the provisions of this Article.
2. Before an application is accepted by the Zoning Administrator, the applicant shall schedule a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a conditional use permit pursuant to the provisions of the Zoning Ordinance. All applications shall be filed on a form provided by the Town, and shall be accompanied by the required fee and all required materials as outlined in this Ordinance. Depending upon the specific circumstances of the use, additional materials may be required by the Zoning Administrator in order to adequately review the application.

- C. **Submittal Requirements:** All conditional use permit applications shall comply with the submittal requirements outlined in §3.3 of this Ordinance.
- D. **Procedures:** All conditional use permits shall be processed in accordance with §3.2 F. of this Ordinance.
- E. **Approval Criteria:** As may be specified within each zoning district, uses permitted subject to a conditional use permit shall be permitted only after review and approval by the Planning and Zoning Commission and the Town Council, and only if the applicant demonstrates that:
  - 1. The proposed conditional use is in compliance with all regulations of the applicable zoning district, design standards, or general provision requirements of this Ordinance.
  - 2. The establishment, maintenance, or operation of the proposed use shall not be detrimental to the health, safety, and general welfare of occupants of surrounding land, nor be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
  - 3. The proposed use shall not burden the existing and anticipated traffic conditions including parking facilities on adjacent streets and land.
  - 4. The proposed use shall not impede the orderly development and improvement of surrounding property, and shall be in conformance with the General Plan adopted by the Town.
- F. **Validity Limit:**
  - 1. Approval shall become effective immediately.
  - 2. If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist. No application for a Conditional Use Permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, unless agreed to by a super majority (6/7) vote of the Commission.

### **§3.4 TEMPORARY CONDITIONAL USE PERMITS**

- A. **Purpose:** A Temporary Conditional Use Permit is a mechanism which, if approved, would allow a temporary use, not otherwise permitted, to locate within the Town on a short-term basis. Such a permit may also allow seasonal or transient uses not otherwise permitted. Prior to conducting or establishing a temporary use, approval of a Temporary Conditional Use Permit by the Town Council following review of a recommendation by the Planning and Zoning Commission is required.
- B. **Application:**
  - 1. Before an application is accepted by the Zoning Administrator, the applicant shall schedule a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a

temporary conditional use permit pursuant to these regulations. All applications shall be filed on a form provided by the Town, shall be accompanied by the required fee, and shall provide all required materials as outlined in this Ordinance. Depending upon circumstances of the temporary use, additional materials may be required to adequately review the application.

2. Temporary Conditional Use permits shall be applicable only to the specific use, specific person, entity or organization, and to the specific property for which it is issued.
- C. **Submittal Requirements:** All temporary conditional use permit applications shall comply with the submittal requirements outlined in §3.2 E. of this Ordinance as applicable.
- D. **Procedures:** All temporary conditional use permits shall be reviewed and acted upon by the Town Council, following a recommendation by the Planning and Zoning Commission, directly after proper notification as prescribed in §3.1 of this Ordinance.
- E. **Approval Criteria:** The Town Council may approve an application for a Temporary Conditional Use Permit based on the review criteria outlined in §13.14.B. of this Ordinance.

### **§3.5 SPECIAL EVENT USE PERMITS**

- A. **Purpose:** The provisions of this section do not apply to garage sales or rummage sales. Any other temporary events or uses, such as parades, carnivals, circuses, revivals, rodeos, swap meets, seasonal or cultural activities, block parties, holiday boutiques, pumpkin and Christmas tree lots, haunted houses or other community activities may be permitted in any zone district.
- B. **Submittal Requirements:** A Special Event Use Permit shall be submitted to the Town's Zoning Administrator. However, before any such application is accepted by the Zoning Administrator, the applicant shall schedule a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a Special Event Use Permit pursuant to these regulations. All applications shall be filed on a form provided by the Town and shall be accompanied by the required fee and all required materials as outlined in this Ordinance. Depending upon the specific circumstances, additional materials may be required by the Zoning Administrator in order to adequately review the application.
- C. **Validity Limit:** A Special Event Use Permit shall be applicable only to the specific use, specific person, entity or organization, and to the specific property for which it is issued.
- D. **Procedures:** A Special Event Use Permit shall be reviewed and acted upon by the Town Council. This procedure does not require a public hearing, and will normally be placed under the consent agenda for the Town Council.
1. The Town Council shall ensure that health and safety are considered, shall obtain approval of the Pinal County Health Department, if applicable, as well as the Town's Fire and Police Departments.

2. The Town Council shall ensure that land area is adequate for the proposed use and consequent parking, and shall ensure that traffic safety is considered.
3. The Town Council shall require any measures to protect surrounding property.
4. A time limit shall be established for each use conducted under the Special Event Use Permit. This time limit shall in no case exceed seven (7) consecutive days, nor shall more than four (4) such permits be issued for the same use during any calendar year. However, exceptions to the time limitation may be granted for seasonal uses by the Town Council.
5. Permanent structures shall not be permitted under a Special Event Use Permit.

### **§3.6 HOME OCCUPATIONS**

**A. Purpose:** A home occupation, consistent and in accordance with §3.3 (Conditional Use Permits) and §3.1 (Notification for Public Hearings) shall be considered a conditionally permitted accessory use in all residential districts, provided that they are operated and maintained to not interfere with the peace, quiet, and dignity of the neighborhood, if it complies with the following regulations:

1. All home occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for residential purposes. A valid Town sales tax and/or business license shall be maintained for the home occupation use.
2. Is conducted entirely from within the principal residence or garage, and shall not change the residential character thereof. Carports, accessory buildings, and yards may not be used for home occupations.
3. No more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the home occupation. Areas devoted to the home occupation use shall maintain a residential appearance.
4. There shall be no employees other than members of the immediate family residing in the dwelling unit where the home occupation is being operated.
5. No business shall be conducted which requires delivery vehicles or other services not customary to a residence. Deliveries and pickups shall not block traffic and shall only occur between the hours of 8:00 a.m. and 8:00 p.m. Monday-Saturday.
6. There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration, electrical interference or fluctuation, or other nuisances discernible beyond the property lines.
7. No signs signifying the business or commercial product or service are allowed..
8. Customer/patron and shipping/receiving trip generation shall not exceed five (5) trips per day. Exceptions to this shall be allowed for music, art, craft or similar lessons, swim lessons and home day care providers.

9. No truck or van with a payload rating of more than one (1) ton shall be stored on the site. Outside storage of heavy equipment or material shall be prohibited.
10. Any parking incidental to the home occupation shall be in driveways or other on-site parking area, and shall not create hazards or street congestion.
11. Storage of goods and materials necessary for the home occupation shall not include flammable, combustible or explosive materials.
12. A Home Occupation Permit shall be issued for a period of time not to exceed five (5) years from the date the permit was first issued.
13. All federal, state, and local regulations that pertain and are applicable to a home occupation shall be met.

**B. Conditionally Permitted Uses:** The following examples are uses which would be acceptable as home occupations provided they comply with the above regulations. Any use not identified as permitted or prohibited shall be brought before the Planning and Zoning Commission. The Commission will then make a determination as to what category the proposed use falls under.

1. Home offices.
2. Personal services such as beauty shop, barber shop, seamstress and catering.
3. Artists, sculptors, composers, craft work (such as making jewelry and pottery).
4. Fine arts lessons (music, art, crafts, dance), and swim lessons.
5. Telephone or message services, word processing and computer applications.
6. Day care as specified in Article V and Article VI of this Ordinance.
7. Door to door sales or party sales not on the premise.

**C. Prohibited Uses:** Prohibited uses for a home occupation shall include, but shall not be limited to the following:

1. Medical, dental, physical or psycho-therapy, and real estate offices.
2. Motor vehicle repair, painting, storage, restoration or conversion, engine repair or similar uses.
3. Temporary or permanent motor vehicle display for purposes of sale or lease.
4. Furniture refinishing.
5. Veterinarian office, animal grooming facilities, and animal care, kennels or boarding facilities.

6. Machine shop.
7. Retail sales.
8. Contractors shops or storage yards.
9. Body piercing and/or painting and tattoos.

**D. Violations:** Any violation of the above conditions shall constitute just cause for the immediate termination of the home occupation use. Complaints by citizens or local residents may be cause for termination of the home occupation use.

### **§3.7 APPEALS**

**A. Board of Adjustment:** In an appeal to the Board of Adjustment regarding an administrative decision or interpretation, the Board's scope of review shall be limited to determining whether the decision or interpretation by the Zoning Administrator, Planning and Zoning Commission, or the Town Council was in accordance with the intent and requirements of this Ordinance. Accordingly, the Board may reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator, the Planning and Zoning Commission, or the Town Council.

**B. Superior Court:** Although the Board of Adjustment is a quasi-judicial body specifically established to handle appeals in connection with the zoning ordinance, it is not a court of last resort. Within thirty (30) days after the Board has made a decision and has filed this decision, a person aggrieved by the decision may file a complaint for special action in the Superior Court for review of the Board's decision. The Court may affirm or reverse, in whole or in part, or modify the decision in accordance with the rules of special action adopted by the Arizona Supreme Court.

**C. Hearings:** Public notice of an appeal hearing shall be given in the manner consistent with Section 3.1 of this Article.

### **§3.8 VARIANCES**

**A. Application:** Before any applications are accepted by the Zoning Administrator, the petitioner shall schedule a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a variance. A request for variance shall be made by filing an application with the Zoning Administrator and paying the required application fee. The application shall be accompanied by a development plan showing such information as the Zoning Administrator may reasonably require for purposes of this Ordinance. The plans shall contain sufficient information for the Board of Adjustment to render a decision to approve, modify, or deny the Variance application. In all cases, the application shall address the following hardship criteria:

1. Existence of special circumstances or conditions regarding the land, building or use referred to in the application that do not apply to a majority of other properties in that district.

2. The above special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant.
  3. The Variance is necessary for the preservation of substantial property rights. Without a Variance the property cannot be used for purposes otherwise allowed in that same zone district.
  4. The authorizing of the Variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.
- B. Variance Request:** A Variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the hardship criteria established in ARS. §9-462.06 and in §3.4.B of this Ordinance. Pursuant to State Statutes, the Board of Adjustment may not:
1. Make any changes in the uses permitted in any zoning classification or district.
  2. Grant a Variance if the special circumstances applicable to the property are self-imposed by the property owner.
- C. Public Hearing:** A hearing shall be held on a Variance request with notification of the public hearing in compliance with ARS. §9-462.04 and §3.1 of this Ordinance.
- D. Validity Limit:** Rights and privileges established by the granting of a variance shall be exercised within one year following the date of approval unless a different time limit is specified by the Council at the time the variance is granted. Failure to exercise a variance within the time limits specified shall cause the variance to become null and void.

### **§3.9 SITE PLAN REVIEW**

- A. Purpose:** The purpose of site plan regulations is to promote the safe, functional and aesthetic development of property, and to ensure that new structures, utilities, streets, parking, circulation systems, lighting, signage, landscaping, yards and open spaces are developed in conformance with the standards of this Ordinance and the General Plan. The site plan review shall consider the proposed development and the relationship of the project to adjacent developments, the surrounding neighborhood, and the community.
- B. Application**
1. Site plan review shall be required for the development and construction of all proposed developments including multiple residences, commercial, and industrial uses and those projects located within the "Town Center Zone District". If the proposed development requires a zoning change, the site plan shall be submitted with the rezoning application and considered concurrently.
  2. Before any applications are accepted by the Zoning Administrator, the applicant shall schedule a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for the site plan review pursuant to these regulations. Applications shall be filed on a form provided by the Town, and shall be accompanied by the required fee and all

required materials as outlined in this Ordinance. Depending upon the specific circumstances of the development, additional materials may be required by the Town in order to adequately review the application.

- C. **Submittal Requirements:** All site plan review applications shall comply with the submittal requirements outlined in §3.2 E. of this Ordinance.
- D. **Procedures:** All site plan review applications shall be processed in accordance with §3.2.F. of this Ordinance.
- E. **Scope of Action:**
  - 1. Approval shall become effective immediately.
  - 2. A site plan approval pursuant to these provisions shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.
  - 3. Any site plan requiring approval by the Planning and Zoning Commission and/or the Town Council, may be modified by the Zoning Administrator, when it is determined that the modifications are minor, such as minor dimensional changes and building configurations.
  - 4. Any modifications to a site plan, which has been approved by the Planning and Zoning Commission and/or the Town Council, that is considered a major modification by the Zoning Administrator, such as changes in uses or densities, encroachments into required yards, or other major changes, shall be returned to the Planning and Zoning Commission and/or the Town Council through the procedure described in this Section for the original Site Plan Review.
  - 5. A “Certificate of Occupancy” or “Compliance Letter” shall not be issued if development activities do not conform to the approved site plan.

### **§3.10 DESIGN REVIEW**

#### **A. Purpose and Intent**

- 1. Reasonably ensure that construction of new buildings or structures and additions, renovations, and restorations to existing buildings or structures, including residential, institutional, commercial, and industrial development does not have an adverse aesthetic, health, safety or architecturally related negative impact upon existing adjoining properties, or the Town in general.
- 2. Minimize the effects of grading by discouraging mass grading to ensure that the natural character of terrain is retained.
- 3. Encourage improved drainage from lots directly to a street storm drain, or through public or privately maintained easements.

4. Encourage the use of a variety of housing styles, split level grading techniques, varied lot sizes, site design densities, varied setbacks, maintenance of views and arrangement, and spacing to reduce impacts on adjacent developed properties.
  5. Encourage the use of energy conservation techniques in all new development.
- B. Projects Requiring Design Review:** No building permit for residential or commercial development, except for single family detached units and duplexes, shall be issued until the proposed project has received, as part of the building permit review process, design review approval pursuant to the provisions of this Chapter.
- C. Town Council Review:** The Town Council shall review an application for design review for projects that otherwise require approval by the Council.
- D. Planning and Zoning Commission Review:** The Planning and Zoning Commission shall review an application for design review for projects that otherwise require approval by the Commission.
- E. Zoning Administrator Review:** The Zoning Administrator shall review all applications for design review for projects that otherwise require approval by the Zoning Administrator.
- F. Design Standards and Guidelines:**
1. This Section includes guidelines for development and standards of design to be incorporated into a site plan. Other sections of this Code including requirements specific to the zoning district should also be incorporated into the site plan.
  2. Scale and mass of developments should be compatible with the natural environment and not dominate it. Architectural features which serve to break up the massive appearance of a structure should be utilized. These features can include variation in roof forms, the use of dormers, covered walkways and patios. All features should be in proportion of the building. In some cases, it may be deemed more appropriate and desirable to use smaller buildings which are clustered rather than a single massive structure.
  3. External building materials should be predominantly those that fit the natural landscape such as native stone, wood, broken faced block, exposed aggregate concrete, and stucco. The use of other materials such as synthetic or reprocessed stone and wood may be considered but will require that information be provided regarding manufacturing specifications, and product samples.
  4. Color schemes should complement the architectural style and mass of the buildings.
  5. Roofs must compliment the color requirements of the proposed building(s). Screening of mechanical equipment is encouraged to maintain a desirable aesthetic quality from street level or from adjacent structures.
  6. The use of materials and colors to enhance the building design and break up the monotony of massive structures is encouraged.

7. Parking lots should be designed to include adequate landscaping within the periphery and interior to break up the impermeable surface coverage. This may include the use of landscape islands within the parking lot, clustering parking spaces into islands rather than long rows, and utilizing a variety of landscape material and decorative fencing.
8. Signs shall comply with the provisions of Article XVII (Signs) of this Code.
9. Developments which incorporate energy conservation measures, water reuse, and material recycling are encouraged.

**G. Application Required:**

1. Any proponent, agent or sponsor of development or redevelopment shall first file a design review application.
2. The application shall contain the following:
  - a. A site plan, drawn to scale, showing the proposed location of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls. The site plan shall indicate the locations of off-street parking areas including entrances and exits and the direction of traffic flow into and out of the off-street parking area.
  - b. A landscape plan, drawn to scale, showing the locations of existing trees to be removed and trees to remain on site, the location and design of landscaped areas and the varieties and sizes of proposed plant materials. Also to be included are other landscape features such as sprinkler and irrigation systems.
  - c. Architectural drawings, drawn to scale, including all sides of building elevations and floor plans. All exterior surfacing materials and colors shall be specified.
  - d. Accurate scale drawings of all signs indicating their size height, material, color and illumination, if any.
  - e. Grading and drainage plans.
  - f. Such other data as may be required to permit the Town Manager, Planning and Zoning Commission, or Town Council to ensure that the purposes of this Section are satisfied.

- H. Lapse of Design Review Approval:** Design review approval shall lapse and shall be void one (1) year following the date upon which the plans and drawings were approved unless, prior to the expiration date, a building permit is issued and construction is commenced and diligently pursued toward completion or an extension of time is granted by the approving body.

**§3.11 GENERAL PLAN AMENDMENT**

**A. Application:**

1. In accordance with the provisions of Arizona State Law, the Town Council may update and amend the Town of Superior General Plan. Such amendments or changes may be initiated by the Town Council, Planning and Zoning Commission, Town Staff, or by a property owner or his/her designated representative. By resolution, the Town Council may establish a schedule prescribing when and how frequently minor General Plan amendments will be considered.
2. Before an application is accepted by the Zoning Administrator, the applicant shall schedule a pre-application meeting. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for the proposed General Plan amendment pursuant to these regulations and the Town's General Plan. All applications shall be filed on a form provided by the Town and shall be accompanied by the required fee and all required materials as outlined in this Ordinance. Depending upon the specific circumstances of the amendment, additional materials may be required by the Zoning Administrator in order to adequately review the application.

**B. Procedures:** An application for a General Plan amendment shall be processed in accordance with the Arizona Revised Statutes. Amendments to the General Plan should occur only after careful review of the request and findings of fact in support of the revision, following public hearings before the Planning and Zoning Commission and the Town Council. The term "amendment" shall apply to both text and map revisions. A major amendment to the General Plan may only be approved by affirmative vote of at least two thirds (2/3) of the members of the Town Council. A minor amendment requires a majority vote for approval.

**C. Major Amendment Criteria:** As per §F.3., b., and c. of the Town's General Plan Update adopted December 18, 2003:

1. Any change in land use of thirty (30) acres or more within the Town's municipal boundaries or eighty (80) or more acres elsewhere within the Town Planning Area.
2. An increase or decrease of twenty (20) acres or more of commercial or industrial land uses.
3. A decrease of ten (10) acres or more for open space uses.
4. A text amendment changing dwelling unit density or intensity.
5. A request adding significant costs on regional, municipal, or private utility systems.

**D. Minor Amendment Process**

1. Any change in land use deemed not to require a major amendment.
2. Any change mandated by Arizona State law or Federal law.

3. A change not deemed as major using the land use and infrastructure criteria.

**E. Approval Criteria:** In determining whether a proposed General Plan amendment shall be approved, the Planning and Zoning Commission and Town Council shall consider the following factors:

1. The development pattern contained in the Land Use Element of the General Plan inadequately provides appropriate optional sites for the use proposed in the amendment.
2. That the amendment constitutes an overall improvement to the General Plan, and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
3. That the amendment will not adversely impact the community as a whole, or a portion of the community by:
  - a. Significantly altering acceptable existing land use patterns.
  - b. Adversely impacting existing uses due to increased traffic on existing systems.
  - c. Affecting the livability of the area, or the health and safety of the residents.
4. That the amendment is consistent with the overall intent of the General Plan.
5. Whether events subsequent to the General Plan adoption have changed the character and/or condition of the area so as to make the application acceptable.

### **§3.12 RECREATIONAL VEHICLE PARKS**

**A. Purpose:** Recreational vehicle (RV) parks shall be allowed within the zoning district which specifically allows this use, and shall require a conditional use permit in accordance with §3.1 (Notification for Public Hearings) and §3.3 (Conditional Use Permits) of this Ordinance.

**B. Site Specifications:** All RV parks shall provide adequate streets, driveways, walkways, proper layout of park, proper sanitary facilities, adequate fire protection, adequate water supply, and adequate protection of surrounding properties. RV parks shall comply with the following in addition to other requirements of this Ordinance:

1. No manufactured homes or site built dwelling units shall be permitted except for that of the owner/manager and permanent maintenance personnel.
2. RV parks shall not be used as permanent residences except for that of the owner/manager and permanent maintenance personnel. Maximum length of stay in any RV park shall be one hundred eighty (180) days per calendar year.
3. Recreational amenities or social centers, which may be used for dancing, crafts,

hobbies, games, meeting, banquets, and similar recreational uses may be of conventional construction.

4. There shall be a maximum density of twenty (20) spaces per net acre. Each space shall be a minimum of one thousand two hundred fifty (1,250) square feet and at least thirty (30) feet in width. There shall be a minimum of ten (10) feet between adjacent recreational vehicles, including all attached awnings or shade canopies.
5. Each park must provide an adequate and easily identifiable office or registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the RV Park.
6. Each RV unit shall be equipped with wheels which remain on the unit. However the wheels may be blocked for stability.
7. No permanent room addition shall be attached to the RV unit, nor shall the unit be attached to any permanent structure.
8. A minimum of one (1) toilet, one (1) sink, and one (1) hot shower shall be provided for men and one (1) toilet, one (1) sink, and one (1) hot shower shall be provided for women, each designed for complete privacy, for each twenty (20) spaces or fraction thereof.
9. A common use laundry facility shall be provided at a ratio of one (1) washer and one (1) dryer for each twenty (20) spaces or fraction thereof.
10. At least one (1) telephone available to Park residents shall be provided.
11. Conversion of an established RV park, to another residential use, shall be subject to approval as outlined in §3.3 (Conditional Use Permits), if applicable, §3.2 (Zone Changes), if applicable, and §3.9 (Site Plan Review) of this Ordinance. The conversion shall be limited to the number of dwelling units per acre that can be constructed at a density that is compatible with the existing residential development in the surrounding area.

## ARTICLE IV – ZONING DISTRICTS AND MAPS

**§4.0 PURPOSE:** The Town is hereby zoned and divided into zoning districts and overlay districts. The Purpose of establishing these districts is as follows:

- A. To implement the goals, objectives, and policies of the Superior General Plan.
- B. To conserve and promote the public health, safety and general welfare.
- C. Encourage the most appropriate use of land throughout the Town and insure logical and orderly growth and development of the physical elements of the Town.
- D. Conserve and enhance the economic, social, and aesthetic values of the Town.
- E. Protect and maintain the integrity and character of the established neighborhoods, the historic buildings, and the natural scenic resources of the Town.

### **§4.1 ESTABLISHMENT OF ZONING DISTRICTS**

A. In accordance with the requirements of A.R.S. §9462.01.B, that zoning regulations be by district, the Town of Superior, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following zoning districts and overlay zoning districts.

#### **1. Single Residence Districts**

**R1-190:** Estate Residential Zone District - minimum lot size is 190,000 square feet (one (1) dwelling unit per 4.5 acres).

**R1-108:** Estate Residential Zone District - minimum lot size is 108,900 square feet (one (1) dwelling unit per 2 ½ acres).

**R1-43:** Estate Residential Zone District - minimum lot size is 43,560 square feet (one (1) dwelling unit per acre).

**R1-15:** Suburban Residential Zone District - minimum lot size is 15,000 square feet (three (3) dwelling units per acre).

**R1-12:** Suburban Residential Zone District - minimum lot size is 12,000 square feet (four (4) dwelling units per acre).

**R1-8:** Urban Residential Zone District - minimum lot size is 8,000 square feet (five (5) dwelling units per acre).

**R1-6:** Urban Residential Zone District - minimum lot size is 6,000 square feet six (6) dwelling units per acre).

**R1-5:** Urban Residential Zone District – minimum lot size is 5,000 square feet eight (8) dwelling units per acre).

2.     **Multiple Residence Districts**
  - R-2: Multiple Residential Zoning District (8 units per acre)
  - R-3: Multiple Residential Zoning District (20 units per acre)
3.     **Commercial Districts**
  - C-1: Neighborhood Commercial Zoning District
  - C-2: General Commercial Zoning District
4.     **Town Center District**
  - TC: Town Center District
5.     **Industrial Districts**
  - I-1: Garden Industrial Zoning District
  - I-2: General Industrial Zoning District
6.     **Open Space Conservation and Recreational Districts**
  - OSC: Open Space Conservation District
  - OSR: Open Space Recreational District
7.     **Overlay Districts**
  - MN: Manufactured Home Overlay District
  - PAD: Planned Area Development Overlay District
  - DMP: Development Master Plan Overlay District

- B.     Additional zoning districts may be added from time to time upon the recommendation of the Planning and Zoning Commission to the Town Council. Proposed changes to the zoning district regulations or the Official Zoning Map, including the addition of new districts, may be submitted by the Planning and Zoning Commission, Town staff, Town Council, or any other interested party.
- C.     Uses not listed as a permitted use or a conditional use within the applicable zoning district regulations herein shall be prohibited.
- D.     If a use does not conform to the uses designated as permitted uses within the zoning district, the applicant may submit an application for an amendment to the Official Zoning Map and/or the text of the Zoning Ordinance, or an interpretation of district boundaries or permitted uses pursuant to Article III of this Ordinance.

**§4.2 ZONING MAP**

- A. The locations and boundaries of zoning districts shall be designated on a map or maps entitled Official Zoning Map(s) of the Town of Superior. The Official Zoning Map(s), dated and signed by the Mayor and Town Clerk, is hereby declared a part of this Zoning Ordinance as though fully set forth within.
- B. The Official Zoning Map(s) shall be located in the office of the Zoning Administrator and a copy shall be kept on file with the Town Clerk. Any changes thereto shall be clearly shown on the Official Zoning Map when officially adopted by the Council.

**§4.3 DISTRICT BOUNDARIES**

- A. The zoning district boundary lines are intended to follow street, alley, lot, or property lines as they exist at the effective date of this Ordinance, except where such district boundary lines are fixed by dimensions shown on the Zoning Map(s), in which case such dimensions shall govern. In cases where these lines are not used, the zoning district lines shall be determined by using the scale of the Official Zoning Map. If a parcel of land is divided by a zoning district boundary line at the time of the enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.
- B. Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with Article III of this Ordinance.
- C. Conditions imposed by special ordinance in conjunction with amendments to the Zoning Map(s) are thereon referenced to separate files maintained in the office of the Zoning Administrator and are hereby made a part of the Zoning Map(s).

**§4.4 ESTABLISHING TOWN ZONING IN ANNEXED AREAS**

Unincorporated areas annexed by the Town shall assign at the time of annexation, or shortly thereafter, a Town zoning classification. Town zoning designations should be included as a part of the annexation ordinance.

## **ARTICLE V – SINGLE RESIDENCE ZONE DISTRICTS**

### **§5.0 PURPOSE**

The Single Residential Zone Districts are designed to provide for a wide range of single residential land uses. The purpose of these districts is to protect the stability of existing neighborhoods and to encourage desirable new residential developments, encompassing the many lifestyles and areas of Town ranging from large rural estate development to urban/cluster development. It is also the intent of these zone districts to accommodate the needs of single residence neighborhoods by providing for associated, limited, non-residential uses, including religious, educational and recreational facilities. The Single Residential Zone Districts are further delineated in the following categories:

#### **A. Estate Residential Zone Districts.**

##### **1. RI-190 and RI-I08**

Estate Residential Zone District: Minimum 190,000 square feet (4.36 acres) and 108,900 square feet (2.5 acres) per dwelling unit respectively. The purpose of these zoning districts is to conserve and protect open space land uses, foster orderly growth in steep topography, and prevent urbanization of significant topographical areas with native desert vegetation. The intent of these districts is to encourage large lot, residential subdivisions and to allow for limited residential development in environmentally sensitive area, including flood plains, steep slopes which may contain unstable rock and soils, areas of significant vegetation, and other sensitive conditions.

##### **2. RI-43**

Estate Residential Zone District: Minimum 43,560 square feet (1 acre) per lot. The purpose of this zoning district is to provide for and conserve existing rural residential uses in their present or desired character, foster orderly growth in rural areas, promote open space land uses, and prevent urbanization in areas having unique or significant native desert vegetation whereby large lot residential uses would be most compatible. The intent of this district is to encourage areas where semi-estate residential uses can be maintained and to provide a transition between the estate and suburban residential land uses.

#### **B. Suburban Residential Zone Districts.**

##### **RI-15 and RI-12**

Suburban Residential Zone District: Minimum 15,000 and 12,000 square feet per lot. The purpose of these zoning districts is to provide for and preserve suburban-type, residential uses and characteristics associated with medium lot residential development. The intent of this district is to encourage further transition to urban-type single residence uses from the estate residential areas.

#### **C. Urban Residential Zone Districts.**

##### **1. RI-8**

Urban Residential Zone District: Minimum 8,000 square feet per lot. The purpose of this zone district is to provide for medium density urban-type

detached single residential development in areas where adequate public facilities and services are available. The intent of this zone district is to encourage a traditional neighborhood environment.

2. **R1-6**  
Urban Residential Zone District: Minimum 6,000 square feet per lot. The purpose of this zone district is to promote and preserve residential development of an urban density. The intent of this district is to encourage an environment of detached, single residence housing, with higher residential densities.
3. **R1-5**  
Urban Residential Zone District: Minimum 5,000 square feet per dwelling unit. The purpose of this zone district is to promote and preserve residential development of an urban density. The intent of the district is to allow the continuation of previous standards within the older sections of the community while encouraging an environment of detached, single residence housing, with higher residential densities.

## **§5.1 PERMITTED USES**

- A. Permitted uses in the R1-190, R1-108, R1-43, R1-15, R1-12, R1-8, R1-6, and R1-5 Single Residence Zone Districts shall be only those uses listed as permitted by-right within the respective zoning district. Permitted uses are subject to all other applicable standards of this Ordinance. No building permit shall be issued for a use, not specifically mentioned and unless approval has been issued by the Town.
  1. One (1) single detached dwelling unit per lot of record.
  2. Churches, including parish houses, parsonages, rectories, convents, and dormitories and dormitories accessory thereto.
  3. Public schools (K-12).
  4. Publically owned libraries, parks, playgrounds, and community activity buildings.
  5. Golf courses including club houses located thereon and unlighted driving ranges but not including miniature golf courses.
  6. Cemeteries.
  7. Public and private forests and open space preserves.
  8. Utility services, but not including business offices, repair or storage facilities, wastewater treatment plants, and generating plants.
  9. Satellite dish antennas for private residential use provided that they are located within the required rear yard, are ground mounted and screened from public view.
  10. Wireless communication towers and antennas provided that they are located on property owned, leased, or otherwise controlled by the Town.

11. Publicly owned or operated fire stations, police stations, and post offices.
  12. Home-based day care with no more than six (6) children.
  13. Assisted living facilities and group care homes for the handicapped and the elderly and, provided that:
    - a. No such home is located on a lot that is within one thousand two hundred (1,200) feet of another group home for the handicapped and elderly care;
    - b. No such home contains more than six (6) residents;
    - c. Such home is licensed by the State Department of Health Services;
    - d. Such home is registered with, and administratively approved by the Town as to compliance with the standards of this Ordinance.
  14. Solar siting and installation as set forth in Article XIII, §13.14 (Solar Siting)
- B.** Additional uses in the R1-190, R1-108, and R1-43 Zone Districts.
1. Corrals, barns, stables, and other similar structures, for the keeping of horses and other livestock as accessory to a primary residential use provided that such corrals and structures are set back from all lot lines a distance of not less than forty (40) feet and contain at least ten thousand (10,000) square feet of area for each horse or head of livestock kept therein.
  2. One (1) guest house may be permitted only after it has been found to be in compliance with the following standards:
    - a. The guest house must conform to at least minimum yard and intensity of use regulations.
    - b. The guest house may not exceed fifty (50) percent of the square footage of the main residence.
    - c. The guest house must be connected to all of the primary structure's utilities and meter.
    - d. The guest house may not be used for any nonresidential use.

**§5.2 USES SUBJECT TO A CONDITIONAL USE PERMIT**

- A.** Uses permitted in the R1-190, R1-108, R1-43, R1-15, R1-12, R1-8, R1-6, and R1-5 Single Residence Zone Districts only after review and approval of a Conditional Use Permit, in accordance with §3.3 of this Ordinance, shall be as follows: Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council.
1. Private schools, with a curricula substantially the same as customarily offered in public schools.

2. Wireless communication towers and antennas not on property owned, leased, or otherwise controlled by the Town of Superior as approved in accordance with the requirements of Article XVI of this Ordinance.
  3. Home occupations as prescribed in the §3.6 of this Ordinance.
  4. Bed and breakfast operations provided that the following standards shall apply:
    - a. No more than two (2) guest bedrooms for the business and no more than two (2) persons per room.
    - b. One (1) off-street, non-tandem parking space per bedroom.
  5. Second Dwelling Units subject to the provision of Article XIII, Section 13.15
  6. Model homes or temporary sales office pertaining to the sale of homes being constructed in the immediate subdivision. In the review for a model home or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a two (2) year period, or until all homes in the subdivision are under construction, whichever occurs first.
  7. Day care centers for the care of more than six (6) children.
  8. Assisted living facilities and group care homes for the elderly and handicapped for more than six (6) residents, provided that:
    - a. No such home is located on a lot that is within one thousand two hundred (1,200) feet of another group home for the handicapped and elderly care.
    - b. Such home is licensed by the State of Arizona, Department of Health Services.
    - c. Such home is registered with and administratively approved by the Town as to compliance with the standards of this Ordinance.
  9. Athletic facilities and day care centers in conjunction with a place of worship provided such activities are on the same lot or contiguous lot.
  10. Temporary uses such as revivals, carnivals, circuses, auctions, holiday or seasonal sales boutiques or tree lots when such uses are located on property used for church or school purposes only.
- B.** Additional uses permitted in the R1-190, and R1-108 Single Residence Zone District subject to approval of a conditional use permit shall be as follows:
1. Commercial riding stables and boarding stables provided the site contains at least ten (10) acres and that such stables are located at least one hundred (100) feet from any property line. In the review for commercial riding stables or boarding stables, the Town may consider lighting, landscaping, hours of operation, signage, parking, plan of operation, and neighborhood impact.

2. Plant nurseries and greenhouses.

**§5.3 COMPLIANCE WITH OTHER PROVISIONS**

- A. **General Provisions:** The general provisions in Article XIII herein shall apply.
- B. **Parking Regulations:** The parking regulations are as provided in Article XIV herein.
- C. **Outdoor Lighting:** All outdoor lighting shall comply with Article XV herein.

**§5.4 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

The chart which follows (Table No. 1) specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE NO.1**  
Zoning Ordinance Summary - Single Residence Districts

Zone District	Area (Sq. Ft.)	Width (Feet)	Bldg. Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings
				Front	Side	Street Side	Rear		
RI-190	190,000	300	35	60	60	60	60	5%	10 <sup>a</sup>
R1-108	108,900	300	35	50	30	50	50	10%	10 <sup>a</sup>
RI-43	43,560	145	35	40	20	40	40	15%	10 <sup>a</sup>
RI-15	15,000	120	30	25	10	25	25	35%	10 <sup>a</sup>
RI-12	12,000	100	30	20	10	20	25	40%	10 <sup>a</sup>
RI-8	8,000	80	30	20	5	15	25	40%	10 <sup>a</sup>
RI-6	6,000	60	30	20	5	10	25	40%	10 <sup>a</sup>
RI-5	5,000	50	30	20	5	5	15	40%	10 <sup>a</sup>

**(a) distance between buildings or as per the International Building Code**

## **ARTICLE VI – MULTIPLE RESIDENCE ZONE DISTRICTS**

### **§6.0 PURPOSE**

The Multiple Residence Zone Districts are designed to provide for a range of multiple residence land uses. The purpose of these districts is to provide for multiple residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, future land use needs, and the availability of public services. It is intended that these Zone Districts accommodate a variety of dwelling types, including apartments, townhouses or patio homes, and condominiums. The Multiple Residential Zone Districts are further delineated in the following categories:

#### **A. Multiple Residential Zone Districts:**

1. R-2 Multiple Residential Zone District: A maximum of eight (8) dwelling units per acre. The purpose of this Zone District is to provide a transition from Single Residential Zone Districts to more intensive land uses, and to allow low-density multiple residence dwellings. Principal uses permitted in this Zone District include attached or detached small condominium units, town-homes or patio homes, and the uses permitted in the Single Residential Zone Districts.
2. R-3 Multiple Residential Zone District: A maximum of twenty (20) dwelling units per acre. The purpose of this Zone District is to provide for high-density multiple attached residence development in areas where adequate public facilities and services are available. The intent of this Zone District is to encourage cluster style developments and the traditional apartment developments incorporating unique design and exceptional amenities.

### **§6.1 PERMITTED USES**

A. Permitted uses in the R-2 and R-3 Multiple Residence Zone Districts shall be only those uses listed as permitted by-right within the respective zone district. Permitted uses are subject to all other applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and unless approval has been issued by the Town.

1. One (1) single detached dwelling unit per lot of record.
2. Churches, including but not limited to parish houses, parsonages, rectories, convents, and dormitories accessory thereto.
3. Public schools (K-12).
4. Publicly owned libraries, parks, playgrounds, and community activity buildings.
5. Golf courses including club houses located thereon and unlighted driving ranges, but not including miniature golf courses.
6. Wireless communication towers and antennas provided that they are located on property owned, leased, or otherwise controlled by the Town.

7. Home-based day care with no more than three (3) children.
8. Assisted living facilities and group care homes for the elderly and handicapped, provided that they are stand-alone facilities and that:
  - a. No such home is located on a lot within one thousand-two hundred (1,200) feet of another group home for the handicapped and elderly care.
  - b. Such home is licensed by the Arizona Department of Health Services;
  - c. Such home is registered with, and administratively approved by the Town, as to compliance with the standards of this Ordinance.
9. Solar siting and installation as set forth in Article XIII, §13.14 (Solar Siting)

**§6.2 USES SUBJECT TO A CONDITIONAL USE PERMIT**

- A. Uses permitted in the R-2 and R-3 Multiple Residence Zone Districts only after review and approval of a Conditional Use Permit, in accordance with §3.3 of this Ordinance, shall be as follows: Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council.
  1. Private schools with a curriculum substantially the same as customarily offered in public schools.
  2. Wireless communication towers and antennas not on property owned, leased, or otherwise controlled by the Town of Superior as approved in accordance with the requirements of Article XVI of this Ordinance.
  3. Home occupations as prescribed in §3.6 of this Ordinance.
  4. Model units or temporary sales office pertaining to sale of units in the immediate subdivision. In the review for a model unit or sales office, the Town may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. Approval may be granted for a two (2) year period, or until all units in the subdivision are under construction, whichever occurs first.
  5. Athletic facilities and day care centers in conjunction with a place of worship provided such activities are on the same lot or contiguous lot.
- B. Uses permitted in the R-3 Zone District only after review and approval of a Conditional Use Permit, in accordance with §3.3 of this Ordinance, shall include recreational Vehicle (RV) parks in accordance with §3.11 of this Ordinance.

**§6.3 DESIGN STANDARDS REQUIREMENTS**

- A. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from public view and designed to appear as an integral part of the building.

- B. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality.
- C. All buildings shall incorporate 360° architecture, a variety of massing and building heights, and stepping roof lines. Straight roof lines should be varied by using offsets, differing heights, stepping, or different orientations to produce more variety within a development.
- D. All of the exterior elevations of the structures shall provide interest and relief and utilize architectural pop-outs/detailing, recess windows, and overhanging eaves.
- E. Open space equivalent to one hundred (100) percent of the 1<sup>st</sup> floor F.A.R. and fifty (50) percent of the 3<sup>rd</sup> floor F.A.R. shall be required for each development. Open space does not include parking areas.
- F. All R-3 multiple residence developments shall provide amenities for the residents use. Examples of such amenities are playground/tot lot, swimming pool, club house, health & fitness center, tennis courts, basketball courts, etc. The area utilized by these amenities may be credited as open space.

**§6.4 LANDSCAPE AND SCREENING REQUIREMENTS**

**A. Landscaping Requirements**

- 1. Landscaping may include trees, shrubs, ground covers, vines, fountains, benches or other organic materials used for creating an attractive appearance.
- 2. **Plant specifications**
  - Trees** - Where required by this Ordinance shall be a minimum of fifteen (15) gallon size with forty (40) percent of the required number of trees to be twenty-four (24) inch box size or larger.
  - Shrubs** - Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation with fifty (50) percent of the required number to be five (5) gallon in size.
  - Organic Groundcovers** - Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation.
  - Inorganic Groundcovers** - Where required by this Ordinance shall be used and consist of decomposed granite (minimum size ½” minus), or turf in selected areas may also be considered. A drip irrigation system shall be installed by approved standards.
- 3. **Plant Quantities**
  - Arterial and Major Collectors** - A minimum of one (1) tree and three (3) shrubs and/or organic groundcover shall be required for every five-hundred (500) square feet, or fraction thereof, of total landscape area; exclusive of that portion of the public right-of-way occupied by a driveway area.

**Local and Neighborhood Street** - A minimum of one (1) tree shall be planted every twenty (20) feet, or fraction thereof, depending on the width of the canopy at maturity of the particular tree chosen.

**Interior Property lines** - A ten (10) foot wide minimum landscaped strip shall be maintained along all interior property lines. A minimum of one (1) tree and one (1) shrub shall be planted in this landscape stripe every twenty (20) feet, or fraction thereof, depending on the width of the canopy at maturity of the particular tree chosen.

**Common Open Space Area** - There shall be provided a minimum of one (1) tree and two (2) shrubs in the common or open space areas for each dwelling unit.

4. A Homeowner's or Property Owner's Association shall maintain all landscape materials and landscaped areas, including that within the public rights-of-way adjacent to the site, in accordance with the approved landscape plan.

**B. Screening Requirements**

1. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm, or combination thereof, to a height not to exceed three (3) feet in order to adequately screen the undercarriages of the parked vehicles.
2. A dense hedge row or other vegetative screening is encouraged rather than the use of a perimeter wall when adjacent to a single residence zone district. If a perimeter wall is constructed, it shall be a maximum of six (6) feet in height and decoratively treated on all sides to match the architectural style and design of the development.
3. Trash and refuse collection locations shall be screened with a six (6) foot decorative masonry wall; except that a maximum of fifty (50) percent of the required screening may be composed of live vegetation provided that the vegetation is view-obscuring and a minimum of six (6) feet in height. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, or cannot be viewed from a public street.

**§6.5 COMPLIANCE WITH OTHER PROVISIONS**

- A. **General Provisions**: The general provisions in Article XIII herein shall apply.
- B. **Parking regulations**: The parking regulations are as provided in Article XIV herein.
- C. **Outdoor Lighting**: All outdoor lighting shall comply with Article XV herein.

**§6.6 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

The chart which follows (Table No. 2) specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE NO. 2**  
**Zoning Ordinance Summary - Multiple Residence Districts**

Zone District	Lot Area (Sq. Ft.)	Du/ac	Bldg. Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings
				Front	Side	Street Side	Rear		
R-2	18,000	8	30	20	5	10	25	40%	15
R-3	18,000	20	30	20	5	10	25	50%	15

## **ARTICLE VII – COMMERCIAL ZONE DISTRICTS**

### **§7.0 PURPOSE**

The Commercial Zone Districts are designed to provide for a range of commercial land uses. The purpose of these Zone Districts is to provide for commercial developments in locations which are suitable and appropriate, taking into consideration existing Conditions, future land use needs, and the availability of public services. It is intended that these Zone Districts accommodate a variety of uses including neighborhood retail and services, specialty retail, and general retail and services. The Commercial Zone Districts are further delineated in the following categories:

### **Commercial Zone Districts**

#### **A. Neighborhood Commercial (C-1) Zone District:**

The purpose of this Zone District is to provide a location for moderate scale, well designed professional offices and limited indoor commercial and retail uses to serve a surrounding residential neighborhood. The intent of this Zone District is to insure compatibility with adjoining residential neighborhoods, while satisfying their daily commercial and service business needs.

#### **B. General Commercial (C-2) Zone District:**

The purpose of this Zone District is to provide for general business and commercial uses. The intent of this Zone District is to allow commercial uses to satisfy the needs of the community while providing for a broad range of commercial activities.

### **§7.1 PERMITTED USES**

#### **A. Permitted uses in the Neighborhood Commercial (C-1) Zone District shall be as follows:**

1. Personal and household services, such as clothing alteration, seamstress shops, shoe repair shops, beauty and barber shops, jewelry and watch repair, small appliance repairs, newspaper stands, florists, and catering services.
2. Nurseries, flower and plant sales, provided all incidental equipment and supplies including fertilizer and cans, are kept within a completely enclosed building or within an area enclosed and screened on all sides by a solid fence or wall.
3. Specialty retail stores including, but not limited to bicycles and sporting goods stores, delicatessens, coffee houses, bakeries, ice cream shops, candy shops, gifts, curios, stationeries, and cards.
4. Studios for teaching fine art, including shops and galleries for retail sales.

5. Day care center, including the required outdoor play area.
  6. Professional and administrative offices.
  7. Medical, dental, clinical offices, physical therapy facilities, and gymnasiums.
  8. Solar siting and installation as set forth in Article XIII, §13.14 (Solar Siting).
  9. Banks, credit unions, financial companies, and investment companies.
  10. General office and retail use, such as dry goods and notions stores.
  11. Restaurants, bars or cocktail lounges, wine tasting rooms, coffee houses, and tea shops excluding drive-in and drive-through facilities.
  12. Owner occupied residential quarters on the second floor or to the rear of the building (not facing the street) provided the square footage of the residential quarters does not exceed the square footage of the commercial business portion of the building. A security guard or night-watchman quarters may be permitted provided it is an ancillary use and is contained within the commercial structure.
  13. Grocery and liquor stores, excluding big box stores, and ice and water sales.
  14. Antique stores and art galleries.
  15. Laundromats and dry cleaning facilities.
- B.** No building permit shall be issued for a use not specifically mentioned in subsection 7.1.A of this Article unless a determination of similar use is made by the Planning and Zoning Commission and until the project has been approved by the Town.

**§7.2 USES SUBJECT TO A CONDITIONAL USE PERMIT IN THE C-1 ZONE DISTRICT**

Uses in the Neighborhood Commercial (C-1) Zone District that are subject to approval of an approved conditional use permit, in accordance with Section 3.3 of this Ordinance, are as follows:

- A.** Bed and breakfast facilities.
- B.** Hotels and motels.

- C. Apartment complexes, condominiums, or other multiple family residential projects.
- D. Wireless communication towers and antennas.

**§7.3 PERMITTED USES IN THE GENERAL COMMERCIAL (C-2) ZONE DISTRICT:**

- A. Permitted uses in the General Commercial (C-2) Zone District shall be as follows:
  - 1. Those uses that are permitted, and conditionally permitted, with the exception of subsection 7.2.5 (Wireless Communication Towers and Antennas) in the C-1 Zone District are permitted in the C-2 Zone District.
  - 2. Outdoor sales and displays are prohibited, except where one (1) or more of the following conditions are present:
    - a. Products and services displayed outdoors are customary, accessory, and incidental to those sold and displayed in a primary business being conducted in a permanent building on the property.
    - b. Outdoor sales and displays do not interfere with pedestrian access ways, fire lanes, required parking spaces, driveways, landscape areas, or traffic visibility at driveway entries and street intersections.
  - 3. Drive-in/drive-thru window facilities.
  - 4. General retail such as: appliance stores, home or hardware stores, and apparel stores.
  - 5. Restaurants, including drive-in and drive-through facilities.
  - 6. Small animal hospitals or clinics, confined to completely enclosed, sound-attenuated facilities, subject to the following:
    - a. Animals shall not be boarded or lodged except for short periods of observation incidental to care or treatment.
    - b. No kennel or exercise runs will be permitted.
  - 7. Household rental services, sickroom or office equipment.
  - 8. Pool and dance halls, bowling alleys, and night clubs.

9. Grocery stores, including big box retail stores, and other similar uses.
  10. Performing arts and movie theaters within an enclosed structure.
  11. Car washes and auto service stations.
  12. Outdoor display areas for the sale of new or used automobiles, trucks, boats, trailers, recreational vehicles and manufactured homes, provided all sales and repair activities are conducted within a building.
  13. General auto repair, excluding auto painting and body repair provided all repairs are conducted within a building. Outside vehicle storage areas are to be used only for vehicles under repair which shall be screened from any street or surrounding property.
  14. Mini-storage facility, including an on-site night watchman's quarters, provided the storage facility is used solely for dead storage purposes, excluding hazardous materials such as flammable liquids, explosives, toxic substances and the like are prohibited.
  15. Solar siting and installation as set forth in Article XIII, §13.14 (Solar siting).
- B.** No building permit shall be issued for a use not specifically mentioned in subsection 7.1.A. unless a determination of similar use is made by the Planning and Zoning Commission with appeal to the Board of Adjustment and the project has been approved by the Town.

**§7.4 USES SUBJECT TO CONDITIONAL USE PERMIT IN THE C-2 ZONE DISTRICT**

Uses permitted in the C-2 Zone District, after review and approval of a Conditional Use Permit in accordance with §3.3 of this Ordinance are as follows:

1. Amusement facilities, arcades, miniature golf, batting cages, go-cart tracks and similar uses.
2. Commercial kennels including outside runs.
3. Social service and community service agency facilities such as plasma centers, charity dining services, homeless shelters, day labor hiring centers, substance abuse detoxification and treatment centers, rescue missions, and other similar social service uses.
4. Wireless communication towers and antennas in accordance with the requirements of Article XVI of this Ordinance.

5. Public schools, private schools, or parochial schools.
6. Churches or places of worship.

**§7.5 PROHIBITED USES IN THE C-2 ZONE DISTRICT**

The following uses are prohibited in the General Commercial (C-2) Zone District: Manufacturing, compounding, processing or treatment of products other than that which is clearly incidental to a retail store or business, and where all such completed products are sold at retail on the premises.

**§7.6 DESIGN STANDARDS**

**A. General Architectural Requirements:**

1. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from public view and designed to appear as an integral part of the building.
2. The building materials of a project shall be durable, require low maintenance, and be of a substantial quality.
3. All building elevations which face a public street or are adjacent to residential uses or zoning district's, shall have an architectural design other than metal or corrugated metal.
4. All buildings shall be designed to incorporate architecture that provides a variety of massing, building heights, and stepping roof lines.
5. Pad buildings in group commercial development including service stations, convenience stores, chain restaurants, auto maintenance facilities and similar uses should be designed in a compatible architectural style, and incorporate the same materials, colors and landscaping as the host development.

**B. General Site Planning Requirements:**

1. Service and loading bays (car wash, automotive service, tire, etc.) should be oriented away from adjacent residential zoning district and should not front onto or be visible from the public street.
2. Drive-through windows should not face a public street.
3. Equipment such as, but not limited to, vending machines should be screened from street view and placed in an area designed for their use, as an integral part of the structure.
4. Open space equivalent to ten (10) percent shall be required for group commercial development. Open space does not include parking areas.

5. Parking areas other than in front of the principal building is encouraged.
6. Link structures to the public sidewalk where possible with textured pavement, landscaping and trellises.

## §7.7 LANDSCAPE AND SCREENING REQUIREMENTS

### A. Landscaping Requirements:

1. Landscaping may include trees, shrubs, ground covers, vines, fountains, benches or other organic materials used for creating an attractive appearance. The use of exotic species or allergenic species shall be prohibited. Landscaping within the public rights-of-way required open space or landscape areas, parking areas, and retention/detention basins shall be limited to those species listed in Appendix "S" unless otherwise approved by the Town Council.

2. Where building foundations are visible, foundation landscaping should be required. Landscaping in this area should complement the building elevations.

3. Plant specifications:

**Trees** - Where required by this Ordinance shall be a minimum of fifteen (15) gallon size with forty (40) percent of the required number of trees to be twenty-four (24) inch box size or larger.

**Shrubs** - Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation with fifty (50) percent of the required number to be five (5) gallon in size.

**Organic Groundcovers** - Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation. A drip irrigation system shall be installed by approved standards.

**Inorganic Groundcovers** - Where required by this Ordinance shall be used and consist of decomposed granite (minimum size W' minus), or turf in selected areas may also be considered

4. Plant Quantities:

#### **U.S. 60 Corridor**

A minimum of one (1) specimen tree and three (3) shrubs and/or organic groundcover shall be required for every five-hundred (500) square feet, or fraction thereof, of total landscape area exclusive of that portion of the public right-of-way occupied by a driveway area. Additional streetscape such as, but not limited to, benches, pedestrian and bike trail, and historic mining artifacts or mechanisms (used as sculpture pieces), may be required in accordance with the Town's approved U.S. 60 Corridor Landscape Plan.

#### **Arterial and Major Collectors**

A minimum of one (1) tree and three (3) shrubs and/or organic groundcover shall

be required for every five-hundred (500) square feet, or fraction thereof, of total landscape area exclusive of that portion of the public right-of-way occupied by a driveway area.

**Local and Neighborhood Street**

A minimum of one (1) tree shall be planted, every twenty (20) feet, or fraction thereof, depending on the width of the canopy at maturity of the particular tree chosen.

5. The property owner or a "Property Owner's Association" shall maintain all landscape materials and landscaped areas, including that within the public rights-of-way adjacent to the site, in accordance with the approved landscape plan.

**B. Screening Requirements:**

1. A dense hedge row or other vegetative screening is encouraged rather than the use of a wall fence when a commercial development is adjacent to a residential district. Exceptions to this may be if the commercial use is required to have a wall/fence by National, State or local standards or if the residential area would be adjacent to the outdoor storage areas.
2. A dense hedge row or other vegetative screening is encouraged rather than the use of a perimeter wall when adjacent to a residential zoning district. If a perimeter wall is constructed it shall be a maximum of six (6) feet in height and decoratively treated on all sides to match the commercial product architectural style and design.
3. Trash and refuse collection locations shall be screened with a six (6) foot decorative masonry wall; except that a maximum of fifty (50) percent of the required screening may be composed of live vegetation provided that the vegetation is view obscuring and a minimum of six (6) feet in height. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area. Projects which provide on-site daily management and maintenance personnel (i.e. service stations and convenience markets), and which have refuse enclosures at highly visible locations, shall provide latching gates for screening the opening to the enclosure.
4. Outside storage areas shall be screened from the public street view and adjacent residences, office, and other commercial uses to a height of at least six (6) feet. Materials shall not be stacked, piled, or stored in such a manner as to project above the screen wall.
5. Parking areas adjacent to required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the undercarriages of the parked vehicles.

**§7.8 COMPLIANCE WITH OTHER PROVISIONS**

**A. General Provisions:**

The general provisions in Article XIII herein shall apply.

**B. Parking regulations:**

The parking regulations are as provided in Article XIV herein.

**C. Outdoor Lighting:**

All outdoor lighting shall comply with Article XV herein.

**D. Signs:**

All signage shall comply with Article XVII herein.

**§7.9 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

The chart which follows (Table No. 3) specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE NO.3**

**Zoning Ordinance Summary – Commercial Districts**

Zone District	Lot Area (Sq. Ft.)	Bldg. Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings
			Front	Side	Street Side	Rear		
C-1	6,000	30	20	10	20	25	50%	15
C-2	6,000	30	20	10	20	25	60%	15

## **ARTICLE VIII – TOWN CENTER ZONE DISTRICT**

### **§ 8.0 PURPOSE**

The intent of the Town Center Zone District is to maintain and enhance the character of the historic buildings within the downtown area while promoting a pedestrian-oriented specialty retail district by encouraging the improvement of the pedestrian environment, delineating the appropriate land uses within the district, and ensuring new buildings are designed to be compatible with the historic fabric of the area and in a human scale. It is intended that this District accommodate a narrower range of uses including specialty retail, and residential uses.

### **§ 8.1 PERMITTED USES**

- A. The following uses are permitted in the TC Zone District provided no new structures or no exterior modifications of existing buildings are proposed. Only permitted projects include interior modification to the building or change of use for an existing building. No new construction or exterior changes to existing buildings shall be permitted within the downtown commercial area of the TC Zone District until the Planning and Zoning Commission has approved the project consistent with Article III, Section 3.10 (Design Review) and Section 8.3 (Design Standards and Requirements in the TC Zone District) of this Ordinance. This provision is to remain in effect until the Town approves design standards for the downtown commercial area of the TC Zone District. Once that has been accomplished, a revision to Article VIII (TC Zone District) will be reviewed by the Town Council upon recommendation of the Planning and Zoning Commission for future changes.
1. Personal and household services, such as clothing alteration, seamstress shops, shoe repair shops, beauty and barber shops, jewelry and watch repair, small appliance repairs, spas, chiropractors, massage therapy, holistic healing services, gymnasiums, and catering services.
  2. Specialty retail uses including, but not limited to, gift shops, stationery and card stores, bookstores, florists, bakeries, delicatessens, coffee houses, ice cream shops, micro-breweries, wine tasting shops, and candy shops.
  3. Apparel and accessories.
  4. Art galleries, art supply shops, and art studios for the production and teaching of fine art.
  5. Antiques, crafts, and collectibles sales.
  6. Restaurants (excluding drive-in/drive-thru facilities), cafeterias, taverns, outdoor dining when ancillary to restaurant use, bars, or cocktail lounges.

7. Hotels and bed and breakfast facilities.
  8. Residential units when located above the first floor or behind a commercial business on the first floor for any property adjacent to Main Street. Otherwise a single residential dwelling, excluding manufactured homes, may be permitted.
  9. Professional and administrative offices.
  10. Medical, dental, clinical facilities and gymnasiums.
  11. Solar siting and installation as set forth in Article XIII, §13.14 (Solar siting).
  12. Fine arts academies/studios, including dance and music.
  13. Performing arts and movie theaters within an enclosed structure.
- B.** No building permit shall be issued for a use not specifically mentioned in subsection 8.1.A. unless a determination of similar use is made by the Planning and Zoning Commission with appeal to the Board of Adjustment once the project has been approved by the Town.

**§8.2 PROHIBITED USES IN THE TOWN CENTER (TC) ZONE DISTRICT**

The following uses are not permitted in the TC Zone District:

- A. Automotive service uses, including but not limited to, gasoline stations, repair or service facilities, and car washes.
- C. Drive-in/drive-thru window facilities.
- D. Churches or places of worship, except those existing at the time of the adoption of this Ordinance.
- E. Public schools, private schools, or parochial schools.
- F. Manufacturing, distribution or wholesale facilities.
- G. Laundromats and dry cleaning facilities.

**§8.3 DESIGN STANDARDS IN THE TC ZONE DISTRICT**

**A. General Architectural Requirements**

1. New construction or reconstruction located within the TC Zone District shall be compatible with the historic materials, features, size, scale and proportions, and s

2. Construction of a new building, exterior alterations or additions to an existing building, or a more intense change in use of a building or outside area shall require approval of design review subject to section 3.10 of this Code prior to issuance of a building permit.
3. Match replacement doors and windows and/or new doors and windows as closely as possible to the original building or those of adjacent structures (in the case of new construction). Ensure that replacement doors and windows fill the entire opening and that they duplicate the original design as much as possible.
4. Whenever possible, relocate or screen outdoor utilities. Mechanical equipment must be screened from public view.

**B. General Site Planning Requirements:**

1. New construction projects shall provide ground floor retail space that opens directly on the street or pedestrian spaces.
2. All off-street parking spaces shall be located in the rear or to the side of the structures to avoid visibility from public streets and the interruption of the pedestrian environment.
3. Bicycle parking facilities shall be encouraged and should be located near the pedestrian space and building entrance.
4. Link structures to the public sidewalk, where possible, with texture pavement, landscaping, street furniture, canopies or trellises.
5. Canopies over the sidewalk are encouraged, subject to receiving an approved public encroachment permit and building permit.

**C. Outdoor Sidewalk Café: Establishment of non-enclosed outdoor sidewalk café on private property and within the public rights-of-way is encouraged in the downtown commercial area of the TC Zone District. Minimum dimensional and performance standards are established to ensure that the café design is functionally compatible with other needs and adjacent uses, and provides for the protection of public health, safety and welfare, subject to Town approval.**

1. Outdoor sidewalk cafés must not obstruct sidewalk pedestrian traffic or create public health and safety hazards.
2. Roof material covering an outdoor café may be temporary, fixed, or retractable, and can extend into the public right-of-way from the face of the building a maximum distance of ten (10) feet, subject to an approved encroachment permit, but in no way shall the covering extend over on-street parking spaces, or the vehicular travel lane of the adjacent roadways.

3. Awnings, canopies, or similar protective shelters must be fire-treated or non-flammable.
4. A definable decorative barrier which physically separates the outdoor café seating area from adjacent pedestrian traffic shall be provided. The design and materials of such barrier must complement and be compatible to the architectural design of the restaurant's building façade.
5. All outdoor sidewalk cafés must be handicap accessible.
6. Decorative/accent lighting may be incorporated into the outdoor café structure, awning, or canopy, and must meet all Town Code requirements.

**D. Vacant Buildings:** The appearance of vacant buildings does not contribute to the creation of a pedestrian environment in the TC Zone District. Since vacant buildings may inhibit the growth of the retail environment, special provisions are necessary to mitigate the impact of vacant buildings in the TC Zone District. Buildings within the TC Zone District shall give the appearance of use. The following regulations shall apply to all vacant retail space in the TC Zone District:

1. All windows and other openings of a vacant structure shall provide a window display or window covering that is aesthetically compatible.
2. Windows that are "boarded-up" or have security shutters shall be decorated in a manner that is of an artistic quality. Expanded metal is not an acceptable material.
3. Upon receipt of a notice of noncompliance with this section, the property owner shall have sixty (60) days in which to provide the window display or covering.
4. Failure to provide the window display within the sixty (60) day period shall result in a violation of the ordinance.

## §8.4 **LANDSCAPE AND STREETScape REQUIREMENTS**

### **A. Landscaping Requirement:**

1. Landscaping may include trees, shrubs, ground covers, vines, or potted annuals. The use of exotic species or allergenic species shall be prohibited. Landscaping within the public rights-of-way and parking areas shall be limited to those species listed in Appendix "B" unless otherwise approved by the Town Council.
2. Plant specifications:  
**Trees** - Where required by this Ordinance shall be a minimum of fifteen (15) gallon size with forty (40) percent of the required number of trees to be twenty-four (24) inch box size or larger.

**Shrubs** - Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation with fifty (50) percent of the required number to be five (5) gallon in size.

**Hardscape** - Where required by this Ordinance, or as approved as part of a proposed project, shall include textured pavement, colored pavement, bricks, indigenous stone, broken face concrete blocks, exposed aggregate concrete, stucco, or other similarly approved materials.

**B. Main Street and Magma Avenue:**

All landscaping shall be consistent with the Town's adopted streetscape improvement plans, if such plans exist, and shall be installed, per plan, as part of the on-site/off-site development improvement requirements for properties fronting Main Street and Magma Avenue.

**C. Local Streets:**

1. A minimum of one (1) tree shall be planted for every thirty (30) lineal feet of street frontage.
2. A landscape plan shall be submitted to and approved by the Town for all new construction, additions, remodels, and renovation projects within the TC Zone District. Such plan shall contain botanical and common names for all trees, shrubs and groundcover, quantity, and size, as well as other landscape elements (e.g. boulders, decomposed granite, etc).

**D. Streetscape Requirements:**

Benches, street lights, trash receptacles, street signs, planters, pots or other containers, and tree grates shall all be consistent in style with any approved "Town Center Streetscape" and encouraged as part of the project design.

**§8.5 COMPLIANCE WITH OTHER PROVISIONS**

- A. **General Provisions:** The general provisions in Article XIII (General Provisions) of this Ordinance shall apply.
- B. **Parking Regulations:** The parking regulations as provided in Article XIV (Parking Provisions) of this Ordinance shall apply.
- C. **Outdoor Lighting:** All outdoor lighting shall comply with Article XV (Outdoor Lighting Provisions) of this Ordinance.
- D. **Signs:** All signage shall comply with Article XVII (Sign Provisions) of this Ordinance.

**§8.6 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

The chart which follows (Table No. 4) specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentage, and distance between buildings.

**TABLE NO.4  
Zoning Ordinance Summary - Town Center Zone District**

Zone District	Minimum Lot Area (sq. ft.)	Maximum Building Height (feet)	Minimum Yard Setbacks				Maximum Lot Coverage	Distance Between Buildings
			Front	Side	Street Side	Rear		
TC Commercial	3,000	30	0	0	0	0	See footnote b. below	0 <sup>c</sup>
TC Residential	5,000	24	20	10	20	25	60%	6 <sup>c</sup>

**FOOTNOTES:**

- a. For any properties located adjacent to Main Street, housing may only be permitted as set forth in Section 8.1.A.8 of this Article
- b. Lot coverage may be one-hundred (100) percent of the lot area, excluding any easements.
- c. In compliance with the regulations of the International Building Code (IBC) and the Town's Fire Code.

## **ARTICLE IX – INDUSTRIAL ZONE DISTRICTS**

### **§9.0 PURPOSE**

The Industrial Zone Districts are designed to provide for a range of industrial land uses. The purpose of these zone districts is to provide for industrial development in locations which are suitable and appropriate, taking into consideration existing conditions, future land use needs, and the availability of public services. It is intended that these zone districts accommodate a variety of uses including office park, garden industrial park and general industrial uses. The Industrial Zone Districts are further described in the following categories:

#### **Garden Industrial (I-1) Zone District:**

The purpose of this Zone District is to accommodate employment uses including administrative and research industries as well as limited industrial uses involving light manufacturing, assembling, warehousing, and wholesaling activities provided that the primary activities are conducted entirely within an enclosed building. Associated support office uses are also included within this Zone District.

#### **General Industrial (I-2) Zone District:**

The purpose of this Zone District is to accommodate intense industries involving manufacturing, warehousing, assembly, and storage. The uses include the production, assembly, and processing of large products as well as those which may generate special impacts on surrounding properties. The Zone District is characterized by open uses and/or storage, industrial processes which may involve chemical processing large amounts of materials transfer, and large scale machinery and structures.

### **§9.1 PERMITTED USES**

A. Permitted uses in the Garden Industrial (I-1) Zone District are those listed below, provided that all activities are conducted within an enclosed building with limited outside storage. Outside storage of materials, equipment, and products related to the primary activity is permitted provided that the outside storage area is screened by a fence or wall. No goods, materials or objects may be stacked higher than the fence or wall. No building permit shall be issued for a use not specifically mentioned.

1. Laboratories for research and product development.
2. Manufacturing, assembly, packaging, bottling, processing, distributing, warehousing, wholesale sales uses provided that such uses shall conform to the following requirements:
  - a. The primary use of the property is not the basic processing and compounding of raw materials.
  - b. All outside storage of material or equipment, as ancillary to the primary use, shall occupy the rear one-half (1/2) of the lot.
3. Food processing and kindred products, except:
  - a. Fish canning and curing.

- b. Meat and poultry slaughterhouses and packing plants.
    - c. Rendering or refining of fats and oils.
  - 4. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
  - 5. Satellite earth station.
  - 6. Wireless communication towers and antennas provided that they are located on property owned, leased, or otherwise controlled by the Town of Superior.
  - 7. Solar siting and installation as set forth in Article XIII, §13.13 (Solar siting)
- B. Permitted uses in the General Industrial (I-2) Zone District shall be only those uses listed provided that all activities are conducted entirely within an enclosed building or within an area enclosed on all sides with a decorative solid masonry wall, not less than six (6) feet in height. Outside storage of materials, equipment, and products related to the primary activity is permitted provided that the outside storage area is screened by a fence or building wall and no goods, materials or objects are stacked higher than the fence or wall. Permitted uses are subject to all other applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and until site plan approval has been granted by the Town.
  - 1. Those uses permitted in the Garden Industrial (I-1) Zone District.
  - 2. Construction offices and construction yards provided that the open storage yard area is screened by an eight (8) foot high solid masonry wall.
  - 3. Open storage yards for the storage of boats, trailers, and recreational vehicles provided there is no storage of abandoned, damaged, or junked boats, trailers or recreational vehicles and that the yard area is screened by an eight (8) foot decorative view obscuring wall.
  - 4. Heavy equipment repair, sales, and rentals.
  - 5. Automobile painting and body repair.
  - 6. Retail and wholesale lumber yard, including incidental mill work.
  - 7. Commercial aviation businesses such as aircraft repair, aircraft sales and services, and air charter services.
  - 8. Wireless communication towers and antennas provided that they are located on property owned, leased, or otherwise controlled by the Town of Superior.
  - 9. Solar siting and installation as set forth in Article XIII, §13.13 (Solar siting)
- C. Because no list of uses can be complete, decisions on additional uses will be rendered by the Zoning Administrator with appeal to the Town Council.

## **§9.2 USES SUBJECT TO CONDITIONAL USE PERMIT**

- A. Uses permitted in the General Industrial (I-2) Zone District only after review and approval of a Conditional Use Permit, in accordance with §3.3 of this Ordinance, shall be as follows. Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council.
1. Drive-in theater.
  2. Recycling transfer stations or automated collection centers, municipal or county landfills.
  3. Water and sewer treatment plants and utility generating plants.
  4. Mining and mineral extraction operations, including the removal of sand, rock, soil and gravel.
  5. Industrial metal smelting, refining, casting and extrusion.
  6. Central mixing plants for cement or concrete, or asphalt and asphalt products processing plants.
  7. Dyeing and finishing of textile products.
  8. The manufacture, disposal, distribution, warehousing or transfer of hazardous materials.
  9. Automobile wrecking and salvage yards, storage and processing of scrap metals.
  10. Wireless communication towers and antennas not on property owned, leased, or otherwise controlled by the Town of Superior as approved in accordance with the requirements of Article XVI of this Ordinance.

## **§9.3 PROHIBITED USES**

- A. All residential uses.
- B. All uses that are otherwise allowed within the Commercial Zone Districts.

## **§9.4 DESIGN STANDARDS REQUIREMENTS**

- A. General Architectural Requirements:
1. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from public view and designed to appear as an integral part of the building.
  2. The building materials of a project shall be durable, require low maintenance and be of a substantial quality.

3. All building elevations which face a public street or are adjacent to residential uses or zoning districts shall have an architectural design other than metal or corrugated metal.
4. All buildings shall be designed to incorporate architecture that provides a variety of massing, building heights, and stepping roof lines.

**B. General Site Planning Requirements:**

1. Service areas and loading docks should be oriented away from adjacent residential and office zoning districts and should not front onto or be visible from the public street.
2. Open space equivalent to ten (10) percent shall be required for industrial developments. Open space does not include parking areas.

**§9.5 LANDSCAPE AND SCREENING REQUIREMENTS**

**A. Landscaping Requirements:**

1. Landscaping may include trees, shrubs, ground covers, vines, fountains, benches or other organic materials used for creating an attractive appearance. The use of exotic species or allergenic species shall be prohibited. Landscaping within the public rights-of-way, required open space or landscape areas, parking areas, and retention/detention basins shall be limited to those species listed in Appendix "B" unless otherwise approved by the Town Council.

2. Where building foundations are visible, foundation landscaping should be required. Landscaping in this area should complement the building elevations.

3. Plant specifications:

**Trees** - Where required by this Ordinance shall be a minimum of fifteen (15) gallon size with forty (40) percent of the required number of trees to be twenty-four (24) inch box size or larger.

**Shrubs** - Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation with fifty (50) percent of the required number to be five (5) gallons in size.

**Organic Groundcovers** - Where required by this Ordinance shall be a minimum of one (1) gallon size upon installation.

**Inorganic Groundcovers** - Where required by this Ordinance shall be used and consist of decomposed granite (minimum size 1/2" minus). Turf in selected areas may also be considered. An approved drip irrigation system shall be installed.

4. Plant Quantities:

**U.S. 60 Corridor:** A minimum of one (1) specimen tree and three (3) shrubs and/or organic groundcover shall be required for every five-hundred (500) square

feet, or fraction thereof, of total landscape area; exclusive of that portion of the public rights-of-way occupied by a driveway area. Additional streetscape such as, but not limited to, benches, pedestrian and bike trail, and historic mining artifacts or mechanisms (used as sculpture pieces) may be required in accordance with the Town's approved U.S. 60 Corridor Landscape Plan.

**Arterial and Major Collectors:** A minimum of one (1) tree and three (3) shrubs and/or organic groundcover shall be required for every five-hundred (500) square feet, or fraction thereof, of total landscape area; exclusive of that portion of the public right-of-way occupied by a driveway area.

**Local and Neighborhood Street:** A minimum of 1 tree shall be planted, every 20 feet, or fraction thereof, depending on the width of the canopy at maturity of the particular tree chosen.

**Buffer Yard Area:** A minimum of one (1) tree shall be planted, every twenty (20) feet, or fraction thereof, depending on the width of the canopy at maturity of the particular tree chosen.

5. The property owner or a "Property Owner's Association" shall maintain all landscape materials and landscaped areas, including that within the public rights-of-way adjacent to the site, in accordance with the approved landscape plan.

**B. Screening Requirements:**

1. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three (3) feet in order to adequately screen the undercarriages of the parked vehicles.
2. All perimeter walls, storage area walls, and screen walls shall be decoratively treated on all sides to match the industrial product architectural style and design.
3. Trash and refuse collection locations shall be screened with a six (6) foot decorative masonry wall. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area.
4. Outside storage areas shall be screened from the public street view and adjacent residences, office, and commercial uses to a height of at least six (6) feet. Materials shall not be stacked, piled, or stored in such a manner, as to project above the screen wall.

**§9.6 BUFFER YARD REQUIREMENTS**

Where Industrial Zone Districts are adjacent to or abutt, even if separated by an alley, a Residential or Commercial Zone District, there shall be a buffer yard of not less than twenty (20) feet or the height of the building, whichever is greater, of which a minimum of fifteen (15) feet shall be landscaped.

**§9.7 COMPLIANCE WITH OTHER PROVISIONS**

- A. General Provisions:** The general provisions in Article XIII herein shall apply.

- B. **Parking Regulations:** The parking regulations are as provided in Article XIV herein.
- C. **Outdoor Lighting:** All outdoor lighting shall comply with Article XV herein.
- D. **Signs:** All signage shall comply with Article XVII herein.

**§9.8 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

The chart which follows (Table No. 5) specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE NO. 5  
Zoning Ordinance Summary - Industrial Districts**

Zone District	Lot Area (Sq. Ft.)	Bldg. Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings
			Front	Side	Street Side	Rear		
I-1	43,560	40	20	10	20	25	50%	15
I-2	43,560	40	20	10	20	25	60%	15

## **ARTICLE X - OPEN SPACE ZONE DISTRICTS**

### **§10.0 PURPOSE**

The purpose of the Open Space Zone Districts are to conserve and protect open space, washes, natural desert lands, wildlife habitat, and lands agreed to be left undeveloped through the plan approval process. The primary purpose of designating these areas is to raise the degree of assurance that designated open space for conservation and recreational areas will remain open. The Open Space Districts are further delineated in the following categories:

#### **A. Open Space Zone Districts:**

1. Open Space Conservation (OSC) Zone District. The purpose of this Zone District is to conserve significant natural features and open spaces, such as major peaks and ridges, mountains, major rock outcrops, view corridors, and significant stands of natural vegetation specimens.
2. Open Space Recreational (OSR) Zone District. The purpose of this Zone District is to provide for land uses in areas generally subject to periodic inundation. It is further intended to provide for land uses in areas which have been set aside to serve recreational functions or to provide open space areas.

### **§10.1 PERMITTED USES**

A. Permitted uses in the Open Space Conservation Zone District shall be only those uses listed below. Permitted uses are subject to all other applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned until site plan approval has been granted by the Town.

1. Undeveloped natural land and archaeological or historic sites.
2. Hillside lands designated as pending parcels in the density transfer process through the subdivision development process.
3. Unpaved trails or pathways for use by hikers and horses.
4. Solar siting and installation as set forth in Article XIII, §13.14 (Solar siting)

B. A building or premise in an Open Space Recreational Zone District shall be used only for the purposes listed. Permitted uses are subject to all other applicable standards of this Ordinance. No building permit shall be issued for a use not specifically mentioned and until site plan approval has been granted by the Town.

1. Golf course, including club houses and driving ranges located thereon, but not including miniature golf courses or practice driving ranges not associated with a golf course operated for commercial purposes.
2. Park land including but not limited to picnic grounds, playgrounds, and playing fields.

3. Manmade water features and watercourses.
4. Paved or unpaved trails or pathway systems for use by hikers, bicyclists, and pedestrians.
5. Public and private natural wildlife reserves or sanctuaries, and arboretums.
6. Utility services, but not including offices, wastewater treatment plants, generating stations, and sub-stations.
7. Wireless communication towers and antennas provided that they are located on property owned, leased, or otherwise controlled by the Town of Superior.

### **§10.2 USES SUBJECT TO CONDITIONAL USE PERMIT**

- A. Uses permitted in the Open Space Conservation Zoning District only after review and approval of a Conditional Use Permit, in accordance with §3.3 of this Ordinance, shall be as follows: Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council.
  1. Public and private natural wildlife reserves or sanctuaries, and arboretums.
  2. Access driveways and parking areas for trailheads.
- B. Uses permitted in the Open Space Recreational Zoning District only after review and approval of a Conditional Use Permit, in accordance with §3.3 of this Ordinance, shall be as follows: Conditional uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the Town Council.
  1. Equestrian facilities in conjunction with an approved single family residential neighborhood development.
  2. Commercial riding stables and boarding stables provided the site contains at least five (5) acres. Additional acreage may be required based on the number of horses stabled thereon.
  3. Wireless communication towers and antennas not on property owned, leased, or otherwise controlled by the Town of Superior as approved in accordance with the requirements of Article XVI of this Ordinance.

### **§10.3 PROHIBITED USES**

**All residential uses.**

### **§10.4 DEVELOPMENT STANDARDS**

- A. In order to fulfill the purposes of the Open Space Zone Districts, all of the land that is not used for the permitted or conditional use in accordance with §10.1 and §10.2 shall be natural area open space that is undisturbed by man except where re-vegetation has been approved.

- B. Whenever a portion of the property is disturbed by the construction of a permitted or conditional use, the disturbed area shall be re-vegetated around the improvements to restore a natural desert character. The location of areas to be restored to a natural appearance and the re-vegetation techniques used shall be approved by the Town.
- C. If a portion of the land proposed for OSC has been cleared of vegetation, the disturbed area shall be restored to a natural appearance through re-vegetation and re-grading. Approval will be by the Town.

**§10.5 COMPLIANCE WITH OTHER PROVISIONS**

**A. General Provisions:**

The general provisions in Article XIII herein shall apply.

**B. Parking Regulations:**

The parking regulations are as provided in Article XV herein.

**C. Outdoor Lighting:**

All outdoor lighting shall comply with Article XV herein.

**D. Signs:**

All signage shall comply with Article XVII herein.

**§10.6 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

The chart which follows (Table No. 6) specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE NO. 6  
Zoning Ordinance Summary - Open Space Districts**

District	Lot Area (Acres)	Bldg. Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings
			Front	Side	Street Side	Rear		
OSC	5	24	60	30	30	60	5%	15
OSR	5	24	60	30	30	60	5%	15

# **ARTICLE XI – MANUFACTURED HOME OVERLAY ZONE DISTRICT**

## **§11.0 PURPOSE**

To provide for an overlay zone that will permit the placement and regulate the permanent installation of manufactured homes for occupancy as single residential dwellings either on individual parcels or lots or on a space within a manufactured home land-lease development. Manufactured homes located on individual parcels or lots shall be defined and situated to assure similarity in exterior appearance and in keeping with the architectural character of the neighboring site built dwellings and the character of the surrounding neighborhood in general.

Manufactured homes, within an approved land-lease development, shall be situated and designed so to provide a desirable residential environment that will protect adjacent residential property values and is consistent with the future land-use plan of the community. A variety of densities are possible depending upon the base zone to which the overlay zone is applied.

## **§11.1 INTENT**

The intent of these provisions is to provide affordable and diversified housing opportunities within the town while maintaining established standards. Manufactured homes shall meet the most current HUD Code standards, all regulations of the Office of Manufactured Housing, as well as compliance with all provisions of this article.

## **§11.2 PERMITTED USES**

Permitted uses in the "MH" Manufactured Home Overlay Zone District shall be only those uses listed as permitted by-right within the underlying Suburban and Urban Residential Zone Districts (RI-15, RI-12, RI-8, and RI-6), approved manufactured homes, and manufactured home land-lease developments. Site built dwelling units and modular homes are also permitted within the overlay zone except within a manufactured home land/lease development. Permitted uses are subject to all other applicable standards of this Ordinance.

## **§11.3 PLANNING REVIEW PROCESS**

- A. The property owner seeking to place a manufactured home on an individual parcel or lot or on a space within a manufactured home land-lease development shall be required to obtain a building permit prior to the installation of the manufactured home. Prior to submitting the building permit application to the Building Department the owner shall submit the following materials for Planning Review:
1. Site Plan.
  2. Elevations or color photographs of all sides of the structure.
  3. Roof slope (expressed in a ratio horizontal to vertical feet) and roofing material description.
  4. Description of any proposed additions or alterations including photographs where possible.

5. Description of the exterior finish including materials and colors.

#### **§11.4 REVIEW CRITERIA**

- A. In order for a manufactured home to be placed on a parcel or individual lot in existing residential or built-up residential areas where the "Manufactured Home Overlay Zone" has been approved, the manufactured home shall be reviewed for compliance with the following criteria:
  1. The residence should be situated on the lot in a compatible manner with surrounding residences through location of windows, doors, front porches, other architectural features, or landscaping.
  2. The architectural design as well as the exterior materials of the residence shall be compatible with the residential dwellings in the immediate area and the Design Standards outlined in §11.5 of this Article.
  3. The residence must have a varied appearance in relation to the adjacent properties. Consideration will be given to the variation in setbacks, architectural features, variation of building materials, accessory structures, or landscaping accents proposed to achieve the required appearance.
  4. The structure is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and the laws of the State of Arizona and is in good physical condition structurally and cosmetically, complies with the design standards of this article, and was constructed not more than ten (10) years prior to date of application for building/installation permit.
- B. If the manufactured home is to be placed on a space within a land-lease development it shall be in compliance with the specific design standards approved by the Town Council for that development.
- C. If the Zoning Administrator determines that anyone of the four criteria stated in §11.4.A has not been met in the Planning Review, the application will be referred to the Planning and Zoning Commission for Final Review with written notice of why the application failed to meet the required criteria.
- D. The Commission shall consider the manufactured home application and the Zoning Administrator's report. If satisfied that all of the criteria have been met, the Commission may approve the application. If the Commission determines that all criteria have been met, other than the age of the structure, the Commission may approve the application. If the Commission finds that any one of the stated criteria have not been met, the Commission may recommend that the application be denied.
- E. If the Commission denies the application, the applicant may appeal the Commission's decision to the Town Council. The Town Council's decision shall be final.

#### **§11.5 DESIGN STANDARDS**

- A. **Manufactured Homes on Individual Lots:** In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the immediate

area, which is the area within three-hundred (300) feet of the subject lot or parcel or the nearest five (5) dwellings. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements.

1. **Minimum Width:** The minimum width of the main portion of the structure shall be twenty-four (24) feet, exclusive of any garage or carport area, as measured across the narrowest portion.
2. **Height:** Unless the topography of a particular lot precludes it, the manufactured home shall be installed no higher from grade than eighteen (18) inches (from ground to frame) on the highest side and not less than twelve (12) inches on the low side. The building official is authorized to approve minor deviations from the height requirement after inspection of the property to determine if such deviation is necessary because of lot conformity.
3. **Foundations:** The manufactured home shall be placed on an excavated foundation with permanent foundation wall, or if permanent foundation wall is not installed, all sides of the home shall extend to meet ground, or a facade shall be used on all sides so that the home appears to have a foundation wall similar in appearance and kind to conventional site built homes. One of the following skirting options must be utilized on the manufactured home:
  - a. Non-bearing concrete or CMU block perimeter stem wall. This wall must be reinforced and have vents per IBC requirements.
  - b. Ground set or pit set. This eliminates the need for siding or skirting, but shall not be authorized in a flood plain.
  - c. Stemwall foundation (bearing). This option must be according to the manufacturer's installation requirements and meet minimum building code standards.
  - d. Hardboard/Lumber system. The hardboard siding must match the siding on the manufactured home. This can have either a concrete footing and stem or treated/redwood plate and be vented according to the code.
4. **Exterior Siding:** Exterior siding shall be made of non-reflective and non-metallic materials. Acceptable siding materials include: vinyl, wood, stucco, brick, stone, or other masonry materials or any combination of these materials. The use of "T1-11" siding (rough sawn plywood siding with vertical grooves at four (4) inches or eight (8) inches O.C.) shall be avoided.
5. **Roof Structure and Materials:** All roof structures shall be sloped and provide an eave projection of no less than six (6) inches and no greater than thirty (30) inches. Unfinished galvanized steel, unfinished aluminum, wood shake shingles, or fiberglass/asphalt shingles less than three hundred twenty-five (325) pounds per one hundred (100) pounds per square feet shall not be permitted.
6. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation. Mechanical equipment such as electrical meter, coolers and air conditioning units, service components, and similar

devices, whether ground level, wall mounted, or roof mounted, shall be screened and designed to appear as an integral part of the building. Vegetative material may be used as a screening device if the plant material used is of a variety and size to sufficiently screen the equipment.

7. **Garage or Carports:** The manufactured home shall have a garage or carport the design and materials of which shall be compatible with the main structure.
8. **Accessory Structures:** Wood or metal porches, decks or verandas are only permitted on the front of the home when covered with a roof.
9. **Steps:** If the dwelling unit has steps leading to the front entry, the steps shall be attached to a permanent foundation and designed and constructed to be an integral part of the exterior of the dwelling unit.
10. **Anchor Ties:** The structure shall be anchored to the ground, in accordance with approved manufactured home installation standards for high wind areas.
11. **Additions:** All additions and alterations shall be in compliance with the International Building Code (I.B.C.) as adopted by the Town or in compliance with the most current HUD Code standards and the housing manufacturer's specifications.

**B. Manufactured Home Land-Lease Developments:** The manufactured home (land-lease development) shall comply with the following design elements.

**1. Site Size and Dimensional Requirements:**

- a. **Minimum Size:** A manufactured home land-lease development shall be a minimum of ten (10) acres in area.
- b. **Space Size:** Each manufactured home space shall comply with the area requirements of the underlying zone district.
- c. **Setbacks:** Each manufactured home space shall comply with the setback requirements of the underlying zone district.
- d. **Open Space:** Each manufactured home (land-lease development) shall provide at least ten (10) percent of the net area for open space. Such open space areas may include natural area open space easements and active recreational areas such as community buildings, swimming pools, play areas, etc.

**2. Utilities and Streets:**

- a. **Location:** All utilities within a manufactured home land-lease development shall be located underground.
- b. **Water:** Connection to the water system serving the Town and installation of fire hydrants meeting Town standards are required.

- c. Sewer: Connection to the public sewer system or installation of an approved package treatment plant is required.
- d. Spaces: Each space shall be equipped with electricity, drinking water and wastewater disposal facilities.
- e. Streets: Each land-lease development shall be improved with paved private streets built to the specifications of the Town of Superior.
- f. Access: No manufactured home space shall have direct vehicular access to a public street or private street outside of the development.

### 3. **Manufactured Home Standards**

- a. Minimum Width: The minimum width of the main portion of the structure shall be sixteen (16) feet, exclusive of any garage or carport area, as measured across the narrowest portion.
- b. Foundation: The manufactured home shall be placed on an excavated and back-filled foundation, and enclosed continuously at the perimeter with material comparable to the predominant materials used in foundations of conventional site built homes.
- c. Exterior Siding: Exterior siding shall be made of non-reflective and non-metallic materials. Acceptable siding materials include: vinyl, wood, stucco, brick, stone, or other masonry materials or any combination of these materials. The use of "T1-11" siding (rough sawn plywood siding with vertical grooves at four (4) inches or eight (8) inches O.C.) shall be avoided.
- d. Roof Structure and Material: All roof structures shall be sloped and provide an eave projection of no less than six (6) inches and no greater than thirty (30) inches. Unfinished galvanized steel or aluminum, wood shake shingles, or fiberglass/asphalt shingles less than three hundred twenty-five pounds per one hundred (100) sq. ft. shall not be permitted.
- e. Mechanical Equipment: All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.
- f. Garage or Carport: The design and materials of the manufactured home garage or carport shall be compatible with the main structure.
- g. Steps: If the dwelling unit has steps leading to the front entry the steps shall be attached to a permanent foundation and designed and constructed to be an integral part of the exterior of the dwelling unit.
- h. Anchor Ties: The structure shall be anchored to the ground, in accordance with approved manufactured home installation standards for high wind areas.

- i. Additions: All additions and alterations shall be in compliance with the International Building Code (I.B.C.) as adopted by the Town, or in compliance with the most current HUD code standards and the housing manufacture's specifications.
  - j. Vacant Manufactured Homes: No storage of unoccupied or damaged manufactured homes is permitted.
- C. The building official may approve deviations from one or more of the developmental or architectural standards provided herein on the basis of finding that the materials to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity.

**§11.6 USES SUBJECT TO CONDITIONAL USE PERMIT**

- A. **Manufactured Homes on Parcels or Individual Lots**: Pursuant to the requirements of Article III, §3.3 a property owner may apply for a Conditional Use Permit (CUP) to place a manufactured home on a parcel or individual lot which does not meet the minimum width requirements of this Article. The remaining development standards as outlined in §11.5 of this Article may not be varied or deleted by the granting of a CUP. The criteria for granting a CUP shall be based upon the following:
  - 1. There currently exists a manufactured home or mobile home on the property which does not meet the twenty-four (24) foot width requirement (is not multi-sectional).
  - 2. The configuration of the lot or parcel involved would preclude the placement of a twenty-four (24) foot wide manufactured home on said lot or parcel. However this does not permit the placement of a manufactured home on a lot that does not meet the minimum area requirements for the zone district in which it is located.
  - 3. The upgrade would be beneficial to the residents of the Town of Superior after considering all relevant factors including, but not limited to aesthetics, safety, and health.
  - 4. Provisions of this article, other than the width of the structure, shall be complied, with by the applicant.
- B. The Planning and Zoning Commission and/or the Town Council may approve deviations from one (1) or more of the design standards provided herein (e.g. roof slope, foundation, mechanical equipment screening) on the basis of finding that the materials to be utilized or the architectural style proposed for the dwelling will be compatible and harmonious with existing structures in the vicinity.

**§11.7 EXCEPTION**

This Article shall not prohibit the continued occupancy of a non-certified mobile home or manufactured home located and occupied as a private residence within the Town at the time of adoption of this Article. Existing mobile homes or manufactured homes that are not in compliance with the design standards of this Article at the time of its adoption shall be brought

into compliance as additions or alterations to the structures are requested as may be required by the provisions of this Ordinance on non-conforming structures. The existing mobile home or manufactured home may be replaced in its entirety only with a manufactured home that is in compliance with all of the design standard and other provisions of this Article.

**§11.8 COMPLIANCE WITH OTHER PROVISIONS**

**A. General Provisions:**

The general provisions in Article XIII herein shall apply.

**B. Parking Regulations:**

The parking regulations are as provided in Article XIV herein.

**C. Outdoor Lighting:**

All outdoor lighting shall comply with Article XV herein.

**§11.9 DENSITY, AREA, BUILDING AND YARD REGULATIONS**

The chart which follows (Table No. 7) specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, maximum lot coverage percentages, and distance between buildings.

**TABLE NO. 7  
Zoning Ordinance Summary - Manufactured Home Overlay**

District	Lot Area & Area/Du (Sq. Ft.)	Width (Feet)	Bldg. Height (Feet)	Minimum Yard Setbacks				Lot Coverage	Distance Between Buildings
				Front	Side	Street Side	Rear		
MH R1-15	15,000	120	24	25	10	25	25	35%	10
MH R1-12	12,000	100	24	20	10	20	25	40%	10
MH R1-8	8,000	80	24	20	5	20	25	40%	10
MH R1-6	6,000	60	24	20	5	20	25	40%	10

**ARTICLE XII - PLANNED DEVELOPMENT  
OVERLAY ZONE DISTRICTS**

**§12.0 PURPOSE**

The purpose of the Planned Development Overlay Zone Districts is to provide for the orderly development of land consistent with the Town of Superior General Plan and Zoning Ordinance while permitting flexibility in the design and development of residential, commercial and/or industrial developments of a quality which could not be achieved by traditional lot by lot development under conventional zoning concepts. The Planned Development Overlay Zone Districts are further delineated in the following categories:

**A. Planned Development Overlay Districts:**

- 1. Planned Area Development (PAD) Overlay Zone District:** The purpose of this overlay zone district is to allow for innovative design and flexibility in projects which are planned for development as a cohesive unit. The intent of this district is to provide for creative, high quality development which incorporates the following:
  - a. Substantial open space and/or recreational facilities held in common ownership.
  - b. Private or public streets.
  - c. The preservation of significant aspects of the natural character of the land.
  - d. Building design, site design, and amenities that create a unique alternative to conventional development.
  - e. Property owners' associations and recorded covenants, conditions, and restrictions.
  
- 2. Development Master Plan (DMP) Overlay Zone District:** The purpose of this overlay zone district is to allow for conceptual zoning of large land parcels into planned uses for future development. The intent is to allow for both specific site plan zoning for immediate project development, as well as conceptual development plans with specific site plans deferred to the time of future project development.

**§12.1 MINIMUM LOT SIZE**

- A.** The minimum size for any "PAD" district shall be forty (40) acres.
- B.** The minimum size for any "DMP" district shall be one hundred sixty (160) acres.
- C.** The Town Council shall have the authority to consider smaller parcel acres as circumstances necessitate.

**§12.2 USE REGULATIONS**

- A. The "PAD" and "DMP" Overlay Zone Districts are to be used in conjunction with one (1) or more underlying zone district(s). An "underlying zone district" shall mean those zone districts set forth in Article IV of this Ordinance. Permitted uses in the "PAD" and "DMP" Overlay Zone Districts shall be only those uses listed as permitted "by-right" within the underlying zone districts or combination of underlying districts, as approved by the Town. Permitted uses are subject to all other applicable standards of this Ordinance.
- B. A "PAD" and/or "DMP" Overlay Zone District may be approved with modifications of the requirements of the underlying zone district so long as the intent of this zoning ordinance is met, and the resulting land use will be of a quality comparable to or exceeding the quality which would otherwise result under conventional zoning concepts.
- C. Notwithstanding the above, no modifications of the requirements of the underlying zones with respect to overall density and use shall be approved. For the purpose of calculating density, the equation shall be as follows:  
$$D = \frac{du}{A - (c + i + s + a + os)}$$
 where:
  - D = Density
  - du = Total number of dwelling units.
  - A = Total site area (acres)
  - c = Total commercial land (acres)
  - i = Total industrial land (acres)
  - s = Reserved but undedicated school sites (acres)
  - a = Arterial or collector rights-of-way (acres)
  - os = Open Space
- D. All "PAD" and "DMP" developments shall be phased so that the density of any phase, when combined with previously constructed phases, does not exceed the approved overall development density.
- E. Applications for changes or modifications of the underlying zone district(s) shall be submitted and processed concurrently with an application requesting approval of a "PAD" or a "DMP".
- F. The zoning of areas for neighborhood retail uses shall not become effective until one-half (1/2) of the total number of dwelling units planned are completed.
- G. Adequate guarantee must be provided to insure permanent retention of the "open space" land area, resulting from the "PAD" and/or "DMP" plan approval, either through application of the Open Space Zone Districts, by dedication to the public, or a combination thereof.

**§12.3 PLANNING REVIEW PROCESS**

- A. Requests for "PAD" and "DMP" Overly Zone District(s) shall be processed in accordance with §3.2 of this Zoning Ordinance. Additional materials may be required due to the

complexity or size of the proposed development. Additional materials may be but are not limited to the following:

1. "Design Guidelines" which both narratively and graphically describe the character, site planning, architecture and landscaping that can be expected from the development for the various underlying zone districts.
  2. Preliminary Drainage Report (refer to §7.2 (e) of the Town's Subdivision Ordinance for specific details).
  3. A Parcel Statistical Table.
  4. A Native Plant Preservation and Salvage Plan (refer to §7.2 (d) of the Town's Subdivision Ordinance for specific details).
  5. A Slope Analysis and Land Disturbance Analysis (refer to §6.3 of the Town's Subdivision Ordinance for specific details).
  6. A Visual Analysis (refer to §6.3 of the Town's Subdivision Ordinance for specific details).
  7. A schedule of development (i.e., Phasing Schedule) of the specific, proposed use or uses for which rezoning is required. The schedule for development shall include a construction schedule for various phases of the development if construction phases are anticipated.
  8. Traffic Impact Study (refer to §7.2 (e) of the Town's Subdivision Ordinance for specific details).
- B.** Following adoption of the "PAD" or "DMP" master plan or final document as the case may be, said plan shall not be changed, amended or altered in any manner except as set forth herein. Any substantial change or alteration in the physical or spatial characteristics of the plan or its configuration shall be considered a rezoning and shall only be accomplished pursuant to the provisions of this Article and processed in accordance with §3.2 of this Zoning Ordinance.

#### **§12.4 REVIEW CRITERIA**

- A.** The development application proposes substantial land use planning standards and principles over and beyond the minimum standards required by the conventional application of this Ordinance.
- B.** The development application proposes at least three (3) distinct zone districts and a mix of housing types and styles creating neighborhoods and a sustainable community.
- C.** The development application demonstrates by narrative specific goals exceeded in the General Plan and demonstrates how the overall goal of the General Plan is exceeded by the proposed development.

- D. The development application represents a unique and ingenious approach to land use development that separates itself from other typical suburban and/or urban development found within the region.

## **§12.5 DESIGN STANDARDS**

- A. Applications for a "PAD" or a "DMP" Overlay Zone District may include a request to modify the development requirements of the underlying zone district, except as to overall density and use. Modifications to the underlying zone district requirements shall be permitted only upon a finding that the proposed land use will include all or a minimum of ninety (90) percent of the design elements and/or amenities listed below:
1. The proposed land uses and site design standards enhance and protect environmentally sensitive areas.
  2. Protects natural features, preserves view corridors, and preserves ridges and peaks through the transfer of development densities and similar strategies. Refer to §6.3 of the Town's Subdivision Ordinance.
  3. Delineates the required common open space. Refer to §6.2 of the Town's Subdivision Ordinance for the standards required by the various uses.
  4. Recreation and open space facilities proposed by the development are linked to the community wide open space system as applicable.
  5. Development adjacent to washes, where public trail systems have been identified in the General Plan, shall have trail improvements designed with Town standards and such improvements shall be dedicated to the Town upon completion.
  6. Sidewalks and bike lanes are included in all planned arterial street improvements. Refer to §6.5 of the Town's Subdivision Ordinance.
  7. Incorporates sidewalks or other related pedestrian facilities within all collective street improvements. Refer to §6.5 of the Town's Subdivision Ordinance.
  8. Provide safe pedestrian and bicycle access to schools, parks, churches or other such community facilities located within the boundary of the development.
  9. Functional neighborhood scale recreation facilities and amenities shall be provided which are linked to open space areas. If retention/detention basins are used in conjunction with recreational facilities or amenities, it shall be designed in accordance with §6.2 of the Town's Subdivision Ordinance.
  10. Establishes a homeowner or property owner association to maintain all roadway/right-of-way landscaping, pedestrian and bicycle paths to the Town's standards at a minimum.
  11. Proposes a mix of housing types, architectural styles, and development densities as described in §6.2 of the Town's Subdivision Ordinance. Not less than ten (10) percent and not more than twenty-five (25) percent of all dwelling units shall be offered as affordable housing.

12. Reserves a park/school combination site(s) in accordance with the Town of Superior General Plan.
  13. **(Optional Element):** Dedication of school park site(s) are incorporated. Park sites that are intended to be open to the public, where dedication to the Town is proposed, shall be in accordance with adopted standards.
  14. **(Optional Element):** Activity centers are to provide a wide range of appropriate recreational services.
  15. Solar siting and installation as set forth in Article XIII, §13.14 (Solar siting)
- B.** The Town Council may determine that due to the complexity of the project, sensitivity of the area, or scale of the project, other design elements and/or amenities shall be required along with the "PAD" and/or "DMP" approval, which may exceed or be in lieu of the minimum ninety (90) percent design elements provided.

#### **§12.6 COMPLIANCE WITH OTHER PROVISIONS**

**A. General Provisions:**

The general provisions in Article XIII herein shall apply.

**B. Parking Rregulations:**

The parking regulations are as provided in Article XIV herein.

**C. Outdoor Lighting:**

All outdoor lighting shall comply with Article XV herein.

## **ARTICLE XIII – GENERAL PROVISIONS**

### **§13.0 PURPOSE**

The purpose of this Article is to establish general development and performance standards applicable to all Zone Districts. The standards and regulations set forth in this Article shall qualify or supplement, as the case may be, the District Regulations set forth elsewhere in this Ordinance. Any use that is not specifically allowed or not analogous is hereby declared to be prohibited.

### **§13.1 USE RESTRICTIONS**

- A. **Permitted Uses:** Shall be only those uses listed as permitted uses within the zoning districts and shall be subject to the specific requirements of the ordinance.
- B. **Conditional Uses:** Shall be only those uses listed as conditional uses and shall require a Conditional Use Permit in order to be established within the zoning district in which they are listed.
- C. **Unspecified Uses:** Whenever a use is proposed that is not listed as a permitted or conditional use in any zone district, the Zoning Administrator may make such a determination concerning its applicability. The Planning and Zoning Commission may be consulted to determine the appropriate zoning classification of such use. In making their determination, the Planning and Zoning Commission shall consider similar uses which are listed in the Ordinance.

### **§13.2 SUBDIVIDING RECORDED LOTS**

- A. No lot may be divided to create a lot not in conformance with these regulations. No lot shall be divided or combined in any manner other than through subdivision procedures as specified by the Town's Subdivision Ordinance.
- B. No lot may be reduced in area so as to cause any open space or yard required by this Ordinance to be less in dimension than is required for the Zoning District and lot in question.

### **§13.3 STREET DEDICATION REQUIREMENTS**

- A. All lots shall abut a dedicated and accepted public street connecting to the publicly dedicated and accepted street system. Through the "PAD" or "DMP" process as described in Article XII of this Ordinance, the Town Council may allow private streets.
- B. Except for lots abutting private streets which have been specifically permitted for a "PAD" or "DMP" a building permit shall not be issued for a recorded lot, which does not abut a dedicated and accepted public street and the abutting street does not connect to the publicly dedicated and accepted street system.
- C. Prior to the acceptance by the Town of the dedication of a public street, such street shall be designed, graded, and paved in accordance with the provisions of all applicable street standards of the Town of Superior.

### **§13.4 UNSUITABLE SITES**

No land shall be used, or structure erected, if the Planning and Zoning Commission has determined that the land is unsuitable for such use or structure by reason of potential flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility or any other feature or features which may render such use or structure likely to be harmful to the health, safety and general welfare of the community. The person or entity proposing such use or structure on land determined by the Planning and Zoning Commission to be unsuitable for such use or structure may appeal the Planning and Zoning Commission's determination of unsuitability and may present evidence to the Town Council in support of such an appeal. The Town Council thereafter may affirm, modify, or withdraw the determination of unsuitability.

### **§13.5 PERFORMANCE STANDARDS**

- A. Every activity, operation, or land use shall comply with the following performance standards regardless of the zone district in which it is located. Provisions for enforcement of compliance with these performance standards shall be invoked by the Zoning Administrator against any use wherever there is reasonable evidence that performance standards are being violated by such use.
1. **Glare and Heat.** Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.
  2. **Lighting.** No light which flashes, revolves or otherwise resembles a traffic control signal shall be allowed in any area where such light could create a hazard for passing vehicular traffic. All outdoor lighting shall be installed, maintained, and utilized in conformance with Article XV of this Ordinance.
  3. **Fire and Explosion Hazards.** Disposal of waste materials by outdoor incineration on the premises is expressly prohibited. All storage of, and other activities involving flammable and explosive materials shall be provided adequate safety devices against hazards of fire and explosion, together with adequate fire-fighting and fire suppression equipment and devices standard in industry. All storage of inflammable or explosive materials shall further comply with location requirements set forth by the Fire Department or as established by this or other Town codes and ordinances.
  4. **Vibration.** Every use shall be so operated that the ground vibration inherently and recurrently generated is not discernable, without instruments, at any point beyond the site property line.
  5. **Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution.** No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause excessive soiling.
  6. **Liquids and Solid Waste.** No materials, compounds or chemicals, which can contaminate any water supply, interfere with bacterial process in sewage

treatment or otherwise cause emission of elements which are offensive or hazardous to the public health, safety, welfare or comfort shall be discharged at any point into any public sewer, private sewage disposal system or stream or into the ground, except in accordance with the standards approved by the Arizona State Department of Health and/or Environmental Services or such governmental agency as may have jurisdiction over such activities.

7. **Odors.** No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the site property line.

### **§13.6 PROJECTIONS INTO REQUIRED YARDS**

- A. Except as authorized in this Article, the space in any required yard shall be open and unobstructed, except for the ordinary projections of chimney flues, awnings, open outside stairways and balconies, window sills, belt courses, cornices, eaves and other architectural features provided such features shall not project further than five (5) feet into any required yard, and provided further that in no case shall such projections be nearer than five (5) feet to any property line.
- B. Bay Windows, including their cornices and eaves, may project into any required yard not more than three (3) feet, provided the sum of such projections on any wall does not exceed one-third (1/3) the length of the wall and provided that in no case shall such projections be nearer that five (5) feet to any property line.
- C. Mechanical equipment, such as air conditioners, may be constructed within any yard in conformance with this Ordinance, provided that in no case shall said mechanical equipment create an open side yard area of less than five (5) feet. This open clear area extends from the front of the structure to five (5) feet beyond the rear of the structure. All mechanical equipment shall be screened from public view.
- D. Upon compliance with the provisions of §3.3 of this Ordinance, a Conditional Use Permit (permit) may be granted for the following encroachments within a single residential district provided that no structure shall encroach or overhang any property line or public right-of-way and all drainage from such structures must flow onto the owner's property:
  1. A permit may authorize a side entry garage to project into a required front yard a distance not to exceed ten (10) feet, but such structure shall not extend into any required side yard.
  2. A permit may authorize an open carport to project into a required front yard, provided all other provisions of this Ordinance are complied with, and such authorization is consistent with the carport structures that have been legally placed upon other residential property on the block on which the applicant's property is located.
- E. Any permit granted pursuant to subsection (D) of this Section shall be at the sole discretion of the Town Council after receiving the recommendation of the Planning and Zoning Commission and considering other legally existing encroachments of the nature requested in the area in which the applicant's property is located.

### **§13.7 HEIGHT LIMITATIONS**

- A. Building Height:** No building shall be erected, reconstructed, or structurally altered to exceed the height limitations designated for the zone in which such building or structure is located. Height regulations established elsewhere in this Ordinance shall not apply to the following:
1. In any zone district, church spires, belfries, cupolas and domes not for human occupancy, monuments, water towers, flagpoles for displaying the flags of the United States or the State of Arizona, noncommercial radio or television antennas, or wireless communication towers as approved in accordance with the requirements of Article XVI of this Ordinance.
  2. Chimneys in residential districts may be two (2) feet above the roof line of the residential structure, even if the roof line is at the maximum building height.
  3. In industrial zoned districts, chimneys, smokestacks, derricks, conveyors, grain elevators, or other similar structures, where the industrial use customarily requires a height greater than otherwise permitted, provided that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.
- B. Height Limitation on Corner Lots:** Notwithstanding any other provisions in any zone district the height of any fences, walls, gateways, ornamental structures, construction, hedges, shrubbery or other landscape plantings on corner lots in all districts shall be limited to a height not to exceed three (3) feet above the established elevation of the intersecting streets for a distance of twenty-five (25) feet along the front and side lot lines and within the triangle formed by the connection of these two lot lines. Within this triangle, and in cases where front yards are terraced, the ground elevation of such front yards also shall not exceed three (3) feet above the established elevation of the intersecting streets.

### **§13.8 ACCESSORY BUILDINGS AND USES**

- A.** Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been actually commenced or the primary use established. Accessory buildings shall not be used for dwelling purposes except for a guest house as permitted elsewhere in this Ordinance.
- B.** Detached accessory buildings shall not be located in the required front yard and may be built in the required rear yard, but such accessory buildings shall not occupy more than thirty (30) percent of the required rear yard, and shall not be nearer than five (5) feet to any side or rear lot line or setback line.
1. Should the accessory building be located partially within the required rear yard and partially within the build-able area, that portion within the build-able area shall be setback from any side or rear lot line one (1) foot for every one (1) foot of height of the accessory building, but at no time shall it be closer to any side or rear lot line than five (5) feet.
  2. Accessory buildings located in the rear half of the lot, at the rear of the principal structure may be located nearer than the otherwise required side yard setback,

provided it is set back from an side or rear lot line one (1) foot for every one (1) foot of height of the accessory building, but at no time shall it be closer to any side or rear lot line than five (5) feet.

3. In the case of comer lots, accessory buildings shall maintain side yard setbacks from the street side lot line as required for the main structure in that zone; and when a garage is entered from an alley, it shall not be located nearer than ten (10) feet to the alley line.
4. Shall not exceed the height regulations of the zoning district within any part of the buildable lot area, and shall not exceed fifteen (15) feet in height in any required yard.

### **§13.9 FENCES AND WALLS**

- A. No person, firm or corporation, shall construct, or cause to be constructed or erected, any fence or wall within the town, without first making application for and obtaining a building permit for such construction.
- B. All fences and walls shall be located entirely on the private property of the person, firm or corporation constructing, or causing the construction of any such fence or wall unless the owner of the adjoining property agrees, in writing, that such fence or wall may be erected on the division line of the respective properties.
- C. Every fence or wall shall be constructed in a diligent workmanlike manner and of substantial material reasonably suited for the purpose for which the fence or wall is proposed to be used. Every fence or wall shall be maintained in a condition of reasonable good repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, and shall not be allowed to constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect shall be deemed to be a public nuisance and the Zoning Administrator may commence proper proceedings for the abatement of such nuisance.
- D. Electrical, barbed wire, or razor wire fences or walls shall be prohibited.
- E. In all districts no fence or wall shall be erected or maintained at a height of no greater than three (3) feet six (6) inches within the required front or street side setback. In all districts the maximum height of any fence or wall shall be six (6) feet. These height regulations shall not apply when fences of greater height are required by the Planning and Zoning Commission or Town Council in order to provide adequate screening as required by this Ordinance. Utility companies which are regulated by the Arizona Corporation Commission may be allowed increased fence heights due to national or state standards.

### **§13.10 SWIMMING POOLS**

- A. No swimming pool shall be located within the required front yard or any utility easement and the waterline shall not be closer than five (5) feet to any property line or any building.

- B. Any swimming pool along with incidental installations, such as pumps and filters, shall be completely enclosed from adjoining lots by a protective fence, which does not contain openings that might be used for foothold climbing purposes, not less than five (5) feet in height. Residential structure walls containing an exterior entry door may be used in meeting pool enclosure requirements.
- C. Access to such an enclosed area shall be through buildings, or gates that are equipped with a minimum five (5) foot high self-closing and self-latching gate which shall open outward away from the pool with the latch/lock placed at least fifty (50) inches above the underlying ground and with the closing device (spring, pneumatic) at least thirty-six (36) inches above the underlying ground. Any vertical opening(s) or openings at ground level in a pool enclosure fence (e.g. wrought iron) shall be of such size that a spherical object four (4) inches in diameter cannot pass through the openings. Wrought iron or wood barriers or enclosures shall be constructed with at least fifty-four (54) inches between the top surfaces of the horizontal members.
- D. No heater, filter, pump or other mechanical equipment used in association with any swimming pool shall be located within five (5) feet of any property line. Any such mechanical equipment shall be situated so that no exhaust, vibration, noise, or other nuisance creates a disturbance to the adjoining property.
- E. In all residential districts, contained bodies of water, either above or below ground level, with the container being eighteen (18) or more inches in depth and/or wider than eight (8) feet at any point, measured perpendicular to the long axis, shall conform to the location and fencing requirements for swimming pools. Irrigation and storm water retention facilities, and the water features in public parks and golf courses are exempt from the fencing requirements of this Section.
- F. Day care centers and home day care centers which have swimming pools. Fish ponds and other contained bodies of water, either above or below ground level must provide a separate enclosure between the day care facility and the body of water. Such barrier shall be a protective fence of not less than five (5) feet in height and of a distance of not less than three (3) feet from the pool to the day care facility. Said protective fence shall adhere to the specifications outlined in paragraph C of this Section.

### **§13.11 OUTDOOR STORAGE AND JUNK AUTOMOBILES**

- A. With the exception of retail sales displays in an approved commercial area, outdoor storage shall be screened from public view by a six (6) foot high solid masonry fence or a view obscuring fence. The presence of hazardous materials not to be used on-site is prohibited.
- B. In all residential districts, junk automobiles shall be stored in a completely enclosed building. In commercial and industrial districts, junk automobiles shall be stored in an enclosed building or in an area that is screened from neighboring properties and public view either by a solid wall or a view obscuring fence.
- C. Storage of motor homes, travel trailers, camping trailers, other trailers, boats or utility trailers may be permitted in any residential district provided that the owner of the motor home, travel trailer, camping trailer, other trailer, boat or utility trailer resides on the

property to which it is stored. Such vehicles must be located behind the front line of the primary structure.

### **§13.12 DUMPING AND DISPOSAL**

- A. No person shall obstruct or reduce the capacity of Queen Creek Wash or any other natural water way within the Town by filling or dumping any earth, stone or other materials therein.
- B. The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish or other refuse, or of ashes, slag, or other industrial wastes or byproducts shall be prohibited in every zone district except as specifically otherwise provided in this Ordinance.

### **§13.13 MEDICAL MARIJUANA**

- A. **Purpose:** The purpose of this Section is to implement Arizona Revised Statutes, Title 36, Chapter 28.1; Entitled “Arizona Medical Marijuana Act”.
- B. **Medical Marijuana Dispensaries or Medical Marijuana Cultivation and Locations,** subject to the following conditions and limitations:

Applicant shall provide:

- a. The name(s) and location(s) of the offsite medical marijuana dispensary associated with the cultivation operation.
  - b. A copy of the operating procedures adopted in compliance with A.R.S. §36 2804(B)(1)(c) and
  - c. Site plan, floor plan, building permits for occupancy change, and a security plan.
- C. **Location Restrictions:** A medical marijuana dispensary or medical marijuana cultivation facility may not be located within any Residential Zone District within the Town or within the Town Center Zone District.
- 1. A medical marijuana dispensary or medical marijuana cultivation facility may only be located in C-2, I-1 or I-2 Zone District.
  - 2. Medical marijuana dispensaries and medical marijuana cultivation locations shall meet the following minimum separation requirements, measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted, listed below:
    - a. Shall not be located within 500 feet of the same type of use.
    - b. Shall not be located within 100 feet of a residentially zoned property.
    - c. Shall not be located within 500 feet of a preschool, kindergarten, elementary, secondary or high school place.

- d. Shall not be located within 100 feet of a place of worship, public park, or public community center.

**D. Size Limitations**

- 1. The following size limitations shall apply to any medical marijuana dispensary:
  - a. The total floor area of a medical marijuana dispensary shall not exceed 2,500 square feet.
  - b. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet of the total 2,500 square foot maximum floor area of a medical marijuana dispensary.
- 2. The following size limitations shall apply to any medical marijuana cultivation location associated with a medical marijuana dispensary:
  - a. The total maximum floor area of a medical marijuana cultivation location shall not exceed 3,000 square feet.
  - b. The secure storage area for the medical marijuana stored at the medical marijuana cultivation location shall not exceed 1,000 square feet of the 3,000 square feet total maximum floor area of a medical marijuana
  - c. For a medical marijuana dispensary that also is a medical marijuana cultivation location, the total maximum floor area that may also be used for cultivation and incorporation or processing of the medical marijuana into consumable or edible products inclusive of any secure storage area, shall not exceed 3,000 square feet. The secure storage area for the medical marijuana stored at a medical marijuana dispensary that also is a cultivation location shall not exceed 1,500 square feet.

**E. Hours of Operation:** Shall have operating hours not earlier than 8:00 a.m. and not later than 8:00 p.m.

**F. Regulation:** A medical marijuana dispensary or medical marijuana cultivation location shall:

- 1. Be located in a permanent building and may not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other mobile vehicle.
- 2. Not be operated as a home occupation anywhere within the Town.
- 3. Prohibit retail sales of medical marijuana.
- 4. Shall provide for proper disposal of marijuana remnants or byproducts, and not be placed within the facility's exterior refuse containers.

5. Prohibit drive-through service.
6. Not emit dust, fumes, vapors or odors into the environment.
7. Allow off-site delivery to qualified patients.
8. Prohibit consumption of marijuana on the premises.
9. Not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.
10. Display a current Town of Superior business license and a State of Arizona tax identification number.
11. If determined necessary by the Town Manager at any time, and for good cause shown, medical marijuana dispensaries or medical marijuana cultivation locations shall provide a neighborhood security guard patrol for a five hundred foot radius surrounding the medical marijuana dispensary during all or specified hours of operation.
12. Have an exterior appearance compatible with commercial structures already constructed or under construction within the immediate neighborhood to insure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.
13. Allow unrestricted access by Town code enforcement officers, Superior Police Department officers or other agents or employees of the Town requesting admission for the purpose of determining compliance with these standards.
14. Comply with all other applicable property development and design standards of the Town of Superior.

**G.** To ensure that the operations of medical marijuana dispensaries are in compliance with Arizona law and to mitigate the adverse secondary effects from operations of dispensaries, medical marijuana dispensaries shall operate in compliance with the following standards:

1. No doctor shall issue a written certification on-site for medical marijuana.
2. There shall be no on-site sales of alcohol, tobacco or food, and no on-site consumption of food, alcohol, tobacco or medical marijuana.
3. Medical marijuana dispensaries shall only dispense medical marijuana to qualified patients and their designated caregivers as defined in Ariz. Rev. Stat. § 36-2801 et seq.
4. Only persons with a Registry Identification Card, as defined by A.R.S. 36-2801 (14), authorized licensees, and authorized employees may be present at a Medical Marijuana Dispensary.

5. No person under the age of eighteen (18) may be present at a Medical Marijuana Dispensary except with the prior approve of the Chief of Police, or designee, for good cause shown.
6. Medical marijuana dispensaries shall notify patrons of the following verbally and through posting of a sign in a conspicuous location at the medical marijuana dispensary:
  - a. Use of medical marijuana shall be limited to the patient identified on the doctor's written certification. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.
  - b. Patrons must immediately leave the site and not consume medical marijuana until at home or in an equivalent private location. Medical marijuana dispensary staff shall monitor the site and vicinity to ensure compliance.
7. Medical marijuana dispensaries shall not provide marijuana to any individual in an amount not consistent with personal medical use or in violation of state law and regulations related to medical marijuana use.
8. Any qualified patient under eighteen (18) years of age shall be accompanied by a parent or legal guardian. Except for such parent or legal guardian, no persons other that qualified patients and designated caregivers shall be permitted within a medical marijuana dispensary premises.
9. Medical marijuana dispensaries shall provide law enforcement and all interested neighbors with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.

**H. Security Plan Requirements:** A Medical Marijuana Dispensary and Medical Marijuana Cultivation facility shall submit a security plan to the town containing the following information:

1. Proof that the " Nonprofit Medical Marijuana dispensary agent," as that term is defined in A.R.S. §26-2801, is at least twenty-one (21) years of age and has satisfied all requirements of the Arizona Department of Health Services to act as a medical marijuana agent.
2. Proof that all cultivations and storage of medical marijuana will take place in an enclosed, locked facility equipped with locks or other security devices that permit access only by persons authorized to enter pursuant to state and local law.
3. A floor plan that details the security measures required by Arizona law including an on-site alarm system and single secure entrance.
4. Additional protections, if any, against medical marijuana diversion and theft.

5. Provide and keep up to date a list of the names and contact information for all persons who are authorized to access the dispensary and offsite cultivation site.
- I. A Medical Marijuana Cultivation location not associated with an Arizona Medical Marijuana Dispensary is prohibited, and only one Medical Marijuana Cultivation location shall be permitted for the single Arizona Medical Marijuana Dispensary with which it is associated.
- J. **STATE COMPLIANCE.** The Medical Marijuana Dispensary shall comply with all the restrictions and requirements of the Arizona Medical Marijuana Act, A.R.S. §36-2801 through 2818, together with compliance with any regulations adopted by the Arizona Department of Health Services pursuant to same, and said regulations are incorporated herein by this reference as if set forth in full.
- K. **PENALTIES.** Any person found violating any provisions of this ordinance (chapter) may be found guilty of a class one misdemeanor and may be punished by a fine of up to \$2,500.00, or by imprisonment for up to six (6) months in jail, or by both such fine and imprisonment. Each day a violation continues shall constitute a separate offense punishable as hereinabove provided.

#### **SECTION 13.14 SOLAR SITING**

##### **A. PURPOSE & INTENT**

1. Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.
2. The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a priority of the Town's current and long-term sustainability agenda.
3. This ordinance aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefor.

##### **B. DEFINITIONS**

***Accessory Structure:*** A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto, and is located on the same lot or premises as the principal building.

***Alternative Energy Systems:*** Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

***Building-Integrated Photovoltaic (BIPV) Systems:*** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade, and which does not alter the relief of the roof.

***Collective Solar:*** Solar installations owned collectively through subdivision homeowner associations, “adopt-a-solar-panel” programs, or other similar arrangements.

***Expedited Review:*** The grant of a priority status to an application that results in the review of the application ahead of applications filed prior thereto, including applications which may be currently under review by the Town.

***Flush Mounted Solar Panel:*** Photovoltaic panels and tiles that are installed flush to the surface of a roof where they cannot be angled or raised.

***Freestanding or Ground-Mounted Solar Energy System:*** A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

***Net-Metering:*** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

***Permit Granting Authority:*** The Town of Superior is charged with granting permits for the operation of solar energy systems.

***Photovoltaic (PV) Systems:*** A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity whenever light strikes them.

***Qualified Solar Installer:*** A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations, and has received safety training on the hazards involved.

***Rooftop or Building-Mounted System:*** A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

***Solar Access:*** Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

***Solar Collector:*** A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

***Solar Easement:*** A recorded easement which secures the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

***Solar Energy Equipment/System:*** Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar

radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

***Solar Panel:*** A device for the direct conversion of solar energy into electricity.

***Solar Power Fast-Track Program:*** A program to expedite all applications for commercial and residential solar panel installation to encourage the use of reliable and clean renewable energy.

***Solar Storage Battery:*** A device that stores energy from the sun and makes it available in an electrical form.

***Solar-Thermal Systems:*** Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

### **C. APPLICABILITY**

1. The requirements of this Ordinance shall apply to all energy systems (residential, commercial, and industrial) modified or installed after the effective date of this Ordinance.
2. Solar energy systems for which a valid permit has been properly issued, or for which installation has commenced prior to the effective date of this article, shall not be required to meet the requirements of this Ordinance.
3. All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and standards.
4. Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit “collective solar” installations or the sale of excess power through a “net billing” or “net-metering” arrangement in accordance with state or federal laws.

### **D. PERMITTING**

1. No Small Scale solar energy system or device shall be installed or operated in the Town except in compliance with the provisions of this article.
2. To the extent practicable, and in accordance with Town law, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of Town Codes.
3. Rooftop and Building-Mounted Solar Collectors: Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town subject to the following conditions:

- a. Building permits shall be required for installation of all rooftop and building-mounted solar collectors, except for Flush-Mounted Photovoltaic Panels.
  - b. Any height limitations of the Town Code shall not be applicable to solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties.
  - c. Placement of solar collectors on flat roofs shall be allowed provided that panels do not extend horizontally past the roofline.
  - d. Rooftop and building-mounted solar collectors in the TC zone district shall be permitted if they are not visible from the street or adjacent properties, otherwise a conditional use permit will be required.
4. Building-Integrated Photovoltaic (BIPV) Systems: BIPV systems are permitted outright in all zoning districts, except in the TC Zone District where a conditional use permit is required.
5. Ground-Mounted and Free Standing Solar Collectors: Ground-mounted and free standing solar collectors are permitted as accessory structures in all zone districts of the Town, except for the TC Zone District which requires a conditional use permit, subject to the following conditions:
  - a. Building permits are required for the installation of all ground-mounted solar collectors.
  - b. The location of the solar collector meets all applicable setback requirements for accessory structures in the zone district in which it is located.
  - c. Solar energy equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of adjacent properties, while still providing adequate solar access for collectors.
6. Solar-Thermal Systems: Solar-thermal systems are permitted in all zone districts, except for the TC Zone District which requires a conditional use permit, upon approval of a building permit.
7. Solar energy systems and equipment shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including, but not limited to the following:
  - a. Weight load.
  - b. Wind resistance.
  - c. Ingress or egress in the event of fire or other emergency.

8. Installations in a designated historic district shall require a certificate of appropriateness from the Town unless such installations are not visible from the street.

**E. SAFETY**

1. All solar collector installations must be performed by a qualified solar installer.
2. Prior to operation, electrical connections must be inspected by the Town's Building Inspector.
3. Any connection to the public utility grid must be inspected by the appropriate public utility.
4. Solar energy systems shall be maintained in good working order.
5. Rooftop and building-mounted solar collectors shall meet the Town's Uniform Building Code and the Town Fire Department requirements.
6. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements the Town's Uniform Building Code when in use, and when no longer used shall be disposed of in accordance with the laws and regulations of all applicable laws and regulations.
7. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than ninety (90) days after the end of the twelve (12) month period.

**F. APPEALS**

1. If an individual is found to be in violation of the provisions of this Ordinance, appeals should be made in accordance with the provisions of Article III, Section 3.7 (Appeals) of the Town's Zoning Ordinance.
2. If a building permit for a solar energy device is denied because of a conflict with other provisions of the Municipal Code, the applicant may seek relief through Article III, Section 3.7 (Appeals) of the Town's Zoning Ordinance.

**SECTION 13.15 SECOND DWELLING UNITS**

- A. Purpose and Intent: This Section is intended to ensure that second dwelling units located in residential districts do not adversely impact adjacent residential parcels or the surrounding neighborhood, and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels.

- B. Applicability: The provisions of this Section shall apply to all second dwelling units in addition to the provisions of the zone district in which it is located.
- C. Definitions: As used in this Chapter, the following terms shall mean:
1. Living Area: The interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.
  2. Second Unit: An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.
- D. Development Standards: The following standards shall apply to all second dwelling units:
1. The property shall be in a single family residentially zoned district.
  2. The lot must contain a primary dwelling unit either existing or proposed to be constructed concurrent with the second unit.
  3. The maximum allowable lot coverage shall not be exceeded.
  4. The maximum building height for a second dwelling unit shall be one (1) story, not to exceed eighteen (18) feet. No second dwelling unit shall be higher than the main dwelling unit as measured from the median ground elevation of the site.
  5. The second dwelling unit shall be subject to the minimum required front, side, and rear yard setbacks of the zone district in which the property is located.
  6. The second dwelling unit may be attached to, or detached from, the primary residence, but shall be architecturally compatible with the main dwelling and the surrounding neighborhood.
  7. The second dwelling unit shall have adequate water supply and sewer service.
  8. The entrance to an attached second dwelling unit shall be separate from the entrance to the primary dwelling unit.
  9. Second dwelling units shall be subject to all development fees including, but not limited to, public facilities impact fees, park fees and assessment districts, where so applicable.
  10. The floor area of the second dwelling unit shall not exceed fifty (50) percent of the floor area of the primary single family residence on the property unless the primary single family residence is less than 800 square feet.

11. Off-street parking space shall be provided for the second dwelling unit in compliance with the provisions of Article XIV (Parking Provisions) of this Code.

## **ARTICLE XIV – PARKING PROVISIONS**

### **§14.0 PURPOSE**

The purpose of this Article is to establish minimum standards for the provisions of adequate off-street parking, loading and maneuvering spaces for the uses permitted by this Ordinance in a manner which is safe, efficient, convenient and visually attractive. These regulations shall apply to new construction and expansion of, or changes to, existing uses permitted by this Ordinance. The regulations set forth in this Article shall supplement the District Regulations set forth elsewhere in this Ordinance.

### **§14.1 GENERAL REGULATIONS**

- A. All required parking, loading spaces, and maneuvering areas shall be provided on the same parcel or lot as the principal structure wherever possible. A contiguous lot may be used for parking purposes if incorporated into the development site and properly zoned for parking purposes.
- B. All vehicular egress from parking lots to public right-of-way shall be by forward motion only, except in the case of a single residence fronting on a local street, or as set forth in Section 14.6 of this Article.
- C. Parking spaces shall not be located in the front yard setback, or a side yard setback when adjacent to a residential zone district.
- D. No part of any vehicle may overhang into a public sidewalk or within five (5) feet of a street curb where no sidewalk exists.
- E. Tandem arrangement of required parking spaces is prohibited, except as provided in Section 14.6 of this Article.
- F. Parking of commercial rated vehicles in a residential zone may be permitted. The keeping or storage of commercial rated vehicles in a residential zone district is prohibited.

### **§14.2 IMPROVEMENTS**

- A. Required parking and loading spaces, maneuvering areas, driveways, and fire lanes shall be paved with asphalt, concrete, paving stones or masonry to a sufficient thickness to withstand repeated vehicular traffic, except in single residence uses.
- B. All required off-street parking spaces shall be connected with a public street by a paved driveway not less than twenty (20) feet in length within the property line, except for single residence uses and for uses within the Town Center Zone District as set forth in Section 14.6 of this Article.
- C. All off-street parking lots shall be screened from street view and landscaped in accordance with the regulations of this Ordinance for the specific zoning district of the use and this article.
- D. A minimum six (6) inch vertical concrete curb shall be required between any parking area and landscape area to protect the landscaped area and control vehicular circulation.

**§14.3 REQUIRED PARKING SPACES BY USE TYPE.**

A. The number of parking spaces required to be provided for uses permitted in this Ordinance are specified in the following Table 8:

**TABLE 8 - REQUIRED PARKING SPACES**

<b>A. RESIDENTIAL USES</b>		
<b>LAND USE</b>	<b>VEHICLE PARKING</b>	<b>SPECIAL PARKING</b>
Single family detached residences	2 spaces per dwelling	N/A
<u>Multiple Family Residences</u>		
Studio	1 space per unit	<b>Note:</b> 1 visitor space per 10 units. One space per unit shall be covered and assigned to each separate unit
1 bedroom unit	1.5 spaces per unit	
2 bedroom unit	2 spaces per unit	
Town homes and condominiums	2 spaces per unit	
<b>B. INSTITUTIONAL USES</b>		
<b>LAND USE</b>	<b>VEHICLE PARKING</b>	<b>SPECIAL PARKING</b>
Churches, main assembly fixed seating)	1 space per 4 seats	1 bicycle per 20 vehicle spaces
Main assembly (without fixed seating)	1 space per 100 sq. ft. of UFA.	
Classrooms and other buildings	1 space per 300 sq. ft. of UFA.	
Hospitals	1 space per bed plus 1 space per physician	1 bicycle per 20 vehicle spaces
Elementary schools & junior high schools.	1 space per classroom; plus 1 space per 300 sq. ft. of UFA	1 bicycle per 10 students
High schools, trade schools, and colleges	1 space per each employee plus 1 space per 6 additional students	1 bicycle per 20 students
<b>C. COMMERCIAL USES</b>		
<b>LAND USE</b>	<b>VEHICLE PARKING</b>	<b>SPECIAL PARKING</b>
<u>Commercial Amusement - Outdoors:</u>		
Golf courses	2 spaces per hole plus 1 space per 200 sq. ft. for the clubhouse UFA	1 bicycle per golf hole
Miniature golf courses	1 space per 200 sq. ft.	
Driving ranges	1 space per each tee space	1 bicycle per batting cage
Batting cages	1 space per cage	
Stadiums	1 space per 4 seats	
<u>Commercial Amusement - Indoors:</u>		
Amusement center/arcades	1 space per 100 sq. ft. UFA	1 bicycle per 10 vehicle spaces
Skating rinks	1 space per 200 sq. ft. UFA	1 bicycle per 10 vehicle spaces
Dance clubs	1 space per 200 sq. ft. UFA	1 bicycle per 20 vehicle spaces
Theaters	1 space per 6 seats	1 bicycle per 20 vehicle spaces
Bowling alleys	4 spaces per lane	1 bicycle per lane
Billiard halls	2 spaces per table	1 bicycle per table
Parks (public or private)	30 spaces per athletic field	1 bicycle per 10 vehicle spaces

<b>C. COMMERCIAL USES (cont'd)</b>		
<b>LAND USE</b>	<b>VEHICLE PARKING</b>	<b>SPECIAL PARKING</b>
Health clubs, gymnasiums	1 space per 100 sq. ft. of UFA	1 bicycle per 20 vehicle spaces 1 motorcycle per 10 vehicles
Medical & dental offices, clinics	1 space per 200 sq. ft. of UFA plus 1 space per 2 employees	1 bicycle per 20 vehicle spaces 1 motorcycle per 10 vehicles
General, professional & civic offices	1 space per 250 sq. ft. of UFA	1 motorcycle per 10 vehicles
Retail sales, personal services, banks, grocery stores, convenience stores	1 space per 250 sq. ft. of UFA	1 bicycle per 20 vehicle spaces 1 motorcycle per 10 vehicles 1 large vehicle per 10 vehicles
Hotels, motels, bed and breakfast	1 space per room plus ancillary use requirements	1 motorcycle per 20 vehicles; 1 large vehicle per 10 vehicles
Bars and cocktail lounges	1 space per 75 sq. ft. of UFA	1 motorcycle per 10 vehicles
Restaurants	1 space per 50 sq. ft. of UFA	1 bicycle per 20 vehicle spaces 1 motorcycle per 10 vehicles 1 large vehicle per 10 vehicles
Funeral homes	1 space per 4 seats	N/A
Automobile repair	1 space per 100 sq. ft. of UFA plus 1 space per employee	1 motorcycle per 10 vehicles
<u>Outdoor Sales:</u> Plant nursery, building supplies, RV and boat sales, and automobile sales	1 space per 375 sq. ft. of UFA display plus 1 space per employee	N/A
Swap meets, farmers markets	1 space per 100 sq. ft. of UFA sales area	1 bicycle per 20 vehicle spaces 1 motorcycle per 10 vehicles
<b>D. INDUSTRIAL USES</b>		
<b>LAND USE</b>	<b>VEHICLE PARKING</b>	<b>SPECIAL PARKING</b>
Wholesale sales, warehouse and freight movement	1 space per 800 sq. ft. of UFA	1 motorcycle per 20 vehicles
Waste related uses	1 space per employee	1 motorcycle per 20 vehicles
Mini-warehouse/self-storage facility	4 spaces plus 2 spaces for manager's quarters	N/A

\* In Table 8 above, UFA means usable floor area for the primary use of the building, excluding bathrooms, storage area, hallways, and so on.

- B.** In calculating the total number of required off-street parking spaces, fractional amounts shall be rounded up to the nearest whole number if the fraction is 0.5 or greater.
- C.** The number of parking spaces required for uses not listed shall be determined by the Zoning Administrator and approved through the site plan process.
- D.** In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the requirements of the various uses computed separately. Cumulative parking space requirements for mixed-use occupancies may be reduced where it can be demonstrated that the peak requirements of the occupancies occur at different times.

- E. Required parking areas should be located to the rear or side of the building.
- F. Covered parking spaces shall be provided as follows:
  - 1. Multiple residence projects shall provide one covered parking space per unit.
  - 2. Office use developments shall provide one covered parking space per office or suite.

**§14.4 PARKING SPACE AND MANEUVERING DIMENSIONS**

- A. Large Vehicle Parking: Certain uses may be required to install large customer parking spaces for trucks, hauling equipment, and recreational vehicles. Minimum dimension standards for large vehicles shall be twelve (12) feet wide by thirty-five (35) feet long. Said spaces shall be clearly marked for customer use.
- B. Disabled Parking: All off-street parking areas, other than for single residential uses shall include reserved spaces for use by disabled persons. Disabled parking, in accordance with the Americans with Disability Act (ADA) of 1990, shall be provided at a rate of two (2) percent of the total required vehicular parking spaces. Minimum dimension standards for disabled parking shall be as follows:
  - 1. Single Space: Sixteen (16) feet wide by twenty (20) feet long and shall be prominently striped eleven (11) feet width for each space plus a five (5) foot access aisle between spaces.
  - 2. Double Space: Twenty-seven (27) feet wide by twenty (20) feet long and shall be prominently striped eleven (11) feet width for each space plus a five (5) foot access aisle between spaces.
- C. Standard Parking: The standard parking pace shall be nine (9) feet wide by eighteen (18) feet long unless otherwise specified by this Ordinance.
- D. Compact Parking: Compact parking spaces shall be eight (8) feet wide by fifteen (15) feet long.
- E. Loading Space: There shall be provided on the same lot with each commercial and industrial building or structure adequate space for off-street loading, unloading and the maneuvering of commercial vehicles. There shall be no loading or unloading of commercial vehicles on the public street. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. The loading space shall be twelve (12) feet wide by forty-five (45) feet long and shall be a minimum of fourteen (14) feet in height.
- F. Exceptions: Off-street loading requirements, as specified in this Article may be modified by the Town Council for properties located within the Town Center Zone District.
- G. Hours of Operation: On-site operations shall prohibit non-emergency loading and unloading of materials, exterior maintenance, refuse removal and other activities which

generate noise beyond the property boundaries between the hours of 7:00 p.m. and 7:00 a.m. daily.

- H. No loading docks, service bays, or service windows shall be visible from an arterial or collector roadway.

#### **§14.5 PARKING LOT LANDSCAPE REQUIREMENTS**

- A. Amount Required: In parking lots, at least ten (10) percent of the interior parking area, exclusive of perimeter landscaping and frontage landscaping. For every ten (10) required parking spaces, or portion thereof, a minimum of one (1) tree and two (2) shrubs shall be provided within the interior of the parking area. Trees located in the interior of the parking area shall have a clear trunk of at least five (5) feet and shrubs located in the interior of the parking area a maximum height of three (3) feet for adequate visibility.
- B. Location: Landscape areas shall be located and designed in such a manner as to break up the expanse of paving, better define parking circulation, and provide shade and comfort. The required landscaping should be located in protected areas such as along walkways, in center islands, at the ends of bays, or between parking stalls. Landscape areas shall contain a minimum of twenty-five (25) square feet and shall have a minimum width of five (5) feet.
- C. Irrigation of Parking Lot Landscaping: All right-of-way street frontage, perimeter and interior parking area landscaping shall be provided with a pressurized, underground irrigation system.
- D. Maintenance of Landscaping: The maintenance of all required landscaping, whether located on the property or within the adjoining right-of-way frontage shall be the responsibility of the property owner.

#### **§14.6 ADJUSTMENTS TO PARKING REQUIREMENTS**

No on-site parking is required in the commercial area of the Town Center Zone District. However if on-site parking is to be provided, the standards of Article XIV (Parking Provisions) shall apply.

#### **§4.7 SHARED PARKING**

- A. A maximum reduction of thirty (30) percent of the minimum parking requirements for individual uses may be granted by the Planning and Zoning Commission where joint use of parking facilities or other factors will mitigate peak parking demand.
- B. Requests for parking reductions resulting from joint usage shall be supported by information that generally follows the format described below.
  - 1. Initial project review involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review will consist of data gathering regarding general location of parking facilities, surrounding land uses, predicted pedestrian patterns, and similar variables which affect parking needs.

2. Adjustments for shared parking includes calculating the number of off-street parking spaces required for each land use within the area proposed for joint parking based upon requirements of this Article
- C. In granting a parking reductions for shared use of parking facilities, the Planning and Zoning Commission shall make one or more of the following findings.
1. The report justifies the requested parking reduction based upon the presence of two (2) or more adjacent land uses which, because of their substantially different operating hours or difference peak parking characteristics, will allow joint use of the same parking facilities.
  2. The report finds that the use otherwise adheres to the parking standards in this Article.
  3. The report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple trip purposes to the area in question.
- D. As a condition of approval to the granting of shared parking, the Planning and Zoning Commission may require the granting of reciprocal access and parking agreements with surrounding properties, recordation of conditions, covenants, and restrictions, or creation of other legal instruments to assure the permanent continuation of the circumstances under which parking requirement reductions were granted.

## ARTICLE XV – OUTDOOR LIGHTING PROVISIONS

### §15.0 PURPOSE

The purpose of this Article is to control artificial illuminating devices emitting rays into the night sky which have a detrimental effect on the rural atmosphere, astronomical observations, or which would otherwise be offensive to neighboring and nearby properties.

### §15.1 CONFORMANCE WITH APPLICABLE CODES

- A. All outdoor artificial illuminating devices shall be installed and utilized in conformance with the provisions of this Section, and all other ordinances or building codes of the Town of Superior.
- B. Where any provisions of the Arizona State Statutes, or any federal law, or any companion ordinance conflicts with the requirements of these outdoor lighting provisions the most restrictive shall govern.
- C. The provisions of this Article are not intended to prevent the use of any material or method of installation not specifically prescribed by this Article, provided any such alternate has been approved in writing by the Town of Superior Zoning Administrator. The Zoning Administrator shall consider any state of the art technology which is consistent with the intent of the Ordinance as new lighting technology develops which is useful in reducing light above the horizontal plane.

### §15.2 DEFINITIONS

For the purpose of this Article the following terms shall have the following definitions:

- A. **Filtered:** Outdoor light fixtures whose transmission is less than five (5) percent total emergent flux at wavelengths less than thirty-nine hundred (3900) angstroms. Total emergent flux is defined as that between three-thousand (3000) and seven-thousand (7000) angstrom units.
- B. **Fossil Fuel Light:** Light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
- C. **Fully Shielded:** Fixtures shall be shielded so that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
- D. **Individual:** Any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures or corporations.
- E. **Installed:** The initial installation of outdoor light fixtures, defined herein, on or after the effective date of this Article.
- F. **Luminary:** A body that gives light.
- G. **Outdoor Light Fixtures:** Outdoor artificial illuminating devices, outdoor fixtures, lamps

and other devices permanent or portable, used for illumination or advertisement purposes. Such devices shall include, but are not limited to search, spot, or floodlights for:

1. Buildings and structures.
2. Recreational areas.
3. Parking lot lighting.
4. Landscape lighting.
5. Billboards and other signage (advertising or others).
6. Street lighting.
7. Building overhangs and open canopies.
8. Product display area lighting.

**H. Partially Shielded:** Means the fixture shall be shielded so that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing the emission of light above the horizontal plane.

### **§15.3 GENERAL REQUIREMENTS**

- A. Shielding:** All outdoor light fixtures, except those exempt from this Article, shall be fully or partially shielded as required in the following Table 9 of this Section. Light sources that must be shielded shall be shielded in a manner that the bulb or light source from the fixture is not visible from an adjoining property or from the street view.
- B. Filtration:** All outdoor light fixtures, except those exempt from this Article, shall be filtered as required in the following Table 9 of this Section.
- C. Building and Structures:** Overhead lighting used to light building overhangs and open canopies shall be fully recessed within the overhang or canopy. The architectural use of light bars shall be minimized and the light directed downward. Within a fifteen (15) foot radius of the entry door there shall be lighting. Security lighting mounted on the building shall be shielded in accordance with Table 9 and shall not exceed a height of fifteen (15) feet.

**TABLE 9 - REQUIREMENTS FOR SHIELDING AND FILTERING**

<b>FIXTURE LAMP TYPE</b>	<b>SHIELDING</b>	<b>FILTERING <sup>1</sup></b>
Low Pressure Sodium <sup>2</sup>	Fully	None
High Pressure Sodium	Fully	None
Metal Halide	Fully	Yes
Fluorescent	Fully <sup>3</sup>	Yes <sup>4</sup>
Incandescent greater than 75W	Fully	None
Incandescent less than 75W	Partially	None
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other Lamp Types	As approved by the Zoning Administrator	

**FOOTNOTES:**

1. Glass, acrylic, or translucent enclosures satisfy these filter requirements except that quartz glass does not meet this requirement.
2. This is the preferred lamp type to minimize undesirable light into the night sky affecting astronomical observations.
3. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated by fluorescent light from within do not require shielding. For such signs, total lamp wattage per sign shall be less than seventy-five (75) watts except for signs using dark backgrounds with light lettering or symbols.
4. Warm White and Natural Lamps are preferred to minimize detrimental effects.
5. For the purpose of this Article, quartz lamps shall not be considered an incandescent light source.

**D. Parking Lot Lighting:** The use of fixtures with excessive candle power shall be avoided.

1. The minimum lighting intensity in parking areas should be 1.0 foot-candle with the level of illumination as measured at the property line not to exceed 0.25 foot-candle.

2. The maximum height of parking lot lighting standards (poles) shall be fifteen (15) feet. Lighting standards located near buildings and adjacent to sidewalks shall not exceed twelve (12) feet in height. This provision does not apply to lighting on buildings or to lighting along Hwy U.S. 60.
  3. High activity areas such as near building entrances and pedestrian corridors may provide greater lighting intensity as may be approved by the Town.
- E. **Outdoor Advertising Signs:** All exterior lighting fixtures used to illuminate an outdoor advertising sign or billboard shall be mounted on the top of the sign structure and directed downward.
- F. All outdoor or exterior lighting shall be directed down. No intermittent, flickering or flashing lights shall be permitted.
- G. Low pressure sodium lamps are the preferred light source for minimizing adverse effects on astronomical observations.

#### §15.4 **PROHIBITIONS**

- A. **Searchlights:** The operation of searchlights for advertising purposes is prohibited.
- B. **Recreational Facilities:** No outdoor recreational facility, public or private, shall be illuminated by non-conforming means after 11:00 P.M. except to conclude a specific recreational, sporting or other activity that began prior to 10:00 P.M.
- C. **Exterior Lighting:** All lighting for off-street parking or loading areas, external illumination of the building or signs, or any product display lighting shall be directed away from and shielded from any residential property and shall not detract from driver visibility on adjacent streets.
- D. **Mercury Vapor and Quartz-Halogen:** The installation of mercury vapor or quartz halogen fixtures is prohibited. Existing mercury vapor and quartz halogen fixtures shall either be replaced or equipped with a filter and fully shielded.
- E. **Signage:** Bottom mounted outdoor light sources for any advertising sign lighting.

#### §15.5 **EXEMPTIONS**

- A. **Nonconforming Fixtures:** All outdoor light fixtures existing and fully installed prior to the effective date of this Ordinance may remain "nonconforming" indefinitely, provided however, that no change in use, replacement, structural alteration, or restoration (after abandonment of outdoor light fixtures) shall be made unless it thereafter conforms to the provisions of this Article.
- B. **Fossil Fuel Light:** Lighting produced by the combustion of natural gas or other utility-type fossil fuels is exempt. (This does not exempt lighting produced indirectly from combustion of natural gas or other utility-type fossil fuels, such as through the use of electricity to produce lighting.)

- C. **Federal and State Facilities:** Those facilities and lands owned, operated or protected by the U.S. Federal Government of the State are exempted by law from all requirements of this Article. Voluntary compliance with the intent of this Article at those facilities is encouraged.

## §15.6 **PROCEDURES FOR COMPLIANCE**

A. **Application:**

1. Any individual applying for a building or use permit under the Town regulations intending to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with this Article.
2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the Building Inspector providing evidence that the proposed work will comply with this Article. Landscape lighting or decorative lighting consisting of light fixtures of incandescent bulbs under twenty-five (25) watts is exempt from the requirements of this paragraph.

B. **Contents of Application:** The application shall contain, but shall not necessarily be limited to, the following information:

1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
2. Manufacturer's catalog cut sheets and drawings which describe the illuminating devices, fixtures, lamps, supports, and other devices, etc.

C. **Issuance of Permit:** Upon compliance with the requirements of this Article, the Building Inspector shall issue a permit for installation of the outdoor lighting fixtures, to be installed per the approved application. In the event the application is part of a building permit application, the issuance of the building permit will be granted if the applicant is in compliance with this Article as well as other pertinent laws and regulations.

D. **Amendment to Permit:** Should the applicant desire to substitute outdoor light fixtures or lamps, after a permit has been issued the applicant must submit all changes to the Building Inspector for approval, as well as adequate information to assure compliance with this Article.

## **ARTICLE XVI – WIRELESS COMMUNICATIONS**

### **§16.0 PURPOSE**

The purpose of this Article is to establish general guidelines and a review procedure for the setting of wireless communications towers and antennas.

### **§16.1 INTENT**

The intent of these provisions is to protect neighborhoods, protect scenic and environmentally sensitive areas, prompt co-location, prompt location on existing structures, and improve the aesthetics of the facilities through careful design and innovative camouflaging techniques.

### **§16.2 CONFORMANCE WITH APPLICABLE CODES**

- A. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, or any other agency of the state or federal government with the authority to regulate towers and antennas, and the provisions of this Article. The following provisions are not intended to prevent the use of any material or method of installation not specifically prescribed by this Article, provided any such alternate has been approved in writing by the Zoning Administrator. The Zoning Administrator shall consider any state of the art technology, which is consistent with the intent of the Ordinance, as new wireless communication technology develops.

### **§16.3 DEFINITIONS**

For the purpose of this Article the following terms shall have the following definitions:

- A. **Alternative Tower Structure:** Any clock or bell towers, church steeples, chimneys or stacks, elevators, light poles, power poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.
1. Whip Antenna – A long and thin device that transmits and/or receives radio frequency signals in a 360 degree radial pattern.
  2. Panel Antenna - A relatively flat rectangular device that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.
  3. Dish Antenna - A bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.
- C. **Building Mounted Antenna:** Any antenna that is attached to the walls of, or integrated into buildings or parapet-walls.

- D. **Co-location**: The use of a single mount and/or site by more than one personal wireless service.
- E. **Equipment Cabinet**: An enclosed shed or box at the base of or near a PWSF mount within which are housed, among other things, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by cable.
- F. **FAA**: The Federal Aviation Administration.
- G. **FCC**: The Federal Communications Commission.
- H. **Height**: The height of monopoles and towers shall be measured from natural grade to the top of all appurtenances. The height of rooftop mounted communication equipment shall be measured from the roof elevation to the top of all appurtenances. The height of building mounted communication equipment shall be from the top of the equipment to natural grade.
- I. **Monopole**: A facility used exclusively for PWSF mounts and is self supporting with a single shaft of steel, concrete or wood.
- J. **Mount**: The ground or the structure to which a PWSF is attached.
- K. **Personal Wireless Service Facility (PWSF)**: A facility for the provision of personal wireless services as defined by the Telecommunications Act of 1996, and any amendments thereto. Personal wireless service facilities are composed of two (2) or more of the following components:
  - 1. Antenna
  - 2. Mount
  - 3. Equipment Cabinet
  - 4. Wall or Security Barrier
- L. **Site**: The physical location occupied by a single tower and its accompanying ground-mounted or roof-mounted equipment.
- M. **Tower**: Any structure which is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, and digital and/or cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto. Lattice-type structures or structures which require the use of guy wires are discouraged.

#### **§16.4 GENERAL REQUIREMENTS**

- A. Antennas and towers may be considered as either a principal or an accessory use. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such a lot.
- B. For purposes of determining whether the installation of a tower or antenna complies with

zoning regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

- C.** The setback of the communication equipment and/or the accessory structures shall meet the building setbacks for the zone district in which it is located. Towers shall be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line. Facilities that are located on street lights, traffic signals poles, sixty-nine (69) kilovolt or above and existing electrical utility poles are exempt from setback requirements.
- D.** Towers shall be painted or treated to minimize the contrast of the tower against the horizon. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding development.
- E.** If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be painted or treated such that they match the color and/or texture of the supporting structure.
- F.** Rooftop mounted equipment shall be screened from off-site views to the extent possible by solid screen walls or the building parapet. Screening shall be integrated into and architecturally compatible with the building design.
- G.** Building mounted antennas shall be mounted a minimum of one (1) foot below the top of the building wall, shall not be extended more than twelve (12) inches from the face of the building, and shall be either treated or painted to match the color and texture of the building.
- H.** Towers shall be enclosed by security fencing not less than six (6) feet in height and no more than eight (8) feet in height and shall be non-climbable. Above ground equipment cabinets shall be completely screened from view by a compatible solid wall or view obscuring fence.
- I.** All equipment shall be unmanned. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- J.** Any exterior lighting shall be within the walled area and shall be mounted on poles or on the building wall below the height of the screening fence or wall. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- K.** No signs shall be allowed on an antenna, on a tower or on any portion of the premises leased for wireless communication use except that each PWSF shall be identified by a permanently installed plaque or marker, no larger than four (4) inches by six (6) inches, clearly identifying the provider's name, address and emergency phone number.
- L.** All new towers or poles over forty (40) feet in height shall allow for co-location by other wireless communications providers.

**§16.5 PERMITTED USES**

- A. Wireless communication towers and antennas located on property owned, leased, or otherwise controlled by the Town of Superior shall require review and approval by the Zoning Administrator provided a license or lease authorizing such antenna or tower has been approved by the Town of Superior Town Council. No such license or lease shall be issued for a tower located within three hundred (300) feet of any residentially zoned property until a public hearing has been held at a regular or special Town Council meeting. No such license or lease shall be granted for a tower or antenna located within the "OSC" or "TC" zone districts.
- B. Upon compliance with the requirements of this article and stipulations of the Conditional Use Permit, if applicable, the Building Inspector shall issue a permit for installation per the approved application.

**§16.6 CONDITIONAL USE PERMITS**

The following provisions shall govern the issuance of Conditional Use Permits for towers and antennas by the Town Council:

- A. Wireless communication towers and antennas proposed to be located on property that is not owned, leased, or otherwise controlled by the Town of Superior shall require a Conditional Use Permit, in accordance with §3.3 of this Ordinance.
- B. In granting a Conditional Use Permit the Town Council may impose conditions to the extent such conditions are necessary to minimize adverse effects of the proposed tower or antenna on adjoining properties, and to blend with other similar vertical objects and not be intrusive in its setting or obtrusive to views and the surrounding landscape.
- C. When a use permit is granted for a co-location on a facility with an existing use permit, the action of granting the new use permit shall extend the existing use permit so that they will expire simultaneously.

**§16.7 SUBMITTAL REQUIREMENTS**

- A. All wireless communication facilities shall submit the following information:
  - 1. All PWSF applications will go through the normal pre-application process as outlined in §3.0 of this Ordinance.
  - 2. A map of the service area for this facility.
  - 3. A scaled site plan indicating the location, type and height of the proposed facility, proposed facility, mounting style and number of antennas on each facility, on-site land uses and zoning, adjacent land uses and zoning, proposed means of access, setbacks on property lines, elevation drawings of the proposed facilities, and any other information deemed by the Zoning Administrator to be necessary to assess compliance with this article.
  - 4. Each applicant for an antenna and/or a tower shall provide the Town with an

inventory of its existing towers, antennas, or sites approved for towers, antennas, which are within the jurisdiction boundaries of the Town of Superior as well as the Town's planning area as within one (1) mile of the Town's incorporated boundaries as shown on the General Plan. The inventory shall include specific information about the location, height, range, design of each antenna and/or tower, and the owner/operator of the existing facilities if known. This inventory shall include a one (1) year build-out plan for all other wireless communications facilities within the Town.

**B.** All new towers or poles shall also provide the following information:

1. A map that shows any personal wireless antenna monopoles or towers, within a mile radius of the proposed site, that are existing or are currently under construction.
2. Description of any efforts to co-locate the proposed facility on one of the monopoles or towers that currently exists, or is under construction. Provide engineering information or letters from the owners of the existing monopoles describing why co-location is not a possibility.
3. Description of detailed efforts to locate the proposed facility on an existing vertical element, such as a building or a pole, that is comparable to the height of the proposed facility. Include a map of the sites.
4. The applicant shall demonstrate that the engineering of a proposed tower or pole and placement of ground mounted facilities will accommodate other providers' facilities. The owner of the tower or pole and the property on which it is located must certify that the tower or pole is available for use by another wireless telecommunications provider on a reasonable and non-discriminatory basis.
5. Description of efforts to blend personal wireless facilities with the surrounding area, including the process for arriving at the color for the proposed pole or tower. Describe the efforts to minimize the diameter of the pole and the mass of the tower supporting the proposed facility.
6. Illustrate the method of fencing and the finished texture and color and, if applicable, the method of camouflage and illumination.

**C.** All new rooftop and building mounted PWSF shall also provide the following:

1. Description of the type, height, mounting style, number of antennas, and method of screening or blending the facility with the building.
2. Description of the process for arriving at the color of the personal wireless facility and the options that were explored for screening the personal wireless facility.
3. Description of the alternative structures used and any structural alterations that may be required to accommodate the PWSF, such as but not limited to, elements that camouflage or conceal the presence of antennas or poles, if a pole is utilized to support the personal wireless facility.

**§16.8 EXEMPTIONS**

- A.** Amateur radio towers and antennas are permitted in all residential districts, without a Conditional Use Permit, provided:
1. Such structure(s) shall not be located in the required front yard, or required street side, side yard, or in front of the front line of the dwelling or principal building; and
  2. Such structure(s) does not exceed a height of fifteen (15) feet within a required side or rear yard; and
  3. Such structure(s) does not exceed the maximum building height of the zone district in which such structure is located; and
  4. Not more than two (2) such structures shall be erected per lot or parcel.
- B.** Communication towers and antennas designed and used specifically for public safety purposes shall be reviewed by the Zoning Administrator and are exempt from the Conditional Use Permit process. Communication towers and antennas approved for public safety purposes, and which are also utilized by commercial communication companies, shall be considered commercial communication towers and are subject to approval of a Conditional Use Permit.

## ARTICLE XVII – SIGN PROVISIONS

### §17.0 PURPOSE

The purpose of this Article is to establish comprehensive provisions that will eliminate confusing, distracting and unsafe signs; establish reasonable regulations to promote economic vitality for local businesses and services; and enhance the visual environment of the Town of Superior.

### §17.1 INTENT

The intent of these provisions is to maximize establishment identification, minimize visual clutter, and maintain a high quality of signs throughout the Town.

### §17.2 DEFINITIONS

For the purpose of this Article, the following words, terms, and phrases shall have the following meanings as prescribed in Appendix A of this Ordinance:

**Animated Sign:** Any sign or part of a sign which changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.

**Awning, Canopy or Marquee, Sign:** A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by Ordinance. A marquee is defined as a canopy constructed of rigid materials which projects over an entrance to a building.

**Banner Sign:** A temporary sign of fabric, pliable plastic, paper, or other light material not enclosed in a rigid frame.

**Billboard:** Same as Off-Site Sign.

**Bulletin Board:** A sign which identifies a noncommercial institution or organization, on site, which contains the name of the institution or organization and associated individuals, and general announcements of events or activities at the institution, or similar messages of general public interest.

**Business Sign:** An on-site sign which attracts attention to a business or profession, or to a commodity or service sold, offered or manufactured onsite, or to an entertainment offered.

**Construction Sign:** A temporary sign, limited to the period of construction, providing information about future development or current construction on a site, and the parties involved in the project.

**Directional Sign:** Signs limited to directional messages, which do not contain either identification or advertising copy, which aid the flow of pedestrian and vehicular traffic as well as providing directional information relating to points of interest, institutions, facilities and districts.

**Directory Sign:** A sign listing the names, uses, or locations of the various businesses' or tenants within a building or a multi-tenant development, but not for the purpose of advertising products,

goods, or services.

**Fascia Sign:** A sign which is mounted to the horizontal member covering the joint between the top of the building wall and the projecting eaves of the roof.

**Fixed Balloon:** Any lighter than air or gas filled inflatable object attached by a tether to a fixed place.

**Freestanding Sign:** A sign which is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.

**Identification Sign:** A sign that includes, as copy, only the name of the business, place, organization, building, street address, or person it identifies.

**Illuminated Sign:** A sign which is artificially lighted, either internally or externally.

**Menu Board Sign:** A sign displaying the bill of fare of a drive-in or drive-thru restaurant.

**Non-conforming Sign:** A sign lawfully erected and maintained prior to the adoption of this Ordinance which does not conform with the requirements of this Ordinance.

**Off-Site Sign:** A sign which directs attention for a commercial purpose to a business, commodity, a service, entertainment or product not related to the other commercial uses existing on the premises upon which the sign is located.

**Parapet Sign:** A sign attached to that portion of a building's exterior wall that projects above the plate line of the building.

**Political Sign:** A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

**Portable Sign:** A temporary sign not affixed to a structure or ground mounted on a site.

**Projecting Sign:** A sign attached to a building or other structure and extending in whole or in part more than fourteen (14) inches beyond the building.

**Roof Sign:** A sign erected on, above, or over the roof of a building so that it projects above the highest point of the roof line, parapet, or fascia.

**Shingle Sign:** A sign suspended from, and located entirely under a covered porch, covered walkway, or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.

**Sign:** Any object, device, display or structure (including but not limited to letters, words, numerals, figures, symbols, pictures, outline, character, color, illumination, trademark, logo or any part or combination) used for visual communication which is intended to attract the attention of the public and is visible from the public rights-of-way or other properties.

The term "sign" shall also mean and include any display of one (1) or more of the following: multiple colored bands, stripes, patterns, outlines or delineations displayed for the purpose of commercial identification.

The term "sign" shall not include any national or state flags, window displays, athletic score boards or the official announcement or signs of government.

**Vehicle Sign:** A sign mounted, painted or otherwise placed on a trailer, truck, automobile or other vehicle so parked or placed so that the sign thereon is visible from a public street or right-of-way and is so parked primarily for the purpose of displaying advertising signage.

**Wall Sign:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign.

**Window Sign:**

Any poster, cut-out letters, painted text or graphic, or other text or visual presentation affixed to, or placed within six (6) feet behind a window pane, and is placed to be read from the exterior of a building.

**§17.3 GENERAL REQUIREMENTS**

- A. The regulations, requirements, and provisions set forth in this Section shall apply to all signs erected, placed, or constructed within the Town.
  - 1. All signs shall require a sign permit issued by the Town in accordance with the provisions of this Article except those signs specified in §17.8 of this Article.
  - 2. All signs shall be structurally designed, constructed, erected, and maintained in accordance with all applicable provisions and requirements of the Town of Superior codes and ordinances.
  - 3. Signs shall not be located in a manner which interferes with pedestrian or vehicular travel, or poses a hazard to either pedestrians or vehicles.
  - 4. Signs shall not be located within or projecting over any public street, right-of-way, or other public property, except shingle signs and projecting signs as provided in §17.4. The Town may install signs on its own property to identify public buildings and uses, to provide necessary traffic control, and to provide pedestrian directional signs in the TC Zoning District as provided in §17.4.
  - 5. Signage shall be located on the building in such a manner that the signage can be seen only from the main entrance point(s) where the customer accesses the building.
  - 6. All signs and sign structures, conforming and nonconforming, shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create visual blight.
  - 7. Signs may be externally illuminated or non-illuminated. The source of the sign's illumination shall not be visible from any street, sidewalk, or adjacent property. This shall not preclude the use of neon sign elements.
  - 8. There shall be no visible angle iron supports, guy wires, braces or secondary supports. All sign supports shall be an integral part of the sign design.

**B.** Sign height is defined as follows.

1. Free-standing signs shall be measured as the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb, sidewalk, or street grade nearest the sign. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
2. Wall, fascia, or parapet mounted sign height shall be measured as the vertical distance from the top of the sign or sign structure from the base of the wall on which the sign is located.

**C.** Sign Area is defined as follows:

1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as that area within the outside dimensions of the background panel or surface.
2. Sign copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangle that will enclose each word and each graphic in the total sign.
3. A double faced sign shall be considered as one sign when determining the sign area, provided both faces are parallel and the distance between faces does not exceed one (1) foot.
4. Where a sign has three (3) or four (4) faces the area of the sign shall be calculated as the total area of all faces.

**§17.4 PERMITTED PERMANENT SIGNS**

**A.** Single and Multiple Residence Districts: (R1-190, R1-108, R1-43, R1-15, R1-12, R1-8, R1-6, R1-5, R-2, and R-3). In all residential zone districts the following shall apply:

**1. Wall Sign:**

**a. Single Residence Uses:** One (1) wall mounted sign per lot or parcel not exceeding two (2) square feet in area shall be permitted. The sign may include only the name of the residence or occupant, and the street address.

**b. Multiple Residence Uses:** One (1) wall mounted sign per lot or unit not exceeding two (2) square feet in area shall be permitted. The sign may include only the name of the residence or occupant, and the street address. Building number or letter signs and necessary directional signs for multiple building developments shall be in compliance with Fire Department requirements and shall not be counted as part of the aggregate sign area.

- c. **Non-residential Uses:** One (1) wall mounted sign per lot or parcel not exceeding six (6) square feet in area shall be permitted. The sign may include only the name of the facility, organization or development and the street address.

2. **Freestanding Sign:**

- a. **Single Residence Uses:** One (1) freestanding sign per lot not exceeding two (2) square feet in area nor a height of five (5) feet shall be permitted. The sign may include only the name of the residence or occupant, and the street address.
- b. A maximum of two (2) freestanding identification signs with an aggregate area of twenty-four (24) square feet may be permitted at each main entrance for an apartment or condominium complex or similar such use. The maximum height shall be five (5) feet. The sign may include only the name of the development and the street address.
- c. **Non-residential Uses:** One (1) freestanding sign per lot not exceeding twelve (12) square feet in area nor a height of five (5) feet shall be permitted. The sign may include only the name of the facility, organization or development and the street address.

3. **Total Signage:**

- a. **Single Residence Uses:** Only one (1) sign per lot or parcel may be permitted.
- b. **Multiple Residence Uses:** Only one (1) wall sign per individual units or lot may be permitted. A maximum of (2) freestanding identification signs per development may be permitted.
- c. **Non-residential Uses:** Maximum of two (2) signs per lot or parcel may be permitted.

4. **Subdivision Identification Signs:**

- a. A maximum aggregate area of twenty-four (24) square feet may be permitted in accordance with §6.2 of the Subdivision Ordinance.
- b. The maximum height shall be six (6) feet. The sign may include only the name of the development and the street address.

5. **Reader Panel Signs:**

- a. Churches may use up to one-half (1/2) of the allowed freestanding sign area for a reader panel.
- b. Public and private schools may have one (1) freestanding reader panel sign not to exceed twenty-four (24) square feet in area and six (6) feet in height.

**B. Commercial Districts:** In Commercial Zone Districts the following shall apply:

**1. Window Signage:**

- a. The total aggregate area of all window signs shall not exceed twenty-five (25) percent of the total area of the windows through which they are visible. All window signage shall be counted towards the total allowed signage per business.

**2. Wall and Awning Signage:**

- a. The sign area for each business or individual tenant shall not exceed one (1) square foot for each linear foot of street or store frontage.
- b. Signage shall not extend horizontally a distance greater than fifty (50) percent of the width of the building wall on which it is displayed.

**3. Freestanding Signage:**

- a. One (1) freestanding sign shall be permitted per development.
- b. For multiple tenant developments one (1) sign may be permitted for every three hundred-thirty (330) feet of street frontage. The minimum distance between two (2) signs on the same street frontage shall be three hundred-thirty (330) feet.
- c. The sign shall not exceed six (6) feet in height.
- d. The sign shall not exceed twenty-four (24) feet in area.
- e. For single tenant buildings the sign may include only the name of the business and the address.
- f. For multiple tenant buildings and complexes the sign may include only the center identification name and address.

**4. Banners:**

- a. Banners shall be made of cloth, nylon, or similar material.
- b. Banners may be hung from street lights that are specifically designed to accommodate banners and which advertise a Town-authorized special event, a community wide event, or a community message but not for individual businesses.
- c. Banners which advertise a town-authorized special event, a community wide event or a community message may be hung on the bridge at Hwy 177 and US 60 with an approved Conditional Use Permit.

**5. Reader Panel Signs:**

- a. Municipal uses only may have one (1) freestanding reader panel sign not to exceed twenty-four (24) square feet in area and six (6) feet in height.

**6. Total Signage:**

- a. The total maximum aggregate signage shall not exceed sixty (60) square feet per business.
- b. Freestanding multi-tenant center identification signs shall not be counted towards the individual businesses or anchor tenant's allowed signage provided the name of the businesses or anchor tenant is not part of the center identification name on the freestanding sign.

**C. Town Center Zone District:** In the Town Center (TC) Zone District the following types of signs may be permitted, as well as preserved or restored signage historical to the individual buildings, provided that the combined aggregate signage for each ground floor business on a street, not exceed one (1) square foot for each linear street frontage of business, up to a maximum of fifty (50) square feet.

**1. Shingle Signs and Projecting Signs:**

- a. One (1) shingle sign or projecting sign which is designed and oriented primarily for the aid of pedestrians may be allowed per business and shall be located immediately adjacent to the business it identifies.
- b. Shall have a seven and one-half (7 1/2) foot minimum clearance between the bottom of the sign and the sidewalk.
- c. Shingle signs shall have a maximum area of three (3) square feet.
- d. Projecting signs for each ground floor business, on a street, shall not exceed one (1) square foot for each linear street frontage of business, up to a maximum of fifteen (15) square feet.
- e. May only identify the name of the business. Such signs shall not include advertising copy.
- f. A wall, fascia, or parapet sign is not permitted if a projecting sign is used to identify the business.

**2. Awning Signs:**

- a. A maximum of twenty-five (25) percent of the front face area of the awning may be used for signage.
- b. May only identify the name of the business. Such signs shall not include advertising copy.

3. **Window Signs:**

- a. The total area of all window signs shall not exceed twenty-five (25) percent of the total area of the windows on which they are displayed.

4. **Parapet Signs:**

- a. Shall not project above the top of the building parapet.

5. **Banners:**

- a. Banners shall be made of cloth, nylon, or similar material.
- b. Banners may be hung from street lights that are specifically designed to accommodate banners and which advertise a town-authorized special event within the Town Center Zone District or a community wide event or a community message but not for individual businesses.
- c. Banners may be strung across or over the public streets for community events, with an approved Conditional Use Permit.

6. **Total Signage:**

- a. The total maximum aggregate signage shall not exceed fifty (50) square feet per business.

D. **Industrial Districts:** In the Industrial zoning districts the following shall apply:

1. **Freestanding Signage:**

- a. One (1) freestanding monument sign shall be permitted per development.
- b. The sign shall not exceed twelve (12) feet in height nor eighty (80) square feet in area if no other building or wall signage is used.
- c. If wall, building or other types of signage will be used for the development then the maximum height of the freestanding sign shall be six (6) feet with a maximum area of twenty-four (24) square feet.

2. **Wall or Building Signage:**

- a. The sign area for each business or development shall not exceed one (1) square foot for each linear foot of street frontage for a maximum of forty-eight (48) square feet.
- b. Signage shall not extend horizontally a distance greater than fifty (50) percent of the width of the building wall on which it is displayed.
- c. Signage should be located near the building entryway and shall not exceed a height of twenty-four (24) feet as measured per §17.3 B.

E. **Open Space Districts:** In the Open Space zoning districts the following shall apply:

1. **Wall Sign:**

One (1) wall mounted sign per lot or parcel not exceeding six (6) square feet in area shall be permitted. The sign may include only the name of the facility, organization or development and the street address.

2. **Freestanding Sign:**

One (1) freestanding sign per lot not exceeding twelve (12) square feet in area nor a height of five (5) feet shall be permitted. The sign may include only the name of the facility, organization or development and the street address.

3. **Directional or Informational Signage:**

a. Signs shall be non-illuminated.

b. Signs shall not exceed twelve (12) square feet in area or six (6) feet in height.

**§17.5 CONDITIONAL USE PERMITS**

The following signs may be permissible with an approved Conditional Use Permit: Off-site subdivision signs when in conjunction with a PAD or a DMP development with an approved comprehensive sign package which has been approved by the Planning and Zoning Commission and the Town Council.

**§17.6 TEMPORARY SIGNS**

A. **Banners, Pennants and Displays for Grand Openings:**

1. Banners, pennants, and other displays shall be allowed on a one time basis for up to fourteen (14) consecutive days during the grand opening of a business.

2. A Temporary Use Permit must be obtained prior to the installation of any grand opening banners, pennants, signs, balloon, or other displays.

3. The maximum banner size shall be four (4) foot by eight (8) foot and shall be limited to one (1) per street frontage for the business.

4. Banners and pennants shall be displayed only on the building and not within the parking area, perimeter landscape, or some other area of the development.

5. Balloon shall be tethered so as not to exceed the allowed building height for the zoning district in which the business is located, and shall not occupy any required parking spaces.

6. Balloons which display any product not legally available to all residents of the Town shall not be permitted.

**B. Portable Signs:**

1. Portable signs shall be allowed only in the Commercial "C-1" and "C-2" Zone Districts. Signs may be placed in the public rights-of-way provided they are placed in a manner that does not impede or restrict vehicular, non-vehicular, or pedestrian traffic. No portable signs shall be allowed within the center medians that divide portions of paved or unpaved roads.
2. All portable signs shall be professionally made and shall not exceed three (3) feet in height or six (6) square feet in area and shall not exceed one (1) sign per business.
3. Signs may be placed, in permitted areas, only between sunrise and sunset. Such signs shall be removed daily prior to sunset, except if used to advertise a meeting. They shall then be removed at the conclusion of the meeting, if not, they are subject to confiscation by the Town.

**C. Off-Site Directional Signs for Special Events:**

1. A sign plan shall be required in conjunction with the Special Event Permit or Temporary Use Permit. Said sign plan shall show the proposed location, placement, and size of all off-site directional signs.
2. All signs shall be professionally made.
3. Signs may be placed twenty-four (24) hours in advance of the event and shall be removed within twenty-four (24) hours after the conclusion of the event.

**D. Fixed Balloon Signs:**

1. Fixed balloon signs may be used in the advertisement of a model home complex in conjunction with a new subdivision or residential development while under construction.
2. Balloons shall be tethered so as not to exceed a height which is twice the maximum allowed height for the zoning district in which the residential development is located.
3. Balloons shall not display any advertising copy.

**E. Banner Signs:**

1. Banners shall be made of cloth, nylon, or similar material.
2. Banners may be used in conjunction with a grand opening or a special business event with an approved Temporary Conditional Use Permit.
3. Such Temporary Conditional Use Permits shall be valid for a maximum period of thirty (30) consecutive days.

**F. Political Signs:**

1. Signs shall not be displayed earlier than sixty (60) days prior to an election and shall be removed within ten (10) days following the election.
2. Signs shall not be placed in any portion of the public right-of-way.

**G. Real Estate Signs:** Signs advertising the sale, lease or renting of a building, suite, dwelling or lot shall conform to the following regulations and are exempt from the total aggregate sign area:

1. In residential zone districts signs shall be non-illuminated and shall not exceed four (4) feet in area or five (5) feet in height. All signs shall be professionally made.
2. In non-residential zone districts signs shall be non-illuminated and shall not exceed six (6) feet in area or five (5) feet in height. All signs shall be professionally made.
3. No off-site real estate development or builder signs shall be allowed.

**§17.7 SUBMITTAL REQUIREMENTS**

**A.** An application for a sign permit must be made in writing on forms provided by the Town. The following information will be required on all sign permit applications:

1. Business owner's name, address and telephone number.
2. Sign contractor's name, address and telephone number.
3. Inventory of all existing signs on the property showing the type, dimensions, and location of each sign.
4. Fully dimensioned plans and elevations showing the dimensions, design copy, and location of each proposed sign in relation to the property line(s) and public right-of-way.
5. Plans indicating the scope and structural detail of the work to be done including details of all connections, supports, footings, and materials to be used.
6. Required information for an electrical permit for all signage illumination.
7. All new signs within a group commercial development shall provide information regarding color(s), material, type, and letter samples, that are for all tenant, freestanding center identification signage, directional signs, window signs and any other information deemed necessary by the Town to adequately review the centers' comprehensive sign package.

**§17.8 EXCEPTIONS**

**A. Permits Not Required:** Sign permits are not required for the following signs provided

that such signs are subject to all other provisions of this Ordinance. Note: Electric permits are required for all exterior electric signs.

1. Any sign not exceeding six (6) square feet in area and not otherwise prohibited by this Ordinance.
2. Standard sign maintenance.
3. Relocation as required by the Town.
4. Garage sale signs not exceeding six (6) square feet. Such signs shall not be up longer than three (3) days. Signs may be placed in the public rights-of-way provided-they are placed in a manner that does not impede or restrict vehicular, non-vehicular, or pedestrian traffic or otherwise prohibited by this Ordinance (§17.9A.4). Signs may be placed in the permitted areas only between sunrise and sunset. Signs shall be removed daily prior to sunset or they shall be subject to confiscation by the Town.
5. Political signs not exceeding sixteen (16) square feet, or six (6) feet in height. Signs are allowed to be placed sixty (60) days prior to an election and remain until ten (10) days after an election.
6. Messages painted directly on, or adhesive vinyl film affixed to, the exterior surface of existing mineral glass windows; except that the aggregate square footage of such signs shall be calculated as window signage.

**B. Excepted Signage:** The provisions of this Ordinance shall not apply to the following: (Note: Electric permits are required for all exterior electric signs).

1. Rags, pennants or insignia of any nation, state, county, town or other political unit, or any church or religious organization.
2. Tablets, grave markers, headstones, statuary or remembrances of persons or events that are noncommercial in nature.
3. Works of fine art, historic or cultural artifacts when not displayed in conjunction with a commercial enterprise which may derive direct commercial gain from such display.
4. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.
5. Temporary signs for events of a general Town wide civic or public benefit as part of a temporary use permit.
6. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
7. The placement and maintenance of official traffic, fire and police signs, signals and devices and markings of the State of Arizona and the Town of Superior or other authorized public agency, and the posting of notices as required by law.

8. Non-illuminated directional or informational signs of a non-commercial public or quasi-public nature, including street, building or suite numbers which do not exceed six (6) square feet.
9. Signs displayed during recognized holidays as identification of temporary sales areas for trees and similar holiday items in conjunction with an approved Temporary Use Permit. Such signs shall be exempted only when displayed within thirty (30) days of the recognized holiday.
10. Signs displayed within the interior of a building.
11. Name plate signs for individual residences.
12. On-site directional and similar informational signs provided such signs are utilized only when necessary for traffic directional or similar informational purposes and do not display corporate colors, logos or other commercial messages. Such signs shall be wall mounted or, if detached, shall not exceed a height of three (3) feet.

#### **§17.9 PROHIBITED SIGNS**

- A. Any sign not specifically listed as permitted by this Ordinance is prohibited, including, but not limited to the following:
  1. Internally illuminated signs or signs that are animated, audible, rotate, have intermittent or flashing illumination, or emit audible sound or visible matter; except time and temperature units or drive-up menu boards.
  2. Billboards are prohibited in the Town of Superior.
  3. Signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes.
  4. Signs attached to any utility pole or structure, street light, tree, fence, fire hydrant, bridge, park bench or other location on public property unless otherwise specifically addressed in this article.
  5. The use of pennants, banners, balloons, and other similar displays except as permitted elsewhere in this Article, or portable signs except where permitted subject to §17.6 of this Article.
  6. Off-site signs are prohibited except as permitted in §17.5 of this Article.
  7. Roof signs.
  8. Signs displayed in a location prohibited by this Ordinance.
  9. Reader panel signs except as specifically authorized herein.

## **ARTICLE XVIII – NONCONFORMING USES**

### **§18.0 PURPOSE**

- A. The purpose of this Article is to provide for the regulation and limit the development and continued existence of nonconforming buildings, structures, uses, and lots. These regulations are designed to protect the rights of legally existing nonconforming uses, structures and buildings under specific conditions and within certain parameters. It is also the intent of this article to curtail substantial investment in non-conformities and to bring about their eventual improvement or elimination in order to preserve the integrity of this Ordinance, promote adopted plans and policies, and enhance the character of the Town.
- B. Any legal use or activity conducted under Town zoning regulations at the effective date of annexation or under previous zoning regulations in effect at the adoption of this Ordinance, or any amendment, shall be considered a legal nonconforming use under this Ordinance.

### **§18.1 LIMITATION ON BUILDINGS AND USES**

A legal nonconforming use may continue only in the manner and to the extent that it existed at the time of such enactment, amendment, or annexation, subject to the following provisions:

- A. This Ordinance does not prohibit routine repairs or maintenance on legal nonconforming buildings or structures.
- B. A nonconforming building, structure or use shall not be expanded or extended more than fifty (50) percent beyond the floor area or lot area that it occupied on the effective date of this Ordinance or any amendments of this Ordinance, or the effective date of annexation into the Town rendering such building, structure or use nonconforming.
- C. This Ordinance shall not prohibit the continued occupancy of a non-certified mobile home or manufactured home located and occupied as a private residence within the Town at the time of adoption of this Ordinance which may not be located within a Manufactured Home Overlay District or which may not be in compliance with the design standards of Article XI of this Ordinance. Any existing mobile home or manufactured home that is not in compliance with the design standards of Article XI at the time of the adoption of this Ordinance shall be brought into compliance with said design standards, as additions or alterations to the structures are requested. Any existing mobile home or manufactured home, even if it is not located within a Manufactured Home Overlay District, may be replaced in its entirety only with a manufactured home that is in compliance with any of the design standards of Article XI and other provisions of this Ordinance.
- D. Any nonconforming building or structure, which has been damaged by fire, windstorm, flood, or some similar abnormal and identifiable event, may be reconstructed and used as before provided that a building permit is secured, reconstruction is started within six (6) months from the date of damage, and such reconstruction is diligently pursued to completion. 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.

- E. If a nonconforming building, structure, or use is destroyed or damaged by fire, windstorm, flood, or some similar abnormal and identifiable event is suspended or replaced by a conforming use, it shall no longer be devoted to the previous nonconforming use. 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.

**§18.2 LIMITATION ON LOTS**

- A. This Ordinance does not prohibit routine maintenance on legal nonconforming lots.
- B. This Ordinance shall not prohibit the continued occupancy of a building or structure which has been legally constructed on a nonconforming lot.
- C. Any legal lot existing at the time of the enactment of this Ordinance, or any amendment, which does not conform to the required lot width or depth and/or lot area may be used for any use permitted in that zone district provided that all setback requirements can be met. If the size of the substandard lot is such that no permitted structure that may be constructed is able to meet the required setback requirements for that zone district, an application for a variance may be submitted to the Board of Adjustment for their approval, conditional approval, or denial.

**§18.3 LIMITATION ON SIGNS**

**A. Legal Nonconforming Signs:**

- 1. Legal nonconforming sign(s) shall mean a sign that is lawfully existing at the time of the enactment of this Ordinance and which does not conform to the regulations as specified in this Ordinance.
- 2. A legal non-conforming sign may continue to be utilized in perpetuity only in the manner and to the extent that it existed at the time of the adoption of this Ordinance or any amendment thereto.
- 3. A legal nonconforming sign may not be altered in any manner not in conformance with this Ordinance. This does not apply to the normal repair and maintenance of the sign, or to a change of copy, provided that by changing the copy, structural alterations are not required.
- 4. Any construction permit which invokes Certificate of Occupancy requirements shall specify and require that any nonconforming sign located within the boundaries of the development site authorized by said permit shall be brought into conformance with the provisions of this Ordinance, provided that if the nonconforming sign is a type of sign that is prohibited under Article XVII of this Ordinance, it shall be removed.
- 5. Notwithstanding any other provision of this Article, legal nonconforming signs that are located on a parcel of property which is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without

extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:

- a. Is not increased in area or height;
- b. Remains structurally unchanged except for reasonable repairs or alterations;
- c. Is placed in the same relative position on the remaining property that it occupied prior to the relocation; and
- d. Is relocated in a manner so as to comply with all applicable safety requirements.

**B. Signs For a Legal Non-conforming Use:**

1. New or additional signs for a nonconforming use shall not be permitted.
2. A nonconforming sign for a nonconforming use which ceases to be used for a period of three hundred sixty-five (365) consecutive days or is suspended by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

**C. Signs Rendered Discontinued:**

1. Sign structures which remain vacant, unoccupied, de-void of any message, or display a message pertaining to a time, event or propose that no longer applies shall be deemed to be discontinued.
2. A sign whose use has been discontinued is prohibited and shall be removed by the owner of the sign or owner of the premises.

## **ZONING ORDINANCE APPENDICES**

**Appendix A:** Glossary of Terms and Definitions

**Appendix B :** Plant List for Right-of-Way Landscaping

## Appendix A

### Glossary of Terms and Definitions

For the purpose of carrying out the intent of this Zoning Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense include the future; words used in the singular include the plural; and words in the plural include the singular.
- B. The word "shall" is mandatory.
- C. The word "may" is permissive.
- D. The word "person" includes an individual, firm, co-partnership, joint venture, corporations, associations, estate, trust, receiver, or and any other group or combination acting as a singular entity, including the federal government, another City, county, or school district, except as exempt by law.
- E. The following words or terms when applied in this ordinance may be used interchangeably unless contrary to the circumstances: lot, plat, parcel or premise; and "building" applies to the word "structure".
- F. The following additional words and phrases shall, for the purpose of this Ordinance, have the following meanings:

**Abutting:** Having property or zone district lines in common. Contact at boundary with street or alley.

**Access or Access Way:** The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.

**Accessory Building:** A detached building, situated on the same lot or building site, the use of which is customarily incidental to that of a principal use of the main building or premise

**Accessory Use:** A use, building, structure, part of a building, or part of a structure which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot, including a private garage. If a building otherwise qualified as an accessory building is attached to the main building by a common wall or roof, such building shall be considered part of the main building.

**Adjacent:** Nearby, but not necessarily touching.

**Adjoining:** Touching at some point.

**Administrative Decision:** Any decision on a development application made by an authorized Town employee pursuant to this Ordinance.

**Alley:** A public thoroughfare, other than a street, which affords a secondary means of vehicular access to abutting property.

**Alteration:** Any architectural, mechanical, or structural change to a building which requires a

permit under the Building Codes of the Town.

**Amendment:** A change in the wording, context, or substance of this Ordinance, or an addition or deletion or change in the zone district boundaries or classifications of the zoning map.

**Amateur Radio Tower:** A free-standing or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid **Amateur Radio** (HAM) license issued by the Federal Communications Commission.

**Antique Shop:** A retail business specializing in the sale of merchandise made in, or typical of, a previous era. Typical merchandise includes, but is not limited to, furniture, silverware, glassware, and other collectibles. Items shall not be donated for resale, but may be displayed on consignment.

**Archeologically Significant:** A site which has revealed or has the potential of revealing important information regarding the lifestyles of prehistoric peoples and/or cultures which occupied the Town and surrounding region in prehistoric and historic times.

**Assisted Living Facility:** See "Group Home".

**Automobile Repair (general):** Servicing of motor vehicles including tire repair, battery changing, engine rebuilding and transmission repair, storage of merchandise and supplies related to the servicing of motor vehicles, sale of lubricants, automobile washing and lubrication, but excluding body work and painting of vehicles, or other similar activities.

**Automobile Service Station:** A convenience use having pumps and storage tanks or other facilities from which gasoline, diesel or alternative fuels are dispensed into motor vehicles.

**Awning:** A roof like structure or cover supported by and extending from a building for the purpose of protecting openings therein, from the elements.

**Bar or Cocktail Lounge:** An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises and where food may be available for consumption as an accessory use.

**Bed & Breakfast Establishment:** A dwelling in which the occupants of the dwelling provide for compensation the short term lodging and meals for guests, occupying not more than two (2) guest rooms located within the same dwelling. Any dwelling in which more than two (2) guest rooms are provided shall be deemed a hotel.

**Big Box Retail:** A single retail establishment with a gross floor area not less than 25,000 square feet, and which may include fast food restaurants and other accessory retail uses with an entrance inside the primary retail establishment.

**Board of Adjustment:** The Town Council of the Town of Superior.

**Buildable Area:** The portion of a lot which is within the envelope formed by the required yards. See "Yard, Required".

**Building:** Any structure having a roof supported by columns or walls for the shelter, use,

occupancy, or enclosure of persons, animals, or chattel or property of any kind, with the exception of dog houses, playhouses and similar structures.

**Building, Accessory:** A building or structure which is subordinate to, and the use of which is customarily incidental to, that of the main building, structure, or use on the same lot or parcel.

**Building Area:** The total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and accessory buildings, exclusive of uncovered porches, steps, roof overhangs, and balconies.

**Building Height:** The vertical distance measured from the natural grade to the highest point of the coping of a flat roof, or to the highest point of a mansard roof, or to the highest gable of a pitch or hip roof.

**Building Official:** An employee of the Town authorized to issue building permits and Certificates of Occupancy and to generally assist in the administration of this Ordinance.

**Building Permit:** An authorization to construct, repair, alter, or add on to a building or structure as issued by the Building Official and authorized by the Zoning Administrator.

**Building, Principal:** A building or structure in which the principal or dominant use of the property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

**Building Setback Line:** The required, minimum, distance as prescribed by this Ordinance between, property line and the closest point of any building or structure.

**Carport:** A roofed structure which may be attached or unattached to the principal structure providing space for the storage of motor vehicles, at least two (2) sides of which shall be at least fifty (50) percent open. Enclosed storage facilities may be provided as part of a carport.

**Church:** A permanently affixed building where one of the principal uses is for religious worship.

**Collector Streets:** Major, minor, and residential collectors. The collector streets provide the traffic movement between the neighborhoods of the Town, to the arterial streets pursuant to Exhibit 12 of the Subdivision Ordinance.

**Commission:** The Planning and Zoning Commission of the Town of Superior.

**Conditional Use:** A "conditional use" is a use permitted in any particular zone district only upon a showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Ordinance.

**Contributing Structure:** Any structure located within the Town Center area or a Historic District which, when evaluated separately, would substantially meet the criteria for individual designation.

**Council:** The Town Council of the Town of Superior.

**Day Care, Home Based:** Any single residence dwelling in which child care is regularly provided for compensation for no more than six (6) children not related to the proprietor.

**Day Care Center:** Any facility in which the care, supervision and guidance of a child or children is regularly provided for compensation for six (6) or more children not related to the proprietor. The child care center shall meet all requirements for certification by the State of Arizona State Department of Health.

**Demolish:** To pull down or tear down a structure without regard to maintaining the visual or structural integrity of its various components.

**Density:** A ratio expressing the number of dwelling units, lots or spaces per acre. For the purpose of calculating density the equation shall be as follows:

$$D = \frac{du}{A - (c + i + s + a + os)}$$

where:

- D = Density
- du = Total number of dwelling units
- A = Total site area (acres)
- c = Total commercial land (acres)
- i = Total industrial land (acres)
- s = Reserved but undedicated school sites (acres)
- a = Arterial or collector rights-of-way (acres)
- os = Open Space

**Designation:** The process through which a site, structure, objects or district is officially recognized as worthy of preservation.

**Dwelling, Multiple Residence:** A building or buildings containing two (2) or more housekeeping units.

**Dwelling, Single Residence:** A building containing only one (1) housekeeping unit.

**Dwelling Unit:** A room or group of rooms within a building, containing provisions for living, sleeping, eating, cooking, and sanitation which are designed to be occupied exclusively, by a single housekeeping unit.

**Fence or Wall Height:** Where a fence or wall faces a public street, highway or alley, height shall be measured from the top of the curb, or where no curb exists, the center line of the street, highway, or alley. Where a fence or wall is between two (2) properties, the height shall be the average measured from each side of the base of the fence as established at the time of final grading. A retaining wall will be counted as part of the total wall or fence height where the minimum horizontal distance between the retaining wall and the fence is less than the average height of the retaining wall. Where the minimum horizontal distance between the retaining wall and the fence is greater than the average height of the retaining wall, the fence or wall height shall be measured from the base of the fence or wall.

**Floor Area:** The combined gross area of all floor(s) within the exterior walls of a building; included any basement floor, interior balconies and mezzanines, elevator shafts, stair wells and enclosed porches. The floor area of accessory uses or buildings on the same lot shall be included.

**Floor Area Ratio (FAR):** The ratio of the gross floor area of all structures on a parcel to the net area of the parcel expressed as a percent or decimal.

**Frontage:** The frontage of a parcel of land where the front property line is common with a road right-of-way.

**Grade, Finish:** Final elevation of the ground surface conforming to the approved grading plans.

**Grade, Natural:** Elevation of the natural or undisturbed ground surface prior to any grading. Building elevations for purposes of height limitations shall be measured from natural grade.

**Group Home:** Dwelling unit shared as their primary residence by handicapped and/or elderly persons living together as a single housekeeping unit in which staff persons provide on-site care, meals, supervision, and other support services for the residents. Group homes shall not include nursing homes, shelter care facilities, recovery homes, community correctional facilities, or homes for the developmentally disabled as regulated by the Arizona Revised Statutes.

**Guest House:** Living quarters for guests or servants on the premises in an accessory building or attached to the principal residence. A guest house shall not be rented, and/or otherwise used for income purposes.

**Historically Significant:** A site, structure, object, place, view, or district which exemplifies or reflects special elements of the Town's cultural, social, economic, political, aesthetic, engineering, or architectural past; which embodies distinguishing characteristics of a style, period, method of construction, or development or serves as a valuable example of the use of indigenous materials or craftsmanship in the Town's history; which represents the notable work of a master builder, designer, or architect; which represents a rare building type, style, design, or indigenous building form; or which is identifiable with a person or event significant in local, state, or national history.

**Home Occupation:** A business activity conducted as an accessory use to a dwelling unit.

**Kennel:** Any establishment at which dogs, cats, or other small animals are commercially cared for, bred, boarded, or trained.

**Junk Automobile:** Any vehicle, missing one or more body parts; is incapable of operating under its own power; is missing any wheels; has missing or severely shattered glass which prohibits safe operation, or has one or more flat tires for a period of seventy-two (72) or more hours.

**Junk Yard:** The use of a lot, or portion thereof, for the storage, keeping, baling, packing, disassembly, exchange or handling of, including but not limited to; junk, scrap iron and other metals, paper, rags, rubber tires, bottles, dismantled or wrecked automobiles or other motor vehicles or machinery, but does not include uses confined entirely within enclosed buildings.

**Loading Space:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lot:** A single piece of property located in a recorded subdivision, having frontage on a publicly dedicated and accepted street or a private road approved by the Town, which is described and denoted as such. A lot also includes a parcel of land, shown in the records of the Pinal County Assessor's Office, divided to be used separately from other parcels of property by description, as on a recorded survey map, or by metes and bounds, for purposes of sale, lease, or separate use in a legal manner pursuant to all state, county, and town requirements for the development and purposed use of that property.

**Lot Area:** The area of a horizontal plane within the lot lines of a lot but not including any area in a public way.

**Lot, Corner:** A lot located at the intersection of two (2) or more streets.

**Lot Coverage:** The percentage of the area of a lot which is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

**Lot Depth:** The horizontal length of a straight line connecting the midpoints of the front and rear lot lines; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a 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, Interior:** A lot other than a corner lot.

**Lot, Key:** A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which fronts the side boundary of the corner lot. .

**Lot Line:** Any line bounding a lot.

**Lot Line, Front:** In the case of an interior lot, a line, separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way.

**Lot Line, Rear:** A lot line which is opposite and most distant from the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a 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:** The boundary of a lot which is not a front lot line or a rear lot line.

**Lot, Through:** A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot, (also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant from the lot line containing the non-access easement.

**Lot Width:** For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front yard line on a line parallel to the street or street chord.

**Manufactured Home:** A residential dwelling built in accordance with, and certified as a manufactured home under the Federal Manufactured Housing Construction and Safety Standards

Act of 1974, which became effective June 15, 1976, and the laws of the State of Arizona Office of Manufactured Housing.

**Manufactured Home Land Lease Development:** A residential development, typified by single ownership of the land within the development, approved pursuant to this Ordinance for placement of manufactured homes, being used for residential purposes.

**Manufactured Home Space:** A plot of ground within a manufactured home land lease development designed for the accommodation of one (1) manufactured home.

**Mobile Home:** A residential dwelling that was fabricated or built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards.

**Modular Home:** A structure intended for residential use and manufactured off-site in accord with the Uniform Building Code.

**Net Lot Area:** The area of a lot or parcel excluding all dedicated streets, alleys, roadway or alley easements.

**Non-conforming Building:** Shall mean a building or portion thereof which was lawful when established, but which does not conform to regulations of a subsequently established zone district.

**Non-conforming Lot:** Shall mean a parcel of land having less area, frontage or dimensions than required in the district in which it is located.

**Non-conforming Use:** A use of land that:

1. Legally existed before its current zoning or land use category designation; and
2. Has been maintained continuously since the time the applicable regulations governing the land changed; and
3. No longer conforms to this Ordinance or General Plan provisions.

**Nurseries, Retail:** The use of the land, buildings, or structures for the sale of plant materials, landscape materials, gardening supplies and fertilizer, excluding production of plant materials.

**Nursing Home:** A nursing home is an extended health care facility licensed by the State of Arizona which provides lodging, meals, personal services, and skilled nursing and medical care on a long-term basis to individuals who, because of advanced age, chronic illness, or infirmity, are unable to care for themselves.

**Open Space:** Any parcel or area of land unimproved or improved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment.

**Open Space, Common:** Open space usable by all people within a certain development and such area is owned in common by all property owners in that development.

**Open Space, Natural:** Open space where the condition of land, vegetation, rocks, and other surface features have not been physically disturbed, changed or added to by any action of man or machine.

**Open Space, Public:** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency, or other public body for recreational or conservational uses.

**Open Space, Usable:** Land that includes landscaped or hardscaped plazas, paseos and promenades, fountains, and sitting areas meant to provide an open park like atmosphere. Also playgrounds, golf courses, bicycle trails (not bike lanes), pedestrian trails (not sidewalks), and trail heads. Usable open space does not include parking areas and vacant or undeveloped lots.

**Outdoor Sales:** The display of products or services which are intended for retail or wholesale purchase not within a completely enclosed building.

**Outdoor Storage:** The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.

**Planned Area Development (P.A.D.):** A development of a minimum contiguous size as specified by ordinance in which flexibility can be sought in the zoning standards in order to encourage more creativity and sustainable design thereby providing usable open space within and about the development and enhancing the natural desert character of the Town. Planned Area Developments shall be subject to Commission and Town Council approval.

**Plant Nurseries and Greenhouses:** The use of the land, buildings, or structures for the growth and production of flowers, plants and trees for sale to retail operators.

**Principal Use:** The main or primary use on any lot or parcel which establishes the basic land use characteristics of the property, as opposed to an accessory use. In some instances, a property may have more than one (1) principal use.

**Recreational Facilities, Indoor:** Establishments providing indoor amusement or recreation. Typical uses include: martial arts studios, billiard and pool halls, electronic and coin-operated game rooms, bowling alleys, skating rinks, and health and fitness establishments.

**Recreational Facilities, Outdoor:** Long term facilities providing outdoor amusement and entertainment. Typical uses include miniature golf, skateboard parks, amusement parks, go cart race tracks, and batting cages.

**Recreational Vehicle:** A vehicular type of unit forty (40) feet or less in length and eight (8) feet or less in width, primarily designed for temporary living quarters, recreation, camping, or travel use, which either:

1. Contains its own motive power as in the case of motor homes, mini-motor homes, or recreational vans;
2. Is drawn by another vehicle as in the case of travel trailers, tent trailers, camper trailers, or water craft on boat trailers; or
3. Is mounted on another vehicle as in the case of truck campers.

**Recreational Vehicle Park:** An integrated development, in accordance with the provisions of §13.15 of this Ordinance, where recreational vehicles are used for temporary residential purposes.

**Satellite Earth Station:** A device consisting of an antenna and reflector, having any dimension of more than one and one-half (1 1/2) meters, and is solid or open mesh configured structure used for reception or transmission of radio energy to or from an earth orbit satellite or celestial body.

**Satellite Dish Antenna:** A parabolic antenna designed to receive electromagnetic transmissions from a satellite.

**Site Built Dwelling:** A structure or dwelling constructed on the site by craftsmen utilizing materials delivered to the site. Said structure shall consist of footings and foundations poured in place and solidly attached to the walls. Roofing materials, interior and exterior finishes shall be applied on the site. All construction shall be in conformance with all uniform codes in force at the time of construction.

**Structural Alterations:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

**Structure:** Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.

**Town:** The Town of Superior.

**Town Council:** The Town Council of the Town of Superior, Arizona.

**Use:** The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

**Use Permit:** An authorization with appropriate stipulations by the Town Council, as set forth in this Ordinance, for the development or use of any property which is subject to a Use Permit.

**Yard:** Shall mean an open area at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

**Yard, front:** Shall mean an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a corner lot shall be both street frontages. Double frontage lots within districts that require front yards shall maintain the required front yard on both streets.

**Yard, rear:** Shall mean an open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot. The rear yard shall always be opposite the front yard.

**Yard, side:** Shall mean an open unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear

yard. Any lot line not a rear line or a front line shall be deemed a side lot line. An interior side yard is defined as the side yard adjacent to a common lot line.

**Zone:** A district classification established by The Zoning Ordinance of the Town of Superior which limits or permits various and specific uses.

**Zoning Clearance:** Approval, from the Zoning Administrator, of a plan in conformance with the Zoning Ordinance of the Town of Superior.

**Zone District:** A zone area in which the same zoning regulations apply throughout the district.

**Zoning Ordinance:** The Zoning Ordinance of the Town of Superior, Arizona

**Appendix B**  
**Plant List for Right-of-Way Landscaping**

**Trees**

Acacia smallii - Desert Sweet Acacia  
A. greggii - Catclaw Acacia  
A. willardiana - Palo Blanco  
A. schaffneri - Twisted Acacia  
Cercidium floridum - Blue Palo Verde  
C. praecox - Palo Brea  
C. microphyllum - Utah Leaf Palo Verde  
Celtis reticulata - Net-leaf  
C. pallida - Hackberry  
Chilopsis uncinata - Desert Willow  
Lycium thombergi - Fem-of-the-desert  
Pithecellobium flexicaule - Texas Ebony  
Prosopis velutina - Velvet Mesquite  
P. glandulosa - Texas/Honey Mesquite  
P. pubescens - Screwbean Mesquite

**Cacti and Succulents**

Agave - many species  
Carnegiea gigantea - Saguaro  
Echinocactus grusonii - Golden Barrel  
Echinocereus engelmannii – Hedgehog Cactus  
Ferocactus acanthodes - Compass Barrel  
Opuntia violacea - Purple Prickly Pear  
O. basilaris - Beavertail Prickly Pear  
Yucca elata - Soapstone Yucca  
Y. brevifolia - Joshua Tree  
Y. baccata - Banana Yucca

**Groundcovers**

Baileya multiradiata - Desert Marigold  
Dalea greggii - Trailing Indigo Bush  
Melampodium leucanthum – Blackfoot Daisy  
Oenothera berlandieri - Evening Primrose  
Stachys coccinea - Texas Betony  
Zauschneria californica – Hummingbird Trumpet

## **SHRUBS**

Ambrosia deltoidea - Bur-sage  
Atriplex leatiftonTlis - Quail Bush  
Caesalpinia pulcherrima - Red-Bird-of-Paradise  
C. mexicana - Mexican-Bird-of-Paradise  
C. qiUiesii - Yellow-Bird-of-Paradise  
CaUiandra eriophyUa - Fairy Duster  
C. cafifomica - Baja Red Fairy Duster  
Dalea pulchra - Pea Bush  
D. frutescens - Black Dalea  
D. versicolor - Indigo Bush  
Dodonaea viscosa - Hopbush  
Encelia farinosa - Brittiebush  
Fouquieria splendens - Ocotillo  
Hesperaloe pariflora - Hesperaloe  
Justicia californica - Chuparosa  
J. spicigera - Orange Hummingbird Bush  
Cassia wislizeni - Shrubby Senna  
Salvia greggii - Autumn Sage  
S. clevelandii - Chaparral Sage  
Sphaeralcea ambigua – Globe Mallow  
Larrea tridentata - Creosote  
Leucophyllum frutescens - Texas Sage or Green Cloud  
L candidum - Silver Cloud  
L laevigatum - Chihuahuan Sage  
Penstemon eatoni – Firecracker Penstemon  
P.parryi - Parry's Penstemon  
P.pseudospectabilis – Desert Penstemon  
P.superbus - Superb Penstemon  
Simmondsia chinensis – Jojoba  
Tecorna stans - Arizona Yellow Bells