ARTICLE 4 SPECIAL USES, USES REQUIRING ADDITIONAL EVALUATION, NONCONFORMING USES AND BUILDINGS

This Article provides for land use activities which may be included in the City of Goodyear, but because of their unique nature, potential for creating impacts on other uses, or pre-existing legal status require particular consideration as to their proper location and/or maintenance in relation to **adjacent** established or intended uses, or to the planned development of the City. The conditions controlling the location and operation of such uses are established by the following provisions.

In addition to those uses specifically classified and permitted in each **district**, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public; and there may be uses or **structure**s that were established prior to ordinances with which they do not conform and are, therefore, legally nonconforming.

4-1 Special Uses
4-2 Uses Requiring Additional Evaluation
4-3 Nonconforming Uses and Buildings
4-4 Temporary Uses

ARTICLE 4-1 SPECIAL USES

The City Council shall have authority to permit the following uses of land or **structure**s, or both, subject to procedures and conditions of approval, set forth in Subsection 4-1-1, upon finding that the proposed location and establishment of any such use will be desirable or necessary to the public convenience or welfare and will be harmonious and compatible with other uses **adjacent** to and in the vicinity of the selected site or sites.

4-1-1 Procedure and Conditions of Approval
4-1-2 Special Uses Considered in Any District
4-1-3 Special Uses in Specified Districts

Section 4-1-1 Procedure and Conditions of Approval

Applications for Special Use Permits for those specific **uses** identified in Sections 4-1-2 and 4-1-3 shall be processed in the same manner as an application to amend the boundaries of a zoning **district** as set forth in Section 1-3-1 (Amendments) as supplemented by Section 1-3-4 (Special Use Permits). **Amendments** to the Special Use shall be processed in the same manner as the initial application.

Section 4-1-2 Special Uses Considered in Any District

Particular uses not otherwise listed in any **District**; or those which are listed in certain **District**s but which, under appropriate circumstances, may be considered for approval in any location, notwithstanding its zoning map **district** classification are as follows:

A. CONSIDERED USES.

Uses which may be considered in any **District** are:

1. **Church**es, parish houses, convents, temples and similar places of worship, except temporary revival tents and temporary **building**s.

2. Wireless communications facilities, subject to the requirements of subsection 4-2-4.

3. **Day care** (elderly or youth), **preschool** and child care nurseries.

4. Residential office uses permitted in Section 3-3-1-A-1, -3 and -4 and residential service uses permitted in Section 3-3-2-A-8 and -10.

5. Public, Parochial and Charter Schools.

6. Energy generation facility.

B. ACCESSORY USES.

Uses of land or **structure**s customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

C. DEVELOPMENT REGULATIONS.

Unless otherwise modified by Council approval, the standards and regulations of the **District** in which the Special Use is located shall apply.

Section 4-1-3 Special Uses Considered in Specified Districts

Particular uses not otherwise listed in any **District**; or those which are listed in certain **District**s but which, under appropriate circumstances, may be considered for approval in specified **District**s are follows:

A. CONSIDERED USES.

Uses which may be considered in certain **District**s are:

1. Commercial **District**s

a. Adult live entertainment, erotic dance or performance studio (C-2 only), subject to the requirements of subsection 4-2-1.

b. **Amusement park**, auditorium, stadium, arena, gymnasium, or other similar places for public events. (C-2 only)

c. Bus terminal, railroad passenger station.

d. **Large Retail Users** (C-2 only), subject to the requirements of subsection 4-2-7.

e. Mini-storage and **recreational vehicle** storage facilities.

f. Plant nurseries, which are defined as a business where trees, shrubs, flowers and other plants are grown on or brought to the premises and maintained there for the purpose of sale from the premises. Such other additional products shall be permitted to be sold as are customarily incidental to the plant nursery operation.

g. Private **club**s and fraternal organizations.

h. **Restaurants** with music or entertainment, which shall be limited to, recorded music or one entertainer or venue only if the facility is located a minimum of five hundred feet (500') from the property line of any residentially zoned or designated property.

i. **Restaurants, bars/cocktail lounges** with any of the following factors (C-2 only):

1) music or entertainment in excess of recorded music or one entertainer or venue;

2) the area devoted to patron dancing exceeds twenty-five percent (25%) of the total floor area;

3) after hours as defined by State law (generally, closing time of the dance floor is later than that of the bar); or

4) the area within the facility designated for music or entertainment activities exceeds a maximum of 5,000 square feet.

j. **Teen Entertainment Center**, if the facility is located a minimum of 500 feet from a **bar/cocktail lounge** (C-2 only)

2. Industrial Districts

a. Any Special Use which may be considered in Commercial **District**s.

b. **Airport**, **heliport**, helistop, and other landing areas, subject to local, state and federal requirements and restrictions.

c. Cemeteries, crematories, mausoleums, including those for pets.

d. Circus and carnival grounds having permanent facilities.

e. Development or extraction of earth products, clay, gas, gravel, minerals, sand, stone, topsoil.

f. Drive-in theaters.

g. Race tracks, speedways.

h. Sanitary landfills, transfer stations, recycling facilities.

i. Swap meets, auctions.

j. Zoos.

B. ACCESSORY USES.

Uses of land or **structure**s customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

C. DEVELOPMENT REGULATIONS.

Unless otherwise modified by Council approval, the standards and regulations of the **District** in which the Special Use is located shall apply.

ARTICLE 4-2 USES REQUIRING ADDITIONAL EVALUATION

Certain uses are declared, hereunder, to require additional assessment regarding appropriate location and conditions of use or operation.

4-2-1 Adult Businesses
4-2-2 Convenience Uses
4-2-3 Service Stations, Automotive
4-2-4 Wireless Communications Facilities (Commercial)
4-2-5 Restaurants, bars/cocktail lounges subject to Special Use Permit
4-2-6 Teen Entertainment Centers
4-2-7 Large Retail Users
4-2-8 Non-Chartered Financial Institutions
4-2-9 Freeway Pylon Signs
4-2-10 Massage Establishments, Tattoo Studios, and Body Piercing Studios

Section 4-2-1 Adult Businesses

Adult business uses, such as adult bookstore, adult novelty store, adult theater, adult live entertainment establishment, erotic dance or performance studio, are subject to the following regulations.

A. GENERAL REQUIREMENTS.

1. These provisions shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

2. Notwithstanding another provision of this Ordinance, an adult bookstore, adult novelty store, adult theater, adult live entertainment establishment, or erotic dance or performance studio which is a **nonconforming use** or which does not conform to the separation standards set forth in this section shall not be:

   a. converted to another of the above-listed adult uses; or

   b. be expanded beyond the floor area devoted to such adult use on the effective date of this Ordinance.

3. Neither the **Zoning Administrator** nor the Planning Commission shall have jurisdiction to grant **variance**s from these provisions.

B. LOCATIONAL REGULATIONS.

Adult bookstore, adult novelty store, adult theater, adult live entertainment establishment, erotic dance or performance studio, are subject to the following conditions or limitations:

1. None of the above-listed uses may be located within one thousand (1,000) feet of the same type use or any of the other uses listed above. The distance shall be measured from the exterior **wall**s of the **building**s or portions thereof in which the businesses are conducted or proposed to be conducted to the property line of the property upon which the other above-listed use sits; and

2. None of the above-listed uses may be located within five hundred (500) feet of a **preschool**, kindergarten, elementary or secondary school, **church** or similar place of worship, park, playground or any of the following use **district** classifications: R1-10, R1-7, R1-6, R-2, MF-18, MHS, MH/RVP, C-1, or PAD. This distance shall be measured from the exterior **wall**s of the **building** or portion thereof in which the adult business is conducted or proposed to be conducted to the property line of the above-listed use or use restriction.

Section 4-2-2 Convenience Uses

Convenience uses, as herein defined, shall be evaluated regarding their potential impact on traffic congestion, the neighborhood in general and their appropriateness for the site.

A. REQUIRED INFORMATION.

Except where "**convenience use**s" are structurally attached as part of a larger center (at least fifty thousand [50,000] square feet) located on an arterial corner, a **Use Permit** and separate **Site Plan** approval are required.

1. A use conforming to the definition of "**convenience use**", herein, may be permitted upon obtaining **Use Permit** approval. Where free-standing **convenience use**s are part of a larger center (at least fifty thousand [50,000] square feet), such use should not be located on an arterial corner **building** pad site unless, in the judgment of the City Council the findings support the proposal and stipulations designed to mitigate potential problems are attached to the property.

2. When an application is made for a **Use Permit** for a **convenience use**, accompanying the application must be a **Site Plan**, drawn at an appropriate scale by a registered civil engineer which includes the following:

   a. Size and location of the parcel.

   b. Location, size, area, and orientation of all **structure**s including any gas pumps and canopies.

c. Property lines.

d. Existing and future right-of-way lines.

e. Existing and proposed curb cuts.

f. Location of any drive-through windows and queuing lanes.

g. On-site vehicular and pedestrian circulation plan.

h. All **parking space**s.

i. Within three hundred (300) feet of the site show the following:

(1) **Access** from **street**s to business and vise versa.

(2) Existing land use.

(3) Driveways.

(4) Existing **street** system with roadways, curbs, gutters, medians, turn lanes and sidewalks.

(5) Circulation pattern.

(6) Description and location of traffic lights and signs.

B. CONVENIENCE USE EVALUATION CRITERIA.

Prior to being considered by the Planning and Zoning Commission, the **Site Plan Review** Committee will review and evaluate the proposed **convenience use Site Plan** and report to the Community Development Department. The Community Development Department's report to the Commission will include, but not be limited to, findings on the following:

1. Adequacy of the parcel size and configuration to provide for proper **access** and internal circulation.

2. Compatibility of proposed hours of operation with **adjacent** residential areas (hours of operation to be indicated in narrative).

3. Required traffic and **access** mitigation measures, if any, which may include:

   a. Additional right-of-way.

   b. Off-site traffic mitigation measures.

   c. Restriction of some traffic movements through signs or other measures.

   d. Segregation of queuing lanes, vehicle **access** and pedestrian circulation areas.

   e. Cross-**access** easements.

   f. Driveway locations.

4. Other concerns which may place the advisability of the proposed **convenience use** in question.

Section 4-2-3 Service Stations, Automotive

Service station uses require specified, additional conditions and design criteria.

A. REQUIRED CONDITIONS.

Use Permit and **Site Plan** approval are required.

1. The repair of motor vehicles shall not include painting, upholstery, body and fender repair work or major engine overhauling.

2. The outside display of tires, oil or other sale items shall be located **adjacent** to main **building**.

B. DESIGN CRITERIA.

1. The design of the **service station building** and site shall be compatible with the type of development surrounding the station.

2. **Service station**s which are situated within a larger commercial development shall be separated from **adjacent** property by a three (3) foot high **wall**, landscaping, or curbing, except for necessary driveways, in order to control vehicular movements and circulation.

3. The width or depth of any **service station** site shall be a minimum of one hundred-fifty (150) feet.

4. Pump islands shall be located at least thirty-five (35) feet from the **street** right - of-way line.

5. Service areas and bay doors shall not front onto or be substantially visible from any public **street** and shall be subject to the screening standards.

6. **Service station**s shall be subject to all landscaping and design standards including screening of parking and maneuvering areas with **wall**s and landscaping.

Section 4-2-4 Wireless Communications Facilities (Commercial)

Wireless communications facilities, as herein defined, require specified, additional conditions and design criteria other than those used only for non-commercial, non-business fixed wireless communications, such as television and satellite reception antennae or amateur radio antennae which are exempt.

A. REQUIRED PROVISIONS

1. **Wireless communications facilities** comprised of panel antennae mounted on or against an existing **structure** that do not extend more than ten (10) feet above that portion of the existing structure, or antennae attached to a 69kV or higher power line tower or pole which does not raise the height of such tower or pole more than fifteen (15) feet above its original height, or new antennae attached to an existing, conforming wireless **communications tower** which does not raise the height of such tower more than fifteen (15) feet above its original height, may be approved administratively by the Community Development Director after review and approval by the **Site Plan Review Committee**.

2. All **wireless communications facilities** that do not meet the above criteria for review and approval by the Community Development Director and the **Site Plan Review Committee** shall require approval as a Special Use in accordance with the provision of Article 4-1.

B. REQUIRED INFORMATION.

Site Plan approval is required for all **wireless communications facilities**. For a **wireless communication facility** that requires approval as a Special Use as specified herein, the required Site Plan shall be the preliminary development plan for the Special Use as required by Section 4-1-1(A), and the review and approval of the Special Use and preliminary development plan shall constitute Site Plan approval. All applications for Site Plan or Special Use approval shall contain the following additional materials:

1. A current map, or update to an existing map on file, showing locations of applicant's antenna(e) and facilities and all other known existing and proposed

wireless communications facilities within a one (1) mile radius of the proposed facility.

2. A report from a structural engineer registered in the State of Arizona showing the facility antenna capacity by type and number, and a certification that the proposed facility is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.

3. Complete names and addresses of the owners of all antennae and equipment to be located at the site as of the date of application.

4. Written authorization for the use from the site owner.

5. A one-year plan identifying other needed or planned wireless communication facilities in the City. This allows the City to coordinate tower locations with other applicants.

6. A minimum of two photographic simulations of the proposed **wireless communication facility**.

7. Proof that:

   a. reasonable measures have been taken to assure that the proposed **wireless communication facility** will be placed in a location which will minimize the visual impact on the surrounding area.

   b. the proposed antenna and equipment could not be placed on a pre-existing facility under control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.

   c. if the application is for siting in a residential area, the area cannot be adequately served by a facility placed in a non-residential area.

   d. a new wireless communication tower is designed to accommodate the applicant's potential future needs, is of suitable construction, and consideration has been given in the design of the tower for the co-location of additional antennae.

8. A written agreement that:

   a. the **wireless communication facility** shall be removed within one hundred eighty (180) days of cessation of use, and to return the area to its condition prior to the construction of the facility;

b. the applicant's service is subordinate to essential public communications services, and agreement to suspend use of any site which may be in conflict with such services, regardless of the reason for such conflict, until such conflict is resolved; and

c. all applicable health, nuisance, fire and safety codes are met. If upon inspection, the City of Goodyear determines that a wireless communications facility fails to comply with such agreements or applicable codes, the owner of such facility will have thirty (30) days to bring such facility into compliance. Failure to bring such facility into compliance within thirty (30) days will constitute grounds for the removal of such facility at the owner's expense.

C. DESIGN CRITERIA.

1. To the extent possible, the materials, colors, textures and landscaping of all **wireless communications facilities** shall be designed to blend in with the surrounding setting. All facilities shall be finished or painted so as to minimize visual obtrusiveness and shall not be illuminated unless otherwise required by state or federal regulations. Panel antennae and their associated cables and hardware mounted on or against an existing **structure** shall be painted to match the existing facade or be otherwise camouflaged to reduce their visual impact.

2. Equipment shelters for a wireless communications facility shall be designed in accordance with the City of Goodyear Design Guidelines for commercial buildings or the prevailing design standards for the property.

3. No commercial signage shall be allowed on an antenna or **wireless communications facility**.

4. A **wireless communications facility** tower must be set back from all non-residential **lot line**s a minimum distance equal to the height of the tower and from all residential **lot lines** a minimum distance equal to twice the height of the tower, unless otherwise approved by City Council at time of Special Use approval.

5. No new **wireless communications facilities** shall be located within one thousand three hundred twenty (1,320) feet of an existing wireless communication facility unless the existing facility does not meet the structural specifications or technical requirements necessary for additional antenna co-location, or a co-location agreement could not be obtained at commercial reasonable terms and conditions, including price. **Wireless communications facilities** that can be reviewed and approved administratively in accordance with Section 4-2-4(A) shall be exempt from this requirement.

D. REPLACEMENT AND/OR REBUILDING OF WIRELESS COMMUNICATIONS FACILITIES AND TOWERS.

Pre-existing non-conforming **wireless communications facilities** and towers which have been destroyed or structurally damaged shall be replaced with facilities meeting the requirements as provided in this Article, except that they may be rebuilt to their original height and in their original location, regardless of **setback** requirements.

Section 4-2-5 Restaurants, bars/cocktail lounges subject to Special Use Permit

A. REQUIRED INFORMATION – the Special Use Permit application shall specifically address the following:

1. Noise study

2. Lighting plan

3. Floor plan (to identify the areas for the primary use and for ancillary functions)

4. Public safety plan, to be reviewed and approved by the Fire and Police Departments

5. Parking study

6. Traffic analysis (if access to the establishment is from a street other than one classified by the General Plan as minor collector or greater)

B. GENERAL REQUIREMENTS

1. The application shall demonstrate that:

a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.

b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

c. All sound resulting from business activities will be contained within the building, except where external speakers are permitted.

d. The level of service on all streets accessed by the use meets all standards set by the City.

e. All external doors shall be closed but not locked during business hours.

2. All approved Special Use Permits for such a use are subject to annual review by the City Council.

Section 4-2-6 Teen Entertainment Centers

A. REQUIRED INFORMATION

1. Noise study

2. Lighting plan

3. Floor plan (to identify the areas for the primary use and for ancillary functions)

4. Public safety plan, to be reviewed and approved by the Fire and Police Departments

5. Parking study

6. Traffic analysis (if access to the establishment is from a street other than one classified by the General Plan as minor collector or greater)

B. GENERAL REQUIREMENTS

1. The application shall demonstrate that:

a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.

b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

c. All sound resulting from business activities will be contained within the building, except where external speakers are permitted.

d. The level of service on all streets accessed by the use meets all standards set by the City.

e. All external doors shall be closed but not locked during business hours.

f. No portion of a teen entertainment center shall at any time be illuminated with lighting less than two (2) footcandles per square foot. This requirement shall apply to parking areas and any other outdoor areas related to the operation.

2. All approved Special Use Permits for such a use are subject to annual review by the City Council.

3. A patron who leaves the premises shall not be readmitted without paying a separate fee for readmission.

Section 4-2-7 Large Retail Users

A. APPLICABILITY.

All **Large Retail Users** shall require a Special Use Permit and Site Plan approval. The Special Use Permit and Site Plan may be processed concurrently if deemed appropriate by the Community Development Director. If a unified development of several **Large Retail Users** is proposed, then one Special Use Permit application encompassing the entire development may be submitted. Each individual **Large Retail User** will then only require Site Plan approval provided they are in conformance with the approved Special Use Permit. All Site Plans for **Large Retail Users** will require Planning and Zoning Commission review and City Council approval. Property with vested zoning prior to the effective date of this Ordinance will not be subject to Section 4-2-7.

B. AREA REQUIREMENT

The minimum area for a commercial center containing more than one **Large Retail User** shall be ten (10) acres.

C. LOCATION CRITERIA

All **Large Retail Users** shall meet one of the following four criteria:

1. Be located within a development that is at the intersections of two scenic and/or major arterials as designated in the City of Goodyear General Plan and/or the Engineering Procedures Manual, or

2. Be located within a development that is at the intersection of an existing or proposed freeway and scenic or major arterial as designated in the City of Goodyear General Plan and/or the Engineering Procedures Manual, or

3. Be located within a development that is at the intersection of two existing or proposed freeways as designated in the City of Goodyear General Plan, or

4. Be located no more than one (1) mile from an existing or proposed freeway interchange.

D. BUILDING SETBACK

The following building setbacks are required for **Large Retail Users**. The Planning and Zoning Commission and City Council may increase the building setback due to the operational characteristics of the **Large Retail User** such as, but not limited to, hours of operation and the location of mechanical equipment and loading areas.

1. A minimum building setback of 100 feet is required from proposed and/or existing residential uses. This setback shall be measured from the property line of the nearest residential lot or occupied parcel to the nearest exterior wall of the **Large Retail User**. Intervening streets or other man-made or natural land use features may be included within the setback.

2. A minimum building setback of 100 feet is required from proposed and/or existing public or private elementary, middle, junior high, or high schools. This setback shall be measured from the nearest occupied building on the school parcel to the nearest exterior wall of the **Large Retail User**. Intervening streets or other man-made or natural land use features may be included within the setback.

3. When a **Large Retail User** is developed directly adjacent to a lot or parcel developed as or proposed for residential use, a landscape buffer with a minimum width of 40 feet shall be included within the building setback. Said buffer shall be located along the property line and improved with one 24-inch box tree per 10 feet of length. Trees shall be staggered to achieve maximum buffering of the two uses.

E. GENERAL REQUIREMENTS

1. The submittal of a traffic study for review and approval by the City Engineer.

2. A Special Use Permit shall be required for any expansion of a **Large Retail User** exceeding 10% of the square footage of the floor area existing at the time of the adoption of this ordinance. Only those portions of the building or site being expanded will be subject to the requirements of Section 4-2-7.

3. All properties developed with a **Large Retail User**, whether they are occupied or not, shall be regularly maintained by the property owner so that they are not allowed to fall into a state of disrepair or neglect; and they shall consistently present a neat and orderly appearance to the general public as well as adjacent tenants and property owners. Roofing materials shall be replaced and/or maintained in a manner to insure weather tight conditions. Building walls shall be repaired and/or maintained in a safe condition and clean from graffiti. The

landscaping shall be kept in a weed free condition, the irrigation system maintained, and the plants watered to prevent the loss of vegetation. Outdoor lighting shall be kept in an operational state and utilized at night.

The property owner is responsible to maintain fire protection systems in working order and provide hazardous materials closure mitigation and documentation for the site in compliance with the Fire Code.

If a **Large Retail User** building is unoccupied or vacated for more than six (6) months, the property owner shall remove all signs from the building and sign panels from any freestanding monuments and replace with a color matched blank panel, the mounting holes patched, and the wall area behind the signs repainted.

F. SITE DESIGN STANDARDS

1. **Large Retail Users** shall comply with the guidelines contained in Chapter IV – General Commercial of the City of Goodyear Design Guidelines in addition to those contained herein.

2. The **Large Retail User** shall provide at least one percent (1%) of the net site area of the parcel in which it is located as pedestrian oriented open space. This open space can include plazas, courtyards, patios, and outdoor seating areas. Sidewalks shall connect open space areas and contain pedestrian scale lighting, signage, and landscaping.

3. Parking lots for a standalone **Large Retail User** shall not occur entirely in front of the building. A minimum of 15% of the overall parking for the **Large Retail User** shall be located to the side and/or rear of the building. This requirement can be reduced by 2.5% for each of the following design features that are incorporated into the project. However, said 15% requirement may not be reduced below 5%.

   a. The provision of 1.25% of additional total landscape area above the minimum required for the site. Multiple increments of additional landscaping may be counted towards reducing the 15% requirement. The use of this additional landscaped area for stormwater retention purposes is prohibited.

   b. The provision of an additional 1% of the net site area as pedestrian oriented open space above the minimum required for the site.

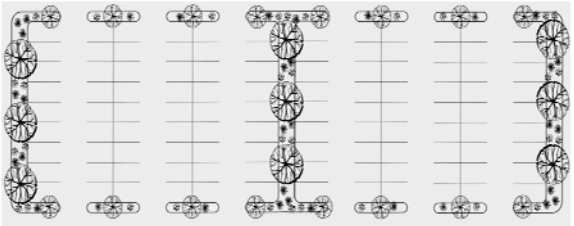
   c. The provision of public art as an integral and significant feature of the site. Public art shall be dispersed throughout the site and deployed in concert with the projects pedestrian amenities and plazas.

   d. The creation of an enhanced entry to the property that is comprised of a landscaped boulevard with a landscaped median, decorative pavement, and

architecturally enhanced signage, lighting and pedestrian paths. Parking spaces located along and directly accessible by the boulevard are prohibited. The minimum length of the boulevard shall be 150 feet measured from the property line to the first drive aisle.

e. The creation of an overall theme for the site that is incorporated into the building architecture, landscaping, light fixtures, signage, and open space areas.

4. Parking lots for a **Large Retail User** shall be designed as a series of connected smaller lots (50-75 parking spaces) utilizing raised landscaped strips at least 10 feet in width with sidewalks and islands at least five feet in width to create a safe and landscaped pedestrian circulation system.



5. The major entry aisle serving the **Large Retail User** should be aligned with the main entry of the building or aligned with a major focal point such as a plaza, monument, or fountain.

6. Pedestrian walkways serving the **Large Retail User** shall be differentiated from driving surfaces through a change of materials, such as decorative concrete, scored concrete, stone, brick, granite pavers, or exposed aggregate, and/or by a change of grade.

7. The front and any side exposed to public view of the **Large Retail User** building are to be improved with landscaping and enhanced pedestrian pathways.

8. Parking and security lights for the **Large Retail User** shall not exceed a mounting height of 30 feet measured from the finished grade to the lens. Light trespass shall not exceed .8 vertical foot candles at the property line adjacent to any parcel developed as or proposed for residential use. All light poles and fixtures are to be reviewed during the site plan review process. Lighting shall comply with all other prevailing City Code provisions relating to outdoor lighting.

9. Overnight parking of semi-trucks, trailers, or recreational vehicles (RVs) is prohibited.

G. ARCHITECTURAL DESIGN STANDARDS

1. **Large Retail Users** shall comply with the guidelines contained in Chapter IV – General Commercial of the City of Goodyear Design Guidelines in addition to those contained herein.

2. If the **Large Retail User** is located within a master planned commercial center containing multiple buildings, then all buildings within the center shall be architecturally unified. This provision shall apply to new construction, additions, and remodeling. Architectural unity means that buildings shall be related in architectural style, color scheme, and building materials.

3. The **Large Retail User** building shall contain an identifiable base, extending two or more feet up from the finished grade. This base will incorporate texture variations, a projection or break in the wall color or material, or some other form of architectural enhancement. The base material shall be highly resistant to damage, defacing, and general wear and tear. Pre-cast decorative concrete, stone masonry, brick, and commercial grade ceramic tile are examples of acceptable base materials.

4. Flat, monolithic facades are not permitted. A building facade shall employ both vertical and horizontal articulation. To ensure a minimal amount of horizontal articulation and undulation, no building wall of the **Large Retail User** should run more than approximately 50 feet without employing one or more of the following:

   a. A minimum twelve inch offset in wall plane.

   b. A column or pier at least twelve inches wide and eight inches deep.

   c. A building corner or projection.

   d. Some other form of significant architectural enhancement.

5. Building wall articulation is required for **Large Retail Users**. Exterior wall treatments can be used to successfully mitigate the appearance of the typical **Large Retail User** building. These treatments shall include one (1) or more of the following: arcades, porticos, insets, colonnades, lower shed roof structures, and wing walls.

6. Distinct and interesting rooflines shall be required. On flat roofed structures, a parapet wall with a substantial cornice or other design feature should be used to provide a distinctive cap to the building facade.

7. **Large Retail Users** that have outdoor storage areas shall incorporate the outdoor storage area into the architecture of the primary building. Screening materials and colors shall be consistent with the overall theme of the building.

Section 4-2-8 Non-Chartered Financial Institutions

Non-chartered financial institutions as defined in Section 2-2 of this Ordinance are subject to the following regulations:

A. GENERAL REQUIREMENTS

1. An application for the establishment of a **non-chartered financial institution** must be submitted, reviewed and approved by the Community Development Director or his designee prior to the issuance of a Zoning Clearance by the City for the proposed establishment.

2. A proposed **non-chartered financial institution** shall not be located within 1,320 horizontal feet (one-quarter (1/4) mile) as measured in a straight line in any direction from the building in which any other **non-chartered financial institution** is located.

Section 4-2-9 Freeway Pylon Signs

A. APPLICABILITY

1. **Freeway Pylon Signs** shall require a **Use Permit** approved in accordance with the provisions of Section 1-2-6 of this Ordinance. The authorization of a **Use Permit** for a **Freeway Pylon Sign** shall be upon an additional finding by the City Council that the proposed **Freeway Pylon Sign** is consistent with the purpose and intent of this section and the **Freeway Pylon Sign** Design Guidelines contained herein, and that the proposed **Freeway Pylon Sign** furthers the interests of the community and is reasonable and necessary to provide business identification and economic vitality. The burden of proof that the proposed **Freeway Pylon Sign** meets the required findings for the **Use Permit** and is consistent with the provisions of this section rests with the applicant.

2. F**reeway Pylon Sign** may be approved only as a component of a Comprehensive Sign Package for a planned commercial, industrial or mixed-use development within which it will be located that is on property abutting a freeway, or part of a complex/center abutting a freeway, that is oriented to and intended to be read from the freeway for the purpose of identifying an associated commercial, industrial or mixed-use development.

3. A **Freeway Pylon Sign** shall be subject to **Site Plan** review and approval in accordance with provisions of Section 1-2-8. The **Use Permit** and **Site Plan**

applications may be processed concurrently, if deemed appropriate by the Community Development Director.

B. PURPOSE AND INTENT

1. The purpose of the **Freeway Pylon Sign Use Permit** is to:

   a. Provide for the identification of certain existing and proposed regional commercial, industrial or mixed-use developments, in an appropriate manner that assists in the achievement of economic sustainability for businesses within the City.

   b. Maintain a balance between the needs of the business community and the desire of Goodyear's citizens and visitors to preserve view corridors along the freeways and maintain a high visual quality for the community.

   c. Promote the effectiveness of **Freeway Pylon Signs** by preventing their over concentration, improper placement and deterioration, and insuring that they are well designed, appropriately sited, and aesthetically pleasing.

   d. Protect motorists on freeways from injury or damage as a result of distraction or obstruction of vision attributable to large signs.

   e. Assure that benefits derived from expenditures of public funds for the improvement and beautification of freeways shall be protected by exercising reasonable control over the character and design of large sign structures.

2. A **Use Permit** request for a **Freeway Pylon Sign** shall be evaluated based upon the **Freeway Pylon Sign** Design Guidelines contained in this Section and the following City objectives for **Freeway Pylon Signs**:

   a. Encourage development of property in harmony with the desired character of the City while providing due regard for the public and private interests involved.

   b. Promote the effectiveness of **Freeway Pylon Signs** by preventing their over concentration, improper placement, deterioration, and excessive size and number.

   c. Enhance the flow of traffic and the convenience, ease and enjoyment of travel along Goodyear's freeways.

   d. Protect travelers on Goodyear's freeways from injury or damage as a result of distraction or obstruction of vision attributable to large signs.

   e. Regulate advertising distractions which may contribute to traffic accidents.

f. Assure that public benefits derived from expenditures of public funds for the improvement and beautification of freeways and other public structures and spaces shall be protected by exercising reasonable control over the character and design of large sign structures.

g. Provide a pleasing visual environment for the citizens of and visitors to the City of Goodyear.

h. Require that signs are properly maintained for safety and visual appearance.

i. Ensure that the maximum sign height, sign area and the location approved for each individual **Freeway Pylon Sign** is the minimum required to provide for necessary business identification while maintaining public view corridors and preventing an excessive number of freeway signs.

C. DESIGN GUIDELINES

Although this section does not set forth specific standards or minimum requirements for **Freeway Pylon Signs**, a proposed **Freeway Pylon Sign** should be located, designed, constructed and maintained in accordance with the following Design Guidelines, and each individual **Use Permit** for a proposed F**reeway Pylon Sign** shall be evaluated based on the level of conformity of the proposed sign with the following Design Guidelines.

1. The parcel or approved development site upon which the sign is to be located should contain at least thirty (30) contiguous acres and have a minimum of one thousand feet (1,000’) of frontage adjacent to the freeway.

2. A minimum separation distance of one-half (1/2) mile should be observed between any such **Freeway Pylon Signs** located on the same side of the freeway.

3. Typically, only one (1) **Freeway Pylon Sign** is considered reasonable and appropriate for each qualified development site, although consideration for additional signs may be given for a site that is substantially in excess of thirty (30) acres or has a tenant or tenants of regional significance that require freeway signage.

4. All proposed signs should be located no greater than two hundred feet (200') from the right-of-way line of the adjacent freeway, and no part of the sign shall be closer to the freeway right-of-way than fifteen feet (15’).

5. The proposed maximum height of all signs shall be no greater than that which is reasonably necessary to be visible from a vehicle approaching on the either side of the freeway. In determining the maximum height to provide adequate sign visibility, the applicant shall submit empirical observation (e.g. field test with crane or balloon), computer simulation, or other evidence as required by the Community Development Director, or his designee.

6. The proposed maximum sign area for each sign shall be no greater than that which is reasonably necessary in order to provide adequate visibility and identification of the development name and a reasonable number of the major or significant tenants within the development as viewed from the adjacent freeway.

7. The sign copy of all **Freeway Pylon Signs** shall be limited to the development name, logo identification, and the identification of major or significant tenants. The inclusion of the name "Goodyear" as a prominent component of the sign is highly encouraged.

8. All signs shall be of high architectural quality that contributes positively to Goodyear's visual environment, promotes creativity, and has a distinctive image for the development. The architectural form, textures, colors, and materials for each sign shall be complimentary to the primary building architectural design of the development and consistent with other proposed signs in the development.

9. The identification of the development name and tenant names on the sign should be in the form of individual pan channel lettering, aluminum routed lettering with acrylic background, or other high quality sign design characteristics. Removable tenant panels made completely of acrylic or plexi-glass materials are discouraged unless they exhibit a high quality appearance.

10. In general, each sign should have low maintenance, and architectural-grade surfacing materials such as metal, masonry, ceramic tile, glass or stucco.

11. **Freeway Pylon Signs** typically should contain only internal illumination of sign copy. External illumination, exposed neon, argon or krypton tube lighting, exposed incandescent lighting, or other exposed artificial lighting to outline the sign or portion thereof, may be considered as a component of the sign provided such illumination:

    a. Constitutes a design component of the overall **Freeway Pylon Sign** architecture;

    b. Is an integral component of the primary physical elements of the **Freeway Pylon Sign** and is harmonious with the architectural style of the structure;

    c. Serves only the purpose of embellishing the nighttime architecture of the **Freeway Pylon Sign**, and does not portray an advertising message;

    d. Is compatible with the land use and architecture of adjacent developments;

    e. Complies with the Outdoor Light Standards contained in Article 10 of this Ordinance, as evidenced by the submittal of complete lighting design plans and specifications as prescribed by that Article;

f. Is maintained in a fully functional manner, and if any component of the lighting becomes nonfunctional, then neither the entire lighting system, nor any portion thereof, may be illuminated until the entire lighting system is repaired.

g. Will not exceed the light intensity levels specified in the approved Outdoor Lighting Plans, and a certification can be provided from the sign manufacturer prior to the issuance of a building permit that the light intensity levels that have been factory pre-set do not exceed those levels.

12. A **Freeway Pylon Sign** using an electronic message display may be considered for approval provided the display is limited to text messages only, with no animation or video, and the message change sequence is accomplished immediately or by means of fade or dissolve modes, with each message being displayed for a minimum period of one hour or at an interval specified by the City Council. Continuous traveling or scrolling displays are discouraged.

13. The City Council may approve modifications or alternatives to these Design Guidelines for a specific **Freeway Pylon Sign** when:

    a. An individualized assessment reveals the existence of extraordinary conditions involving topography, land ownership, adjacent development, parcel configuration, or other factors relating to the development site; or,

    b. The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest or other distinguishing features that represent a clear variation from conventional development; or,

    c. The proposed **Freeway Pylon Sign** incorporates special design features, or unique architectural elements that represent superior quality; or,

    d. Such modifications or alternatives are consistent with the intent of these Guidelines and will result in conditions that are commensurate with or superior to the Guidelines.

Section 4-2-10 Massage Establishments, Tattoo Studios, and Body Piercing Studios

Massage establishments, tattoo studios, and **body piercing studios** as defined in Article 2-2 of this Ordinance are subject to the following regulations:

A. GENERAL REQUIREMENTS:

1. An application for the establishment of a **massage establishment, tattoo studio** or **body piercing studio** must be submitted, reviewed and approved by the

Community Development Director or his designee prior to the issuance of a Zoning Permit by the City for the proposed establishment.

2. All **massage establishments, tattoo studio** or **body piercing studio** shall adhere to all applicable state and county laws, codes, ordinances, rules, and regulations.

3. A proposed **massage establishment, tattoo studio,** or **body piercing studio** shall not be located within one thousand (1,000) feet measured in a straight line in any direction of the lot line from any other **massage establishment, tattoo studio,** or **body piercing studio,** or within one thousand (1,000) feet measured in a straight line in any direction of the lot line from any adult business, as defined in Article 2-2 of the Zoning Ordinance of the City of Goodyear adopted May 24, 1999 as amended. The separation requirements specified herein shall not preclude a **massage establishment, tattoo studio,** or **body piercing studio** from locating within the same building.

4. A proposed **massage establishment, tattoo studio,** or **body piercing studio** shall not be located within one thousand (1,000) feet measured in a straight line in any direction of the lot line from a school as defined in Article 2-2 of the Zoning Ordinance of the City of Goodyear adopted May 24, 1999 as amended.

Section 4-2-11 Medical Marijuana Dispensary

A **Medical Marijuana Dispensary** as defined in Article 2-2 of this Ordinance is subject to the following regulations:

A. GENERAL REQUIREMENTS:

1. An application for the establishment of a **medical marijuana dispensary** must be submitted, reviewed and approved by the Community Development Director or his designee prior to the issuance of a Zoning Permit by the City for the proposed establishment.
2. The application shall include:
   a. If the application is by someone other than the owner of the property, an authorization signed by the property owner must be submitted with the application and include an explicit acknowledgement that the property owner knows that the proposed use of the property is for a **medical marijuana dispensary.**
   b. The address and legal name of the **medical marijuana dispensary.**
   c. The name and address of each of principal officer and board member of the **medical marijuana dispensary**, including their contact information and the emergency contact information for one or more registered dispensary agents responsible for the operation of said dispensary.
   d. The name(s) and location(s) of any **medical marijuana cultivation location** associated with the **medical marijuana dispensary.**

e. A copy of the operating procedures for the **medical marijuana dispensary** adopted in compliance with A.R.S. §36-2804(B)(1)(c).

f. A floor plan showing the layout and dimensions of the **medical marijuana dispensary** to demonstrate compliance with the development standards contained herein and show the security measures proposed to comply with A.R.S. §36-2806 and the standards contained herein.

3. All **medical marijuana dispensaries** shall adhere to all applicable state, county and municipal laws, codes, ordinances, rules, and regulations and shall be operated in conformance with the provisions of A.R.S. §36-2801, et. seq. and any rules adopted by the Arizona Department of Health Services pursuant said statutes.

B. SEPARATION STANDARDS

1. A **medical marijuana dispensary** shall not be located within five thousand two hundred and eighty feet (5,280') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest exterior building wall of any other **medical marijuana dispensary** or any **medical marijuana cultivation location,** unless the cultivation facility is associated with said dispensary, in which case no separation is required.
2. A **medical marijuana dispensary** shall not be located within five hundred feet (500') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of any property in a residential district (not including residentially-zoned public street right-of-way), as described in Article 3-1 of this ordinance.
3. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of a public, private, parochial, or charter kindergarten, elementary, secondary or high school.
4. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of a licensed preschool, day care or childcare center.
5. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of a public park, library or public community center.
6. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of any **church** or place of worship.
7. A **medical marijuana dispensary** shall not be located within two thousand feet (2,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of

any licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.

8. A **medical marijuana dispensary** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana dispensary** to the closest property line of any **adult businesses** as defined in Article 2 of this ordinance.

C. DEVELOPMENT STANDARDS

1. The **medical marijuana dispensary** must be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular building, mobile home, recreational vehicle or other motor vehicle.
2. The maximum **gross floor area** of a **medical marijuana dispensary** shall not exceed two thousand five hundred (2,500) square feet.
3. The secure storage area for the medical marijuana stored at the **medical marijuana dispensary** shall not exceed five hundred (500) square feet of the total of the two thousand five hundred (2,500) square feet maximum **gross floor area** of the **medical marijuana dispensary**.
4. The **medical marijuana dispensary** shall have an interior customer waiting area equal to twenty-five percent (25%) of the **gross floor area**.
5. The permitted hours of operation of a **medical marijuana dispensary** shall be limited to between 8:00 a.m. and 7:00 p.m.
6. The **medical marijuana dispensary** shall not have a drive-through service.
7. The **medical marijuana dispensary** shall not offer a service that provides off-site delivery of the medical marijuana.
8. The **medical marijuana dispensary** shall not provide outdoor seating areas.
9. The operator of the **medical marijuana dispensary** shall provide unrestricted access to City code enforcement officers or police officers who request admission for the purpose of determining compliance with these standards.
10. Within the **medical marijuana dispensary** there shall be a secure storage area which has a single point of access and whose walls and roof are constructed of materials (eight-inch concrete block or equal) sufficient to deter and prevent theft of marijuana being processed.
11. All marijuana shall be placed within the secure storage area at any time when the dispensary is not open for business.
12. The operator of the **medical marijuana dispensary** shall provide for the proper disposal of marijuana remnants or by-products, and such material shall not be placed within the dispensary's exterior refuse containers.
13. The operator of the **medical marijuana dispensary** shall ensure that there is no emission of dust, fumes, vapors, or odors into the environment from the dispensary.
14. The operator of the **medical marijuana dispensary** shall not allow on-site consumption of medical marijuana.
15. The **medical marijuana dispensary** shall have only one secure entrance to the dispensary and any other doors required for exiting shall be locked to the outside and have an alarm that sound when opened from the inside;

16. The **medical marijuana dispensary** shall have an alarm system with a redundant power supply and circuitry to prevent deactivation.
17. The **medical marijuana dispensary** shall have a video surveillance system that at all times records all interior areas and the exterior perimeter.
18. The operator of the **medical marijuana dispensary** shall post and maintain "No Loitering" sign(s) in sufficient quantity, size and location so that they are clearly visible by anyone in the immediate vicinity of the entrance or premises.
19. The **medical marijuana dispensary** shall have adequate exterior security lighting which also complies with Article 10 of this ordinance.
20. Entry to the **medical marijuana dispensary** shall be limited only to those persons who either possess a valid registration card or need access to perform their duties in enforcing local, state or federal laws or regulations. No one under eighteen (18) years of age shall be permitted inside the dispensary, unless such person is a registered qualifying patient and is accompanied by a parent or legal guardian.
21. The operator of the **medical marijuana dispensary** shall develop and maintain a security plan which demonstrates compliance with all of the minimum standards specified herein.

Section 4-2-12 Medical Marijuana Cultivation Location

A **Medical Marijuana Cultivation Location** as defined in Article 2-2 of this Ordinance is subject to the following regulations:

A. GENERAL REQUIREMENTS:

1. An application for the establishment of a **medical marijuana cultivation location** must be submitted, reviewed and approved by the Community Development Director or his designee prior to the issuance of a Zoning Permit by the City for the proposed establishment.
2. The application shall include:
   a. If the application is by someone other than the owner of the property, an authorization signed by the property owner must be submitted with the application and include an explicit acknowledgement that the property owner knows that the proposed use of the property is for a **medical marijuana cultivation location.**
   b. The address and legal name of the **medical marijuana cultivation location.**
   c. The name(s) and location(s) of any **medical marijuana dispensary** associated with the **medical marijuana cultivation location.**
   d. The name and address of each of principal officer and board member of any **medical marijuana dispensary** associated with the **medical marijuana cultivation location**, including their contact information and the emergency contact information for one or more registered dispensary agents responsible for the operation of said cultivation location.

e. A copy of the operating procedures for the **medical marijuana cultivation location** adopted in compliance with A.R.S. §36-2804(B)(1)(c).

f. A floor plan showing the layout and dimensions of the **medical marijuana cultivation location** to demonstrate compliance with the development standards contained herein and show the security measures proposed to comply with A.R.S. §36-2806 and the standards contained herein.

3. All **medical marijuana cultivation locations** shall adhere to all applicable state, county and municipal laws, codes, ordinances, rules, and regulations and shall be operated in conformance with the provisions of A.R.S. §36-2801, et. seq. and any rules adopted by the Arizona Department of Health Services pursuant said statutes.

B. SEPARATION STANDARDS

1. A **medical marijuana cultivation location** shall not be located within ~~two~~ five thousand two hundred and eighty feet (5,280') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest exterior building wall of any **medical marijuana dispensary** or other **medical marijuana cultivation location,** unless the cultivation facility is associated with said dispensary, in which case no separation is required.
2. A **medical marijuana cultivation location** shall not be located within five hundred feet (500') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of any property in a residential district (not including residentially-zoned public street right-of-way), as described in Article 3-1 of this ordinance.
3. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of a public, private, parochial, or charter kindergarten, elementary, secondary or high school.
4. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of a licensed preschool, day care or childcare center.
5. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of a public park, library or public community center.
6. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest

exterior building wall of the **medical marijuana cultivation location** to the closest property line of any **church** or place of worship.

7. A **medical marijuana cultivation location** shall not be located within two thousand feet (2,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of any licensed residential substance abuse diagnostic and treatment facility or other licensed drug or alcohol rehabilitation facility.
8. A **medical marijuana cultivation location** shall not be located within one thousand feet (1,000') measured in a straight line in any direction from the closest exterior building wall of the **medical marijuana cultivation location** to the closest property line of any **adult businesses** as defined in Article 2 of this ordinance.

C. DEVELOPMENT STANDARDS

1. The **medical marijuana cultivation location** must be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular building, mobile home, recreational vehicle or other motor vehicle.
2. The maximum **gross floor area** of a **medical marijuana cultivation location** shall not exceed five thousand (5,000) square feet.
3. The secure storage area for the medical marijuana stored at the **medical marijuana cultivation location** shall not exceed one thousand (1,000) square feet of the five thousand (5,000) square feet maximum **gross floor area** of the **medical marijuana cultivation location**.
4. The operator of the **medical marijuana cultivation location** shall provide unrestricted access to City code enforcement officers or police officers who request admission for the purpose of determining compliance with these standards.
5. The **medical marijuana cultivation location** shall be an enclosed, locked facility which is secured by four solid walls and barrier covering the top of the area that are constructed of materials (eight-inch concrete block or equal) sufficient to deter and prevent theft of marijuana being processed.
6. Within the **medical marijuana cultivation location** there shall be a secure storage area which has a single point of access and whose walls and roof are constructed of materials (eight-inch concrete block or equal) sufficient to deter and prevent theft of marijuana being processed.
7. All marijuana being processed shall be placed within the secure storage area at all times when the cultivation location is not open for business.
8. The operator of the **medical marijuana cultivation location** shall provide for the proper disposal of marijuana remnants or by-products, and such material shall not be placed within the dispensary's exterior refuse containers.
9. The operator of the **medical marijuana cultivation location** shall ensure that there is be no emission of dust, fumes, vapors, or odors into the environment from the cultivation location.
10. The operator of the **medical marijuana cultivation location** shall not allow on-site consumption of medical marijuana.

11. The **medical marijuana cultivation location** shall have only one secure entrance to the dispensary and any other doors required for exiting shall be locked to the outside and have an alarm that sound when opened from the inside.
12. The **medical marijuana cultivation location** shall have an alarm system with a redundant power supply and circuitry to prevent deactivation.
13. The **medical marijuana cultivation location** shall have a video surveillance system that at all times records all interior areas and the exterior perimeter.
14. The **medical marijuana cultivation location** shall have adequate exterior security lighting which also complies with Article 10 of this ordinance.
15. Entry to the **medical marijuana cultivation location** shall be limited only to the principal officers, board members and designated agents of the **medical marijuana dispensary** associated with the **medical marijuana cultivation location** or persons who need access to perform their duties in enforcing local, state or federal laws or regulations.
16. The **medical marijuana cultivation location** shall develop and maintain a security plan which demonstrates compliance with all of the minimum standards specified herein.

Section 4-2-13 Medical Marijuana Designated Caregiver Cultivation and Medical Marijuana Qualifying Patient Cultivation

Medical Marijuana Designated Caregiver Cultivation and **Medical Marijuana Qualifying Patient Cultivation** as defined in Article 2-2 of this Ordinance are subject to the following regulations:

A. GENERAL REQUIREMENTS:

1. **Medical Marijuana Designated Caregiver Cultivation and Medical Marijuana Qualifying Patient Cultivation** is permitted in all residential zoning districts as a permitted accessory use provided the primary residences of the registered designated caregiver and registered qualifying patient, for whom the medical marijuana is being cultivated, are more than twenty-five (25) miles from an operating **medical marijuana dispensary** and is done in conformance with the development standards contained herein.
2. All **Medical Marijuana Designated Caregiver Cultivation and Medical Marijuana Qualifying Patient Cultivation** shall be conducted in conformance with the provisions of A.R.S. §36-2801, et. seq. and any rules adopted by the Arizona Department of Health Services pursuant said statutes.

B. DEVELOPMENT STANDARDS

1. **Medical Marijuana Designated Caregiver Cultivation.**
   a. **Medical Marijuana Designated Caregiver Cultivation** shall only be conducted at the primary residence of a registered designated caregiver provided the residence is more than twenty-five (25) miles from an operating **medical marijuana dispensary**.

b. **Medical Marijuana Designated Caregiver Cultivation** shall be conducted in an enclosed, locked facility such as a closet, room greenhouse or other building that does not exceed two hundred and fifty (250) square feet.
c. The **Medical Marijuana Designated Caregiver Cultivation** shall be conducted in a manner that it is not detectable from the exterior of the building in which the cultivation takes place.

2. **Medical Marijuana Qualifying Patient Cultivation.**
   a. **Medical Marijuana Qualifying Patient Cultivation** shall only be conducted at the primary residence of a registered qualifying patient provided the residence is more than twenty-five (25) miles from an operating **medical marijuana dispensary**.
   b. **Medical Marijuana Qualifying Patient Cultivation** shall be conducted in an enclosed, locked facility such as a closet, room greenhouse or other building that does not exceed fifty (50) square feet.
   c. The Medical Marijuana Qualifying Patient Cultivation shall be conducted in a manner that it is not detectable from the exterior of the building in which the cultivation takes place.

ARTICLE 4-3 NONCONFORMING USES AND BUILDINGS

Lawful use of a **building** or land existing at the effective date of this Ordinance, although such use does not conform to these provisions, may be continued, provided only reasonable repairs and alterations are made.

A. USES.

1. Such **nonconforming use** discontinued for a period of six (6) months shall be presumed to be abandoned, and any future use of said **building** or land shall be in conformity with this Ordinance, unless the owner is able to establish that such use was not intended to be abandoned.

2. A **nonconforming use** of a **building** or land may not be changed to another **nonconforming use**. When a **nonconforming use** has been changed to a conforming use, it shall not thereafter be changed to a **nonconforming use**.

3. An existing **building** or land devoted to a use not permitted under this Ordinance for the **district** in which located shall not be enlarged, extended, reconstructed, or structurally altered unless the use conforms with this Ordinance. Reasonable repairs or alteration shall be permitted, so long as such repairs or alterations do not permit the expansion of the **nonconforming use**.

B. BUILDINGS.

1. Any **building** or land in existence at the effective date of this Ordinance, which does not conform to the **district** in which located, that shall be destroyed to extent of fifty (50) percent of its value, (as determined by three [3] competent appraisers) then, without further action by Council, said **building** or land shall, from date of destruction, be subject to this Ordinance.

2. Nothing in this Ordinance shall be interpreted as authorization for continuance of the use of a **building** or land in violation of zoning regulations in effect prior to adoption of this Ordinance.

3. Nothing in this Ordinance shall be interpreted to require any changes in:

   a. An existing **building**; or

   b. A **building** for which a **building** permit has been issued and construction has been diligently pursued within three (3) months of the date of permit, and ground **story** framework (including second tier of beams) has been completed within six (6) months of date of the permit, and the entire **building** was completed within one year from date of this Ordinance.

ARTICLE 4-4 TEMPORARY USES

4-4-1	Purpose
4-4-2	General Regulations and Applicability
4-4-3	Application Process
4-4-4	Permitted Temporary Uses
4-4-5	Temporary Uses Not Requiring a Permit
4-4-6	Development Standards

Section 4-4-1 Purpose. The intent of this Section is to allow for specific temporary uses that may be conducted for specified, limited time periods under special conditions. It is not the intent of this Section to allow for uses otherwise prohibited by the Zoning Ordinance or to allow long term or permanent uses to be established.

Section 4-4-2 General Regulations and Applicability

A. Every temporary use shall require a temporary use zoning permit except as provided in paragraph C below or as regulated by Section 4-4-5 (Temporary Uses Not Requiring a Permit)

B. No temporary use zoning permit shall be issued unless and until the applicant has submitted an application which includes a signed statement that upon cessation of the use or expiration of the permit, whichever occurs first, the premises will be promptly cleaned and restored to substantially the same condition existing prior to commencement of such use.

C. Any temporary use that requires a special event license shall not require a temporary use zoning permit in addition to the special event license; however the special event license will be reviewed for conformance with this Section.

D. A temporary use may be considered in any zoning district unless otherwise noted, but an application for a temporary use zoning permit may be denied if the proposed temporary use is not compatible with surrounding land uses or is in close proximity to residences.

Section 4-4-3 Application Process

A. SUBMITTAL REQUIREMENTS. Temporary use zoning permits shall be reviewed and approved in accordance with Section 1-2-11 (Zoning Permits). The following additional information shall accompany temporary use zoning permit applications:

1. A narrative describing the proposed temporary use including the location, hours of operation, date the temporary use will start and end, proposed signage, scope and nature of the temporary use. The type of equipment and materials being displayed, stored, or sold shall be called out. The narrative shall include the request for any outdoor music, live entertainment, speakers, or amplifiers if applicable.

2. A site plan showing the location of all structures, carts, tents, signs, displayed materials, stored materials, parking, fencing or similar obstructions, both temporary and permanent, including the setbacks of such structures from property lines and each other.

3. An aerial photo or context plan that depicts all structures and uses within five-hundred (500) feet of the subject property.

4. The site plan and narrative shall describe the traffic circulation and parking that is associated with the temporary use. Any permanent parking spaces being used by the temporary use shall be described and depicted on the site plan.

5. Authorization of the temporary use in writing from the property owner.

B. REVIEW AND APPROVAL.

1. All temporary use zoning permit approvals shall be made subject to a time limit as set forth by the City.

2. Approval of a temporary use zoning permit shall be made by the Zoning Administrator upon a determination that the application is in substantial compliance with the development standards specified herein and all other applicable city codes and ordinances. Such approval may include any conditions deemed necessary to ensure compliance with said development standards and city codes and ordinances and compatibility with surrounding land uses. Conditions to be considered may include, but are not limited to:

   a. Provision of adequate parking for the proposed temporary use and other surrounding permanent uses.

   b. Dust control measures and site lighting.

   c. Site vehicular and pedestrian circulation.

d. Impact and compatibility with surrounding property and uses such as, but not limited to noise, lighting, and odor.

e. Hours of operation.

f. Start and end dates of the temporary use.

g. The operation of other temporary uses or special events in proximity to the proposed temporary use.

h. Proximity of the temporary use to residential uses.

i. Maintenance of a positive appearance, with appropriate screening and buffering.

j. Record of past code violations or complaints of the operation of the proposed temporary use or similar temporary uses at the proposed site.

Section 4-4-4 Permitted Temporary Uses. Temporary uses are limited to the uses and time limits listed below.

Use	Time Limit (days)	Frequency of Use (calendar year)	Interval Between Uses (days)[5]
Carnival or Circus	3	4x/year	30
Crop Maze	30	1x/year	30
Food Vendors [1]	3	4x/year	30
Haunted House	30	1x/year	30
Outdoor Fair or Festival	30	1x/year	30
Outdoor Assembly [2]	3	4x/year	30
Seasonal Sales [3]	30	1x/year	30
Sport Tournament	3	4x/year	30
Parking Lot Sales [4]	10	3x/year	30

1. Food vendors are those vendors that use a portable stand for the retail sale of food and beverages including food carts, such as hot dog stands, but not including food sales that take place primarily in a vehicle, such as an ice cream truck, or that are operated in compliance with Section 4-4-5.
2. Outdoor assembly includes, but is not limited to concerts, tent revivals, religious events, and fund raisers.
3. Seasonal sales refer to the outdoor sale of goods that are related to a particular seasonal or cultural activity including, Christmas tree lots and pumpkin patch sales.

4. Parking lot sales include any outdoor retail sale that takes place on a parking lot.
5. The interval between temporary uses shall be calculated based on the number of calendar days between temporary uses regardless of the use category.

Section 4-4-5 Temporary Uses Not Requiring a Permit. A temporary use does not require a temporary use permit so long as it meets all of the following criteria:

A. The duration does not exceed 3 days per event and a special event permit is obtained.

B. The use does not obstruct or impede required pedestrian and/or ADA access.

C. The activity is not visible from a public street.

D. The activity has been authorized by the property owner and is accessory to a permanent existing use.

E. The activity occurs entirely under an arcade or permanent awning attached to the building.

F. The activity is located within twenty (20) feet of the entrance of said permanent existing use.

Section 4-4-6 Development Standards

A. A temporary use shall be set back a minimum of one-hundred (100) feet from a residential use.

B. Tents and canopies may be allowed under the following conditions:

1. Tents that are over 400 square feet may be permitted for temporary uses whose duration is ten (10) days or less.

2. Canopies that are over 700 square feet may be permitted for temporary uses whose duration is ten (10) days or less

3. Tents, canopies, and other structures, permanent or temporary, are subject to all applicable city codes and ordinances, including the building and fire code regulations.

C. The use of trucks, RVs or similar vehicles for temporary uses is prohibited, except for RVs used solely by a watchman or caretaker, as approved by the Zoning Administrator.

D. All signage shall comply with Article 7 (Signs). Signs for a temporary use shall be requested in conjunction with the temporary use permit application.

E. All lighting shall comply with Article 10 (Outdoor Lighting Standards).

F. All surfaces used for the temporary use shall be paved or dust-controlled as approved by the City Engineer.

G. All surfaces used for parking for the temporary use shall be paved.

H. No temporary use shall locate within a landscape area, required pedestrian access ways, or public rights-of-way. No temporary use shall locate within a common area unless the temporary use has been approved by the homeowner's association or property owner's association if applicable.

I. The temporary use shall not impede or cause to be impeded, vehicular or pedestrian circulation, fire access lanes, accessibility, vehicular or pedestrian ingress or egress into businesses, or traffic visibility.

J. Only one temporary use may operate on a single parcel or lot at any given time and there shall be thirty (30) days between any temporary use of the property.

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